



RECORD OF PROCEEDINGS

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TUESDAY, 10 MAY 2011



The Legislative Assembly met at 9.30 am.

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

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

ASSENT TO BILLS



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

The Honourable R.J. Mickel, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

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

Date of assent: 8 April 2011

"A Bill for An Act to amend the Aboriginal Land Act 1991, City of Brisbane Act 2010, Duties Act 2001, First Home Owner Grant Act 2000, Judicial Review Act 1991, Land Tax Act 2010, Local Government Act 2009, Payroll Tax Act 1971, Queensland Competition Authority Act 1997, Right to Information Act 2009, Royal National Agricultural and Industrial Association of Queensland Act 1971, South East Queensland Water (Restructuring) Act 2007, Sustainable Planning Act 2009, Taxation Administration Act 2001, Water Act 2000 and Water Supply (Safety and Reliability) Act 2008 for particular purposes, and to repeal the Advance Bank Integration Act 1997, Bank Integration (Bank of Queensland) Act 1993, Bank Merger (BankSA and Advance Bank) Act 1996, Bank of New Zealand (Transfer of Undertaking) Act 1997, Challenge Bank (Transfer of Undertaking) Act 1996, Debits Tax Repeal Act 2005, Iconic Queensland Places Act 2008, New Tax System Price Exploitation Code (Queensland) Act 1999, State Bank of South Australia (Transfer of Undertaking) Act 1994 and Tobacco Products (Licensing) Act 1988"

This Bill is hereby transmitted to the Legislative Assembly, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Yours sincerely

Governor

8 April 2011

Tabled paper: Letter, dated 8 April 2011, to the Speaker from Her Excellency the Governor advising of assent to a bill [\[4378\]](#).

The Honourable R.J. Mickel, MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

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

Date of Assent: 14 April 2011

"A Bill for An Act to amend the Body Corporate and Community Management Act 1997, the Queensland Civil and Administrative Tribunal Regulation 2009 and the Queensland Civil and Administrative Tribunal Rules 2009 for particular purposes"

"A Bill for An Act to amend the Child Protection (Offender Reporting) Act 2004, the Births, Deaths and Marriages Registration Act 2003 and the Police Powers and Responsibilities Act 2000 for particular purposes"

"A Bill for An Act to provide for the ending of mining in the North Stradbroke Island Region, and to amend particular other Acts to provide for indigenous joint management of particular land in the region"

"A Bill for An Act to amend the Adult Proof of Age Card Act 2008, Building Act 1975, Criminal Code, Electrical Safety Act 2002, Electricity Act 1994, Environmental Protection Act 1994, Tow Truck Act 1973, Transport Infrastructure Act 1994, Transport Operations (Marine Safety) Act 1994, Transport Operations (Passenger Transport) Act 1994, Transport Operations (Road Use Management) Act 1995, Transport Operations (Road Use Management-Driver Licensing) Regulation 2010, Transport Planning and Coordination Act 1994 and Transport (Rail Safety) Act 2010 for particular purposes"

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

Yours sincerely


Governor

14 April 2011

Tabled paper: Letter, dated 14 April 2011, to the Speaker from Her Excellency the Governor advising of assent to bills [\[4311\]](#).

PRIVILEGE

Smith, Mr D

 **Mr MESSENGER** (Burnett—Ind) (9.30 am): I rise on a matter of privilege under standing order 269. Mr Speaker, under standing order 269(2) I give an undertaking to write to you at the earliest opportunity requesting that you refer to the ethics committee this letter from legal representatives of an employee of this government, Mr Deryk Smith, a Queensland boating and fisheries officer. I table the letter.


Tabled paper: Letter, dated 13 April 2011, to Mr Messenger from Anne Murray & Co. Solicitors regarding Mr Deryk Smith, a Queensland Boating and Fisheries Patrol officer [\[4312\]](#).

This legal correspondence from Mr Smith is quite clearly designed to interfere with the free and fair performance of a member of this House and also breaches the powers, rights and immunities of this place. The letter is clearly designed to prevent me from speaking freely and calling for an investigation into several serious incidents which have happened between boating and fisheries officers and residents of the Burrum River system, including the suicide of a man who was charged by Mr Smith and who faced a \$300,000 fine for trying to repair part of a riverbank on his freehold property. Mr Speaker, I will not be intimidated by members of this corrupt government and look forward to your ruling.

Mr SPEAKER: The honourable member will put that in writing to me.


SPEAKER'S STATEMENTS

Intervention in Court Proceedings

 **Mr SPEAKER:** Honourable members, by way of letter dated 28 March 2011, I was advised by the solicitors acting for the plaintiff in a matter that the presiding Supreme Court justice had requested that the proceedings be brought to my attention as Speaker as the defence in the proceedings relied in part on section 8 of the Parliament of Queensland Act 2001 and that matters of parliamentary privilege were therefore involved. The case in issue is Queensland Harness Racing Ltd v Racing Queensland Ltd and Mr Robert Geoffrey Bentley.

The Clerk, acting on my behalf, engaged senior counsel, who advised that the plaintiff's case and pleadings contravened the protection to parliamentary privilege contained in section 8 of the Parliament of Queensland Act. Senior counsel subsequently appeared on my behalf as amicus curia—or friend of the court—in a preliminary procedural hearing. Senior counsel emphasised that manner of proceedings was a matter for the court, the parties and the justice of the case and the Speaker would not make submissions on the procedural issue but that the pleadings in the case raised serious concerns about parliamentary privilege and the justiciability of the processes of parliament. The decision in the matter has been reserved. I trust that the Assembly supports my intervention in matters involving this Assembly's privileges, one of the traditional roles of the office of Speaker as the guardian of the privileges of the House.

Mackay Regional Sittings, Members' Handbook


 **Mr SPEAKER:** Honourable members, I wish to advise that the Mackay regional sitting members' handbook will shortly be distributed in the chamber. The members' handbook provides information on the sitting, transport, accommodation, venue layout and offices, security—

Mr Lucas: Mass times.

Mr SPEAKER: Mass times, catering, program and sessional orders, chamber set-up and seating plan, parliamentary staff support, community engagement activities and other useful contact numbers. Please take this handbook with you to the regional sitting in Mackay.

MOTION OF CONDOLENCE

Flynn, Mr WBI


 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.34 am): I move—

1. That this House desires to place on record its appreciation of the services rendered to this state by the late William Bond Inghen Flynn, a former member of the parliament of Queensland.
2. That Mr Speaker be requested to convey to the family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the parliament of Queensland in the loss they have sustained.

William Bond Ingpen Flynn, better known to all of us in this place as Bill, was born in Dorset in the United Kingdom on 9 October 1951. After military service with B Squadron of the SAS Reserve, Mr Flynn joined the Hampshire Constabulary and served as a police officer in the United Kingdom for six years. In 1983, he moved to Australia and joined the Queensland Police Service and served in Brisbane, Beenleigh, Woodridge, Oxley and Beaudesert. Bill became an Australian citizen in 1984 and was awarded the National Medal in recognition of his service in 2000.

At the state election of February 2001, Mr Flynn contested the seat of Lockyer as a candidate representing Pauline Hanson's One Nation Party. In a contest involving seven candidates, Mr Flynn was elected to the Queensland Legislative Assembly as the member for Lockyer. Shortly after his election, Mr Flynn was elected as the parliamentary leader of the One Nation Party. At various times, Mr Flynn also held other positions within the party, including president of the Beaudesert branch, assistant state secretary and member of the Queensland division state executive committee. During his time here in the parliament Mr Flynn was a member of a number of committees, including the estimates committees in 2001, 2002 and 2003, the Members' Ethics and Parliamentary Privileges Committee from May 2001 to March 2003 and the Parliamentary Crime and Misconduct Committee from March 2003 to February 2004. Mr Flynn then recontested the seat of Lockyer at the state election of February 2004. However, as we know he was defeated by the National Party's candidate, Mr Ian Rickuss, who, as honourable members know, remains as the member for Lockyer to this day.


While Mr Flynn and I did not always see eye to eye on policy and political matters, I can say that I always found him to be a strong advocate for his electorate in this House and in his duties as a member of this parliament. A private service for Mr Flynn was held at St Thomas Anglican Church in Beaudesert on 4 May 2011. I place on record the government's thanks for the years of service that Mr Flynn gave to parliament and to his community. On behalf of the government and this House, I extend our sympathy to Mr Flynn's family and friends.

 **Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (9.36 am): On behalf of the opposition I join with the Premier to pay due respect to the passing of William Bond Ingpen Flynn, better known to all of us who served with him in this House as Bill Flynn. Bill was a former member of this House. He served in the parliament for three years—from February 2001 to 2004—as the member for Lockyer.

As the Premier has indicated, Bill Flynn was a member of and state parliamentary leader for Pauline Hanson's One Nation Party, which later became One Nation. His biography records that he was born in Dorset, England, in October 1951 and that he served briefly in the military reserves in the UK before joining the Hampshire Constabulary, where he served for six years before migrating to Australia to join the Queensland Police Service in 1983. Bill became an Australian citizen in 1984 and served as a police officer in Brisbane, Beenleigh, Woodridge, Oxley and Beaudesert before entering this parliament in February 2001.

They were extraordinary times in Queensland politics. Mr Flynn won the seat of Lockyer in the February 2001 election and he became parliamentary leader of his chosen party in this parliament in March 2001. After Mr Flynn lost the February 2004 state election, he ran successfully for the Laidley shire council and later that year ran unsuccessfully for the seat of Oxley in the federal election. Mr Flynn served on the Laidley shire council for the next four years until 2008, but, with his health deteriorating, he retired to Beaudesert.

We in the opposition were saddened to hear that Bill Flynn collapsed and died suddenly on 23 April 2001. Bill Flynn was a member of the Queensland parliament for only three years, but he was a member in a period of history of this parliament that will long be studied by historians and students of political science. He played a role in those extraordinary times and he deserves the respect of this House on his passing. I join with the Premier today in this condolence motion and on behalf of the opposition members I extend our sincere sympathies to Mr Flynn's families and friends.

 **Mrs PRATT** (Nanango—Ind) (9.38 am): I rise to speak to this condolence motion for Bill Flynn. Bill Flynn was a little bit different from most members of parliament. He was indeed himself. He challenged, as did all One Nation members, the status quo, and he was not afraid to do so. He was a man of courage, because at times it took a lot of courage to speak against what was commonly believed to be the norm. Bill was a very happy family man. He loved life. At times he was the life of level 11. For a very long time level 11, as members would know, was the floor that the Independents and One Nation members called home. He was elected as the member for Lockyer for only one term. I often hear people from that area speak highly of him. He was a very honest man. He said what he thought when he thought it needed to be said. I had a great deal of respect for Bill. We had many heated debates. I was initially a member of One Nation. When I left that party Bill found that that was not to his liking. He took great offence to that and often questioned my integrity. But after a period of time we came to mutually respect one another. When he was not re-elected we missed him. I say to him, 'Rest in peace,' and to his family, 'We are sorry for your loss.'


Question put—That the motion be agreed to.

Motion agreed to.

Whereupon honourable members stood in silence.

APPOINTMENTS

Opposition

 **Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (9.41 am): Since the House last met there have been a number of new appointments to the opposition frontbench. The member for Gympie, the member for Glass House, the member for Buderim, the member for Mudgeeraba and the member for Cleveland have been appointed to frontbench positions in the opposition shadow cabinet. I table a full list of the shadow cabinet and the portfolio responsibilities of its members.

Additionally, the member for Burdekin has been appointed Manager of Opposition Business in the House, the member for Lockyer has been appointed Opposition Whip and a number of shadow parliamentary secretaries have been appointed. The member for Redlands, the member for Noosa, the member for Burdekin, the member for Mermaid Beach and the member for Gregory have been appointed to those positions. I also table a list of their portfolio responsibilities.

Tabled paper: List of opposition appointments as of 11 April 2011 [\[4313\]](#).

PETITIONS

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

Animal Cruelty, Sentencing

Ms Darling, from 118 petitioners, requesting the House to have much stricter laws governing the sentencing of culprits and stronger sentencing required when found guilty of cruelty to animals [\[4314\]](#).

Taigum, Bus Stop

Ms Darling, from 130 petitioners, requesting the House to instruct TransLink to include an extra bus stop on the 327 or 330 service in both directions near the corner of Lemke Road and Enborisoff Street, Taigum [\[4315\]](#).

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

Snapper Fisheries Management

Mr Nicholls, two petitions, from 1,826 petitioners in total, requesting the House to conduct further studies before implementing any permanent changes to snapper fisheries management and acknowledge the social and economic value to Queenslanders of freely available recreational fishing opportunities for snapper [\[4316\]](#) [\[4317\]](#).

Sex Offenders, Public Register

Mr Messenger, from 497 petitioners, requesting the House to implement a Megan's Law style public register of sex offenders to track the whereabouts of sex offenders and provide notification to the public of the presence of a sex offender in the community [\[4318\]](#).

Wynnum Railway Station, Southern Access

Mr Lucas, from 8 petitioners, requesting the House to immediately require Queensland Rail to reinstate the southern access at Wynnum station [\[4319\]](#).

Carindale Bus Station, Park and Ride Facility

Mr Nicholls, from 274 petitioners, requesting the House to provide a Park and Ride facility for commuters using the Carindale Bus Station [\[4320\]](#).

Tallebudgera Valley, Boral Gold Coast Hard Rock Quarry

Mrs Stuckey, from 2,203 petitioners, requesting the House to stop construction of the proposed Boral Gold Coast Hard Rock Quarry at Tallebudgera Valley by refusing the application under the State Development and Public Works Act 1971; and to preserve this area for future generations [\[4321\]](#).

Local Government, Rate Increases

Mr Cripps, from 414 petitioners, requesting the House to recognise the financial hardship placed on ratepayers from the State Government financial mismanagement and cutbacks on Queensland local councils and to provide adequate financial assistance and better support to help them deliver services to their communities without the need for exorbitant rate increases. [\[4322\]](#)

Redland City, Water Rates

Dr Robinson, from 568 petitioners, requesting the House to reduce water rates for the residents of Redland city to a fair and reasonable level by overseeing council and water utilities fees and charges [\[4323\]](#).

Claymore Road, Off-road Cycle Project

Mr Bleijie, from 318 petitioners, requesting the House to contribute the \$450,000 in additional funding required to complete the off-road cycle project along Claymore Road, in the interests of improving road safety for students who walk or cycle to school along this road [\[4324\]](#).

The Clerk presented the following e-petitions, sponsored by the Clerk of the Parliament in accordance with Standing Order 119(4)—

Daylight Saving

6,626 petitioners, requesting the House to pass the required legislation to enact a trial of daylight saving in South-East Queensland, followed by a referendum of all eligible Queensland constituents to be held in conjunction with a state election and let the people have their say on this contentious issue [\[4325\]](#).

Sex Offenders, Court

49 petitioners, requesting the House to establish a sex offenders court which would result in more consistent sentencing and supervision of sex offenders [\[4326\]](#).

Petitions received.

TABLED PAPERS

PAPERS TABLED DURING THE RECESS

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

8 April 2011—

- [4266](#) Response from the Minister for Agriculture, Food and Regional Economies (Mr Mulherin) to a paper petition (1630-11) presented by Mrs Pratt, from 12 petitioners, requesting the House to reconsider the current Feral Deer Management Strategy 2010-2015 consultation draft
- [4267](#) Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1632-11) presented by Mrs Sullivan, from 15 petitioners, requesting the House to urgently investigate, consult with the community, and consider fast tracking the design and planning of a duplicate Bribie Island Bridge, including an appropriate pedestrian/cycle way
- [4268](#) Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1633-11) presented by Mrs Sullivan, from 121 petitioners, requesting the House to allocate adequate funding in the 2011-12 budget for an appropriate design and construction of a cycle track and walkway on the Bribie Island Bridge
- [4269](#) Response from the Minister for Transport and Multicultural Affairs (Ms Palaszczuk) to a paper petition (1634-11) presented by Mr Powell, from 976 petitioners, requesting the House to not implement the new train timetable proposed for the Nambour and Caboolture train services and to preserve the current services
- [4270](#) Response from the Minister for Employment, Skills and Mining (Mr Hinchliffe) to nine paper petitions (1637-11, 1638-11, 1639-11, 1640-11, 1641-11, 1642-11, 1643-11, 1644-11 and 1645-11) presented by Mr Lawlor, from 534 petitioners in total, requesting the House to gift to the city of the Gold Coast the TAFE Ridgeway Campus for green space
- [4271](#) Response from the Minister for Environment and Resource Management (Ms Jones) to a paper petition (1648-11) presented by Mr Cripps, from 1,151 petitioners, requesting the House to recognise the legitimate rights of North Queenslanders with established fishing huts within and adjacent to the Halifax Bay Wetlands National Park to continue to enjoy a lawful recreational pastime
- [4272](#) Response from the Minister for Agriculture, Food and Regional Economies (Mr Mulherin) to two paper petitions (1631-11 and 1647-11) presented by Ms Darling, from 3,888 and 30 petitioners respectively, requesting the House to have much stricter laws governing the sentencing of culprits and stronger sentencing required when found guilty of cruelty to animals
- [4273](#) Response from the Minister for Health (Mr Wilson) to a paper petition (1636-11) presented by Mr McArdle, from 4,091 petitioners, requesting the House to rescind the decision to close the 10 palliative care beds currently at Canossa Private Hospital
- [4274](#) Response from the Minister for Health (Mr Wilson) to a paper petition (1646-11) presented by Mr Knuth, from 1,976 petitioners, requesting the House to ensure there is no cutback of chemotherapy services at the Atherton Hospital

14 April 2011—

- [4275](#) Integrity, Ethics and Parliamentary Privileges Committee: Report No. 112—Review of Code of Ethical Standards, October 2010: Final Government Response

19 April 2011—

- [4276](#) Response from the Minister for Health (Mr Wilson) to an ePetition (1605-10) sponsored by the Clerk of the Parliament under the provisions of Standing Order 119(4), from 23 petitioners, requesting the House to provide funding for the establishment of a public / community hospital in Tin Can Bay to service the Cooloolo Coast region and its many visitors
- [4277](#) Response from the Minister for Transport and Multicultural Affairs (Ms Palaszczuk) to a paper petition (1652-11) presented by Mr Dempsey, from 27 petitioners, requesting the House to modify legislation to require that motorists maintain a minimum of one metre buffer between their vehicle and a cyclist while overtaking or approaching

21 April 2011—

- [4278](#) Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to an ePetition (1528-10) sponsored by Mr Moorhead, from 362 petitioners, requesting the House to amend the Births, Deaths and Marriages Act 2003 to establish relationship registration guidelines that would allow for the formal registration of same-sex or heterosexual domestic relationships or of caring relationships with the State Government of Queensland

28 April 2011—

- [4279](#) Crime and Misconduct Commission: Report titled 'Evaluating Taser reforms—A review of Queensland Police Service policy and practice', dated April 2011
- [4280](#) Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to a paper petition (1659-11) presented by Mrs Menkens, from 294 petitioners, requesting the House to remove the requirement for cats and dogs in rural areas to be registered

- [4281](#) Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to a paper petition (1657-11) presented by 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
- [4282](#) Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1658-11) presented by Mr Hopper, from 1,829 petitioners, requesting the House to rectify the hazardous junction of the Warrego Highway, Kingsthorpe-Goombung Road and Gowrie Mountain School Road
- [4283](#) Response from the Minister for Main Roads, Fisheries and Marine Infrastructure (Mr Wallace) to a paper petition (1653-11) presented by Mr Dowling, from 220 petitioners, requesting the House to give access to Coochiemudlo Island residents in all tidal conditions

29 April 2011—

- [4284](#) Island Industries Board (IIB) operating as Islanders Board of Industry and Service (IBIS)—Annual Report for the Financial Year ended 31 January 2011
- [4285](#) University of Southern Queensland—Annual Report 2010
- [4286](#) University of the Sunshine Coast—Annual Report 2010
- [4287](#) University of Queensland—Annual Report 2010
- [4288](#) University of Queensland—Annual Report 2010: Appendices
- [4289](#) Griffith University—Annual Report 2010
- [4290](#) Queensland University of Technology—Annual Report 2010
- [4291](#) James Cook University—Annual Report 2010: Volume 1
- [4292](#) James Cook University—Annual Report 2010: Volume 2
- [4293](#) Central Queensland University—Annual Report 2010
- [4294](#) Queensland College of Teachers—Annual Report 2010
- [4295](#) Board of Trustees of the Townsville Grammar School—Annual Report 2010
- [4296](#) Ipswich Grammar School—Annual Report 2010
- [4297](#) Board of Trustees of the Rockhampton Grammar School—Annual Report 2010
- [4298](#) Rockhampton Girls Grammar School—Annual Report 2010
- [4299](#) Board of Trustees Brisbane Grammar School—Annual Report 2010
- [4300](#) Ipswich Girls' Grammar School and Ipswich Junior Grammar School—Annual Report 2010
- [4301](#) Brisbane Girls Grammar School—Annual Report 2010
- [4302](#) Toowoomba Grammar School—Annual Report 2010

3 May 2011—

- [4303](#) Gas Security Amendment Bill 2011: Erratum to Explanatory Notes

5 May 2011—

- [4304](#) Response from the Minister for Transport and Multicultural Affairs (Ms Palaszczuk) to an ePetition (1610-11) sponsored by Ms Simpson, from 18 petitioners, requesting the House to increase the number of parking spaces for rail commuters at the Strathpine Railway Station as a matter of priority

6 May 2011—

- [4305](#) Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to a paper petition (1662-11) presented by Mr Dowling, from 1,639 petitioners, requesting the House to support the efforts of the Redland City Council to provide the Southern Moreton Bay Islands with an efficient, affordable and ecologically sound transport system
- [4306](#) Response from the Acting Minister for Main Road, Fisheries and Marine Infrastructure (Ms Palaszczuk) to three paper petitions (1665-11, 1664-11 and 1663-11) presented by Mr O'Brien, from 79, 177 and 82 petitioners respectively, requesting the House to upgrade the remaining 13 km of Endeavour Valley Road between Cooktown and Hope Vale to an all weather, bitumen-sealed road
- [4307](#) Economic Development Committee: Report No. 5—Inquiry into developing Queensland's rural and regional communities through grey nomad tourism: Response from the Minister for Health (Mr Wilson)

9 May 2011—

- [4308](#) Response from the Minister for Finance and The Arts (Ms Nolan) to a paper petition (1619-11) presented by Mr Malone from 3,317 petitioners requesting the House to oppose any application for a 100 per cent fly-in, fly-out workforce for Central Queensland mines
- [4309](#) Office of the State Coroner—Annual Report 2009-10
- [4310](#) Response from the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State (Mr Lucas) to an ePetition (1607-11) presented by Mr Malone, from 18 petitioners, requesting the House to support the Rockhampton Regional Council and local community organisations to rebuild the Mount Morgan Tipperary Point to Redhill Suspension Bridge
- [4411](#) Queensland Civil and Administrative Tribunal – Annual Report 2009-10: Erratum

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Queensland Reconstruction Authority Act 2011—

- [4327](#) Queensland Reconstruction Authority Regulation 2011, No. 30
- [4328](#) Queensland Reconstruction Authority Regulation 2011, No. 30, Explanatory Notes

Petroleum Act 1923, Petroleum and Gas (Production and Safety) Act 2004—

[4329](#) Petroleum and Other Legislation Amendment Regulation (No. 1) 2011, No. 35

[4330](#) Petroleum and Other Legislation Amendment Regulation (No. 1) 2011, No. 35, Explanatory Notes

Nature Conservation Act 1992—

[4331](#) Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2011, No. 36

[4332](#) Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2011, No. 36, Explanatory Notes

Commissions of Inquiry Act 1950—

[4333](#) Commissions of Inquiry (Queensland Floods Inquiry-Evidence) Regulation 2011, No. 37

[4334](#) Commissions of Inquiry (Queensland Floods Inquiry-Evidence) Regulation 2011, No. 37, Explanatory Notes

State Penalties Enforcement Act 1999—

[4335](#) State Penalties Enforcement Amendment Regulation (No. 1) 2011, No. 38

[4336](#) State Penalties Enforcement Amendment Regulation (No. 1) 2011, No. 38, Explanatory Notes

Local Government Act 2009—

[4337](#) Local Government (Operations) Amendment Regulation (No. 1) 2011, No. 39

[4338](#) Local Government (Operations) Amendment Regulation (No. 1) 2011, No. 39, Explanatory Notes

Urban Land Development Authority Act 2007—

[4339](#) Urban Land Development Authority Amendment Regulation (No. 1) 2011, No. 40

[4340](#) Urban Land Development Authority Amendment Regulation (No. 1) 2011, No. 40, Explanatory Notes

Dental Technicians Registration Act 2001, Medical Radiation Technologists Registration Act 2001, Occupational Therapists Registration Act 2001, Speech Pathologists Registration Act 2001—

[4341](#) Health Legislation Amendment Regulation (No. 1) 2011, No. 41

[4342](#) Health Legislation Amendment Regulation (No. 1) 2011, No. 41, Explanatory Notes

Electricity Act 1994—

[4343](#) Electricity Amendment Regulation (No. 1) 2011, No. 42

[4344](#) Electricity Amendment Regulation (No. 1) 2011, No. 42, Explanatory Notes

Rural and Regional Adjustment Act 1994—

[4345](#) Rural and Regional Adjustment Amendment Regulation (No. 3) 2011, No. 43

[4346](#) Rural and Regional Adjustment Amendment Regulation (No. 3) 2011, No. 43, Explanatory Notes

Petroleum and Gas (Production and Safety) Act 2004—

[4347](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2011, No. 44

[4348](#) Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2011, No. 44, Explanatory Notes

Mines and Energy Legislation Amendment Act 2010—

[4349](#) Proclamation commencing remaining provisions, No. 45

[4350](#) Proclamation commencing remaining provisions, No. 45, Explanatory Notes

Environmental Protection Act 1994—

[4351](#) Environmental Protection Amendment Regulation (No. 1) 2011, No. 46

[4352](#) Environmental Protection Amendment Regulation (No. 1) 2011, No. 46, Explanatory Notes

Sustainable Planning Act 2009—

[4353](#) Sustainable Planning Amendment Regulation (No. 2) 2011, No. 47

[4354](#) Sustainable Planning Amendment Regulation (No. 2) 2011, No. 47, Explanatory Notes

Building Act 1975, Plumbing and Drainage Act 2002—

[4355](#) Building and Other Legislation Amendment Regulation (No. 1) 2011, No. 48

[4356](#) Building and Other Legislation Amendment Regulation (No. 1) 2011, No. 48, Explanatory Notes

Environmental Protection and Other Acts Amendment Act 2011—

[4357](#) Proclamation commencing remaining provisions, No. 49

[4358](#) Proclamation commencing remaining provisions, No. 49, Explanatory Notes

Environmental Protection and Other Legislation Amendment Act 2011—

[4359](#) Proclamation commencing remaining provisions, No. 50

[4360](#) Proclamation commencing remaining provisions, No. 50, Explanatory Notes

Aboriginal Land Act 1991—

[4361](#) Aboriginal Land Amendment Regulation (No. 2) 2011, No. 51

[4362](#) Aboriginal Land Amendment Regulation (No. 2) 2011, No. 51, Explanatory Notes

Motor Racing Events Act 1990—

[4363](#) Motor Racing Events Amendment Regulation (No. 1) 2011, No. 52

[4364](#) Motor Racing Events Amendment Regulation (No. 1) 2011, No. 52, Explanatory Notes

State Buildings Protective Security Act 1983—

[4365](#) State Buildings Protective Security Amendment Regulation (No. 1) 2011, No. 53

[4366](#) State Buildings Protective Security Amendment Regulation (No. 1) 2011, No. 53, Explanatory Notes

MINISTERIAL PAPER TABLED BY THE CLERK

The following ministerial paper was tabled by the Clerk—

Minister for Police, Corrective Services and Emergency Services (Mr Roberts)—

[4367](#) Tenth Annual Report of the Controlled Operations Committee delivered pursuant to the Police Powers and Responsibilities Act 2000—1 July 2009 to 30 June 2010, together with transmittal letter, dated 4 March 2011, from the Independent Member and Chairperson, Controlled Operations Committee to the Minister for Police, Corrective Services and Emergency Services

MEMBERS' PAPERS TABLED BY THE CLERK

The following members' papers were tabled by the Clerk—

Member for Lytton (Mr Lucas)—

[4368](#) Non-conforming petition requesting that the Wynnum Rail Station southern platform access, which was permanently removed after months of closure, be immediately reinstated

Member for Cleveland (Dr Robinson)—

[4369](#) Non-conforming petition requesting the continuation of access to bee sites on North Stradbroke Island

Member for Redlands (Mr Dowling)—

[4370](#) Non-conforming petition requesting that the Department of Main Roads take over the maintenance of High Street, Centre Road, Minjerriba Road and Glendale Road

REPORT TABLED BY THE CLERK

The following report was tabled by the Clerk—

[4371](#) Report pursuant to Standing Order 158 (Clerical errors or formal changes to any bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by Her Excellency the Governor, viz—

Body Corporate and Community Management and Other Legislation Amendment Bill 2010

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'Body Corporate and Community Management and Other Legislation Amendment Act 2010'

Insert—

'Body Corporate and Community Management and Other Legislation Amendment Act 2011'.

Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2010

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'Child Protection (Offender Reporting) and Other Legislation Amendment Act 2010'

Insert—

'Child Protection (Offender Reporting) and Other Legislation Amendment Act 2011'.

Transport and Other Legislation Amendment Bill 2011

Amendments made to Bill (following insertion of amendments agreed to during consideration in detail)

Clause 68 (Amendment of sch 6 (Dictionary))—

Page 57, line 12, 'Rail Safety Act,'—

Omit, Insert—

'Rail Safety Act,'.

MINISTERIAL STATEMENTS

United States, Natural Disasters; Premier's Disaster Relief Appeal



Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.45 am): The people of Queensland have been shocked and saddened by the loss of life and damage caused by the recent devastating tornadoes in the United States. Queensland and the United States share a long and deep association. We appreciate the support the United States extended to us during our own summer of disasters. I express our deepest sympathies to the people of the United States and offer our heartfelt condolences to the families and friends of those who have lost loved ones and send our best wishes for a speedy recovery to those who have been injured.

Since the Premier's Disaster Relief Appeal was launched in January this year we have witnessed the extraordinary generosity of donors, both locally and overseas. As at 9 May the appeal fund had raised \$259.45 million. I want to assure everyone who has donated to our fund that every single cent of their money is going to the Queenslanders who need it most. Not a cent is being spent on administration, none of the committee members are receiving a payment and all interest earned on donations is paid into the fund for distribution to those in need. To date \$71.5 million has reached nearly 27,700 households, making a difference to those people who endured these devastating events. All of these households received round 1 payments, which were not means tested. Round 1 payments went to anybody with flood or cyclone damage in their living space. We have had a number of testimonials from people who have received these funds and for whom these funds are making a difference. One lady, for example, from Moores Pocket wrote to the appeal fund after receiving her money and said—

Thank you very much for the \$2,000 recently deposited in my account ... This is greatly appreciated as I can now start to buy paint and other necessities so as to be able to move back into my poor damaged home.

There have been 190 households that have now received round 2 or round 3 payments with assistance of up to \$100,000 and \$80,000 available respectively. I fully understand the trauma that families have faced over the past months. However, the current response to the two structural damage funding rounds has been less than we expected, with only 600 applications in total to date for rounds 2 and 3. We believe that there are many more people out there who are eligible for this funding. We know that in the implementation of these rounds some people are meeting some hurdles. For example, we know that people are having difficulty getting builders to quote because in some cases the amount of funding provided, particularly in round 3 after other funds are taken into account, does not make it worth their while for builders to make those quotes. We are genuinely focused on getting this money out to those who need it so that people can get on with the job of rebuilding their lives. In doing so, we have implemented additional measures to improve the level of assistance that people are receiving from the appeal and to improve the prospects of having that work done by builders.

Firstly, the maximum payment for those people who have lost their home entirely and who are eligible for round 2 funding will be increased from \$100,000 to \$150,000. All of those who have already received those funds will have those funds topped up. Secondly, the level of payment available under round 3 of the fund, which is assisting those people with other structural damage to their homes, will also be increased. Round 3 assistance has previously been calculated at 50c in the dollar based on the repair quotes provided. The new payments for round 3 will meet the full cost of the repair—that is, on a dollar-for-dollar basis up to a maximum payment of \$80,000.

The existing income test of \$150,000 and other eligibility criteria will remain in place for those rounds. I have also directed that when assessing the eligibility criteria for those rounds there needs to be room for compassionate discretion exercised with the fund to consider people's special circumstances on a case-by-case basis. That includes Mr Walmsley and Ms King of Grantham, whose case attracted some attention on the weekend. I ordered an immediate review of that case on Friday. Today I am pleased to announce that under the new arrangements for round 2 funding the couple are about to receive \$93,000. That is after their building insurance payment is taken into account. Without the changes announced today, they would have received only \$43,000.

While we have tried to simplify the application process, we have to strike a balance between ensuring there is sufficient documentation to support people's claims and being compassionate and flexible. That is why I have instructed the immediate engagement of a panel of Building Services Authority licensed builders to begin dedicated quoting services in a systematic way in those areas of high demand where people are finding it difficult to get builders to meet with them at their convenience to get those quotes. In that regard we are working with the Master Builders Association and the Building Services Authority to roll this out. I particularly thank Mr Graham Cuthbert of the MBA, who has worked tirelessly with the government and the distribution committee to find those builders and to work with the BSA to ensure that we can help people. Yesterday, the BSA CEO, Ian Jennings, went to Bundamba to speak with people in that area about the assistance they need. He is arranging for 15 builders to go to Bundamba to specifically assist people in that area obtain the quotes they require and similar arrangements will be put in place, on a needs basis, in those particularly hard-hit suburbs.

Further, in a complex disaster like the one that we have experienced, I am concerned that people who are genuinely needy, for one reason or another, do not meet eligibility criteria and fall through the cracks. To ensure that people's needs are met in a flexible way, I have asked our disaster relief committee to consider tomorrow, at its next meeting, how we can work with our non-government partners involved in the relief and recovery effort, particularly the Red Cross, the Salvation Army, St Vincent de Paul and Lifeline, to further assist those people in a flexible way. We understand that there are still people struggling to get their lives back together. That is why anyone who thinks they may be eligible for the funds should submit an application as soon as possible. I urge them not to wait for a decision from their insurer. We can work with them and their insurer concurrently to accelerate the process. I encourage people to lodge their appeal forms now and we will work with them and their insurer to determine the benefit that is available to them.

Again I acknowledge the work that is being done by the relief appeal distribution committee, particularly the work of the member for Gregory and the member for Rockhampton and the assistance that they are receiving from other members of the committee. There is no easy recipe for distributing more than a quarter of a billion dollars following the largest natural disaster we have ever experienced. We are systematically improving the system as we roll it out and, if there is a hurdle, we are doing everything we can to overcome that hurdle.

People who have given generously to the fund expect to see checks and balances in place so that the funds are distributed to those who really need them. We know that these events bring out the very best in people and we have seen that over and over again. Unfortunately, we also know that in a small minority of people it brings out the worst. There are those who seek to take advantage of these sorts of funds, just as there are those who are determined to loot in areas where people are away from their homes immediately after a disaster. We need to guard against those sorts of exploitations. Through the additional measures I have announced today, I expect to see the fund continue to roll out money to people who need it. I ask all members of parliament to encourage their constituents impacted by the disasters to apply for funds, if they have not already done so.

Gold Coast, Commonwealth Games Bid



Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (9.54 am): The Gold Coast is our second largest city. It is a city that is growing and changing, a city that our government believes has a bright and prosperous future. Tomorrow, in Kuala Lumpur I will submit Queensland's official bid for the 2018 Commonwealth Games, with the Gold Coast as our host city. An international event such as the Commonwealth Games is a once in a generation opportunity to reposition the city for a future that can be even brighter than the sun and sand that it is most famous for. That is why we have been planning and working on this bid for almost two years and part of that planning has been a master plan for the Parklands area.

Under the master plan, the Gold Coast show, currently held at Parklands, will be relocated to land on the southern side of the Nerang-Broadbeach Road at Carrara. The state has begun the process for compulsory acquisition of the site. That means that the show can be relocated opposite the new Metricon Stadium where the Gold Coast Suns will play their first game this month. The Parklands master plan provides not only a permanent Gold Coast showground but also expands the Carrara stadium into a major entertainment and sporting precinct for generations to come. This plan retains an important community event and part of the Gold Coast's heritage while looking to the future and creating thousands of jobs and new opportunities on the coast. The establishment of a permanent Gold Coast showground will make the current Parklands site available for a planned residential development, as well as a health and knowledge business based precinct co-located with Griffith University's Gold Coast campus.

The Gold Coast 2018 Commonwealth Games bid provides a catalyst for the development of a precinct. That means that if we win the Gold Coast bid the Gold Coast will win much more than a Commonwealth Games. The health and knowledge precinct will be home to new industries, driving the Gold Coast's economic development and prosperity for years to come. Should our bid be successful, it will see us fast-track the development of residential, retail, town square and publicly accessible parklands on this site. Athletes and officials will be housed in hundreds of apartment buildings and the residential precinct will be within walking distance of the new Gold Coast Rapid Transit system. Those apartments will overlook parks and gardens and have views of the iconic Gold Coast skyline. The residential zone will house 6,500 athletes and officials and provide single-bedroom accommodation through to four-bedroom accommodation. After the games, this accommodation will become a permanent housing asset on the Gold Coast. Indeed, Griffith University representatives have already indicated there is a growing need for more student related accommodation. The apartments will also be used by allied health workers associated with Griffith University, the Gold Coast University Hospital and the proposed private hospital within the precinct. The Gold Coast health and knowledge precinct provides a unique opportunity to bring the visions of the Queensland state government, Griffith University and the Gold Coast City Council together to drive economic growth and prosperity for the city and the surrounding regions over the next 10- to 15-year period. This precinct can turbocharge the Gold Coast economy long beyond the Commonwealth Games.

In Queensland we love our sport. While on the subject, I take a moment to congratulate our great and high-performing Firebirds. For those who are unaware, the Firebirds won their first-ever semifinal in the national netball league and it was their 14th undefeated game in this year's round. That means that, for the first time ever, they have won the right to host the national netball grand final here in Queensland. We can all feel very proud of them for their great efforts.

As I say, in Queensland we love our sport but this is about much more than sport. This is about a city reaching its potential and a city reaching for the stars. Today I will travel to Kuala Lumpur to present the candidature file to the Commonwealth Games Federation at a lodgement ceremony. In that effort I

will be accompanied by the president of the Australian Commonwealth Games Association, Sam Coffa, the chairman of the bid team, Mark Stockwell, and the Gold Coast Mayor, Ron Clarke. Details contained within the bid are confidential and not made public until the federation scrutinises its compliance with the bidding rules, which could be up to 10 days after lodgement. However, this Friday at a function on the Gold Coast I will be able to outline some of the main aspects of the bid. That will include such matters as the proposed timing, the sports, the venues and the facilities.

The bid team has worked extensively with the relevant agencies of government, the Gold Coast City Council and other stakeholders to develop and formulate this bid. I congratulate Mark Stockwell and his team and all of the other stakeholders. The next step after lodgement is to showcase the Gold Coast to visiting delegations of voting delegates from the six regions of the Commonwealth. We will welcome Africa in June, Oceania in July, Europe in August, the Caribbean and Americas in September and Asia in October. I am confident that these visitors from all over the world will be impressed by what the Gold Coast has to offer and by the warm welcome they will receive from locals. The final presentation to the Commonwealth Games Association will be in St Kitts and Nevis on 11 November where a decision will be made on the successful candidate. With this bid for the 2018 Commonwealth Games we reaffirm our confidence in the future of Queensland. With this bid we stake a bold claim on that future. If our bid is successful, the 2018 Commonwealth Games will be the only major international sporting event hosted by Australia in the next decade and it will be hosted right here in Queensland on our beautiful Gold Coast. I am sure honourable members join with me in supporting the bid and seeking the best result for the Gold Coast, for Queensland and for Australia.

Climate Change



Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (10.00 am): Our government understands that climate change is real and we accept the challenge of tackling this diabolical policy issue. That is why our government has long recognised the fact that Queensland stands to be among the worst-hit states due to the impacts of climate change. That is why as Premier I have initiated state based initiatives to tackle those impacts such as groundbreaking legislation to better protect the Great Barrier Reef, the extremely popular and successful ClimateSmart Home Service and leading research into climate change, to name a few. These initiatives build on other significant measures that Labor has introduced over a number of years such as the end of broadscale tree clearing and a scheme to require 15 per cent of our power generation be sourced from gas. Together these initiatives reduced our carbon emissions by about nine million tonnes in 2008-09 and they remain below our 1990 level.

Nationally we have supported a need for strong action on climate change, but we believe that this must be done in a way that addresses Queensland's unique circumstances and supports Queensland households and businesses. Specifically, we want Queensland to remain a strong, diverse economy, one that takes advantage of the opportunities that a low carbon future presents. That means acting in Queensland's best interests when it comes to this crucial national economic reform. Just as Queensland fought for and won significant concessions in the design of the formerly proposed Carbon Pollution Reduction Scheme, so we will continue to fight just as tenaciously for our economy this time around as the federal government grapples with the parameters of a carbon tax. As we know, the multiparty committee of the federal parliament is still deliberating on the details, but when those details are announced Queensland will be looking for some very specific details.

Today our government will be lodging a submission with the Commonwealth government that outlines Queensland's concerns in relation to this proposal. Specifically, our government believes that any national carbon scheme must address the following eight issues for our state. Firstly, Queensland households must be given financial assistance, with special attention afforded to low-income families to compensate for any impact of any scheme. Secondly, our emissions-intensive trade-exposed industries and coal companies must be afforded a compensation package at least as favourable as the approach agreed to by the Commonwealth government previously under the proposed CPRS. Thirdly, Queensland's expanding and developing LNG industry must qualify for emissions-intensive trade-exposed industry assistance. Fourthly, in our view support for electricity generators should be based on an emissions-intensity approach—this is an approach where free credits are given below a certain carbon emissions threshold—as well as compensation provided for any loss of asset value of those generators. Alternatively, electricity generator assistance funds should be allocated to support a better deal for Queensland households.

Fifthly, any inclusion of transport fuels in any carbon price should be accompanied by a proportionate reduction in federal fuel taxes. The proposed recession buffer assistance to industries under the CPRS should be retained for Queensland industries affected by recent floods and cyclones. Seventh, all agriculture should be excluded from the carbon price mechanism and support should be given to carbon farming opportunities in rural Queensland and that both Kyoto compliant and non-Kyoto compliant biosequestration projects should qualify. Finally, we believe that significant funding from the package should go towards new technology and research and development such as large scale solar,

geothermal and renewable energy storage to take advantage of Queensland's vast renewable energy sources. In addition, we are also calling for formal negotiations to take place between the Commonwealth, the state and territory governments on the design of any such mechanism. Queensland's economy has repeatedly shown its strength and resilience in the face of reforms and major events over the years. What we are calling for will ensure that we continue to play a pivotal role in the national economy and that our remarkable jobs generation and prosperity are protected.

North Queensland, Cyclone Shelters



Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for Reconstruction) (10.05 am): Yesterday the United Arab Emirates Minister of State, Her Excellency Reem Al-Hashimi, and I announced a partnership to build 10 cyclone shelters and multipurpose facilities in North Queensland.

Opposition members interjected.

Mr SPEAKER: Those on my left will cease interjecting.

Ms BLIGH: Under this partnership a gift of \$30 million from the Emirate of Abu Dhabi will be matched by a \$30 million allocation of Queensland government funds to construct these 10 new cyclone-proof shelters. The Department of Public Works and Education Queensland are meeting today to identify possible locations and uses for the cyclone shelters. Following these initial discussions, we will immediately begin consulting local MPs and local government authorities to progress possible sites which can best house the shelters.

Mr Seeney: Are you going to talk to Andrew?

Opposition members interjected.

Ms BLIGH: Front-line staff will be out there in these communities by next week inspecting possible sites, and these will be announced in July.

Opposition members interjected.

Mr Cripps interjected.

Ms BLIGH: As I said, we will work with local governments and local members, including those who are so rudely interjecting at the moment, about the best location—


Mr SPEAKER: The member for Hinchinbrook will cease interjecting.

Ms BLIGH: As I said, we will work with local members, local governments and local communities to finalise the best possible sites for these 10 shelters. We do expect them to include major centres such as Cairns, Townsville, the Cassowary Coast, Proserpine/Airlie Beach, Mackay/Sarina, Yeppoon/Rockhampton and Weipa. That only identifies seven possible locations. We do expect to see more and their location should be, quite rightly, the subject of consultation. A lot of work has already been done and we will build these shelters as quickly as we can. I have said that I want as many as possible to open progressively between now and 2012. These shelters will be designed and constructed to category 5 standard to provide protection to more than 500 people each from winds of up to 300 kilometres an hour, from windborne debris and from storm tide inundation. This means that north and far-northern parts of our state will be more resilient and safer than ever before.

This is an extremely generous gift from the state of Abu Dhabi. It will build a lasting legacy of goodwill and partnership between Abu Dhabi and Queensland. I would have thought that all members of this House from both sides of politics would recognise the great gift of friendship that has been afforded to us. It is not only a generous offer but also a practical offer of support that could save lives in the future. These will not be closed-up shelters only to be used in emergencies. The buildings will provide multipurpose facilities to allow for year-round community use such as auditoriums, theatres, school multipurpose centres, community halls and gymnasiums or indoor sports centres.

Since 2006 the Queensland government has built four category 5 rated shelters as new public buildings in Cooktown, Kowanyama, Innisfail and Redlynch. This gift from the people of Abu Dhabi means that we can accelerate that, and that is what we will do. These new centres will be equipped as functioning evacuation centres with kitchens and generators as well as storage space for bedding, fresh water and canned food. They will also have adjoining helicopter access where possible and will be fitted with appropriate shower and toilet facilities. It is likely that they will be located at existing government facilities such as schools, TAFEs, hospitals or, possibly, PCYCs. The Department of Public Works will project manage the shelters' design and construction. Once again, I want to thank the people of Abu Dhabi for their great gift of friendship.

Tapich Gloria Fletcher AO

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (10.09 am): I regret to inform the House that late last month our state lost a revered Indigenous elder, an outstanding Australian artist and a social justice campaigner with the passing of Tapich Gloria Fletcher AO. In keeping with tradition and out of respect for her family I cannot speak her Aboriginal name, which means wattle flower.

The international art world, however, is mourning the loss of Gloria Fletcher at age 74. A gifted artist, she shared her rich culture through her stories, her teaching and her artwork, with her ceramic pieces held in art galleries around Australia and around the world. She is widely credited as the founder of Australia's Indigenous ceramics movement. But her passing has a much deeper effect on family, community and the many generations who have sat by her side and listened to her stories. This includes hundreds of children and young people who attended the camps that she started near her ancestral lands and who immersed themselves in art and culture.


Tapich Gloria Fletcher was born in Napranum in western Cape York. She worked tirelessly to document traditional stories and to complete a dictionary of her beloved Thaynakwith language. She was 13 when she won a place in a state-wide art contest and in 1971, after qualifying as a kindergarten teacher, she left Napranum for Sydney to become the first Aboriginal artist to study ceramics at a tertiary level.

Her distinctive style of working in clay soon drew world attention. She exhibited in Canada and was appointed the Australian Cultural Commissioner to South America. In 2005 she received an Order of Australia and in 2008 was named a Queensland Great. In 2009 and 2010 she was co-patron with the Governor of Queensland of the Cairns Indigenous Art Fair, an event where she revelled in the sharing of culture. She continued working despite poor health and last year her final public artwork, an extraordinary sphere that tells the story of the moon and the rising star, was unveiled outside the redeveloped Cairns Cruise Liner Terminal.

I was privileged to be part of that occasion and to speak with and to congratulate this remarkable Queensland woman on her beautiful work. Tapich Gloria Fletcher will be laid to rest on 12 May in her community of Napranum. The government will be represented at her funeral by the Minister for Aboriginal and Torres Strait Islander Partnerships, the Hon. Curtis Pitt, and by Jason O'Brien, the local member for the seat of Cook. She will be sadly missed by all not only in Queensland but from the art community of Australia and the world.

Mr SPEAKER: Before I call the honourable the Deputy Premier, I will advise honourable members that, in accordance with sessional order No. 4, the order of business will now resume and question time will commence one hour from the end of the condolence motion. So it will be 10.43 am.

Natural Disaster Relief and Recovery Arrangements

 **Hon. PT LUCAS** (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (10.12 am): I would like to update the House on the current status of the Natural Disaster Relief and Recovery Arrangements, administered by the Department of Local Government and Planning, for natural disaster events prior to November 2010.

Currently all 73 councils in Queensland are activated under the NDRRA for assistance. As honourable members would be aware, NDRRA payments for the devastating floods and cyclones post November 2010 are administered by the Queensland Reconstruction Authority.

The Department of Local Government and Planning administers the restoration of essential public assets, REPA, relief measure for local governments. Ensuring applications under this program are assessed and approved in a timely manner is critical to ensuring disaster affected communities can get back on their feet.

My Department of Local Government and Planning has made the processing of the pre-November 2010 NDRRA claims and payments a high priority. I am pleased to inform the House that a total of \$440 million in REPA funding has now been approved since 21 February this year. These funds will assist with the restoration of public assets in 38 councils. For example, \$106.35 million was recently approved for Mackay Regional Council, \$97.7 million to Maranoa Regional Council, \$70 million to Townsville City Council and \$42.6 million to Tablelands Regional Council. With \$440 million in funding approved, approximately \$9 million is currently under assessment.

Let me be clear on how this process for councils to receive assistance works. Councils can apply for funding by providing detailed estimated costs of damaged assets up to 12 months after the disaster event. They then have until the end of that financial year plus two years to finalise these claims as estimates for damage can change over time. These are very generous provisions. For example, a council recently applied for NDRRA funding on 20 April for natural disasters including Tropical Cyclones Olga, Neville, Ului and Paul that happened between January and April 2010.

There is a rigorous process for assessment and application undertaken by a number of government departments such as DTMR and DERM. Where necessary, the Department of Local Government and Planning assists councils through its regional offices in providing advice on how to submit applications and assists with completing claim forms.

This funding reimburses councils for emergency clean-up and restoration works and ensures that affected councils can get on with reconstruction work after a disaster, repairing damage to essential public assets including vital road networks and enabling the normal functioning of a community. The Bligh government will continue to work closely with affected councils to ensure they receive the critical funding that they require to repair damaged assets in accordance with current building codes that meet engineering and community safety standards.

The task ahead of us is still great. The Department of Local Government and Planning continues to work with the Queensland Reconstruction Authority to rebuild Queensland. We are doing this home by home, street by street, council by council. I commend all mayors and their councils throughout Queensland for their hard work and dedication to rebuilding their communities.

Abbot Point Coal Terminal; QML



Hon. AP FRASER (Mount Coot-tha—ALP) (Treasurer and Minister for State Development and Trade) (10.15 am): Last week the government announced the successful completion of the long-term lease of the Abbot Point Coal Terminal. This transaction delivered \$1.83 billion in return to the taxpayer. This was above the targeted price of \$1.5 billion and represents, as was noted by commentators, a very solid result. The terminal will be a 50 million tonnes per annum terminal upon completion of the current expansion works and will be a fully contracted multiuser terminal and has been privately operated by Xstrata for many years.

The successful bidder was the Adani Group, which seeks to expand its ports operation business as a long-term strategic investor in our resources sector. Possible expansion within the lease area of 20 to 30 million tonnes per annum is also possible. Beyond the lease area, the government has previously awarded development rights of up to 60 million tonnes per annum to both BHP and Hancock as the long-term future expansion of this port will be undertaken utilising private sector funds.

With the realisation of this investment, the funds will be directed towards the reconstruction effort from the summer's natural disasters. Instead of funding the next wave of coal terminal expansions at Abbot Point, this government's balance sheet will be funding the reconstruction of state and local government infrastructure. That is our priority and our choices in action.

I welcome the commitment of the successful bidder and their confidence in the future of our state. Demand from India is part of the new global growth equation, and Adani's strategic stake in the development of our resources sector—driving investment, job creation and return to the people of Queensland—is a plus for our economic future.

The completion of this transaction last week brought the total value realised by the government's determined program to reposition our balance sheet for the future to \$9.1 billion—\$2.1 billion from the Port of Brisbane lease, \$1.8 billion from Abbot Point, \$600 million for FPQ and \$4.6 billion in proceeds from the sale of QRN1. The value of our financial asset holding of QR National—our remaining 34 per cent stake—is today \$2.9 billion to give a present total realisable value of \$12 billion.

Our target for this program was \$15 billion, and today I announce that the government has agreed to terms with the state's independent sovereign wealth fund, QIC, for the sale of QML for \$3.088 billion. The 40-year franchise for the Gateway and Logan Motorways will be held by QIC for the benefit of meeting the state superannuation scheme's future obligations.


The price agreed has been the subject of an independently advised commercial process. It was as equally robust as any commercial transaction of this size and represents a value proposition for QIC, for the state and for the opportunities of the future. The tollway business is a strong strategic fit for QIC's role in managing the billions of dollars reserved for the future. For motorists, the tollways now have a legislated CPI cap on future price rises put in place by this government last year. Tolls tomorrow will be the same as they are today and into the future will be limited to CPI increases.

As we announce the final conclusion of the balance sheet overhaul that we had the courage to implement—to keep the economy moving, to keep people in jobs, to keep a building program going—we have reached the \$15 billion target we set. The balance sheet is set to be \$15 billion better off as a result of this government's courage, commitment and capacity to conduct this overhaul.

While transactions in other jurisdictions have struggled to successfully complete at value, the people of Queensland have the benefit of a program that has met its mark. We have met our target, we have never deviated from our determination to put jobs and the building program as our priority. We

have a balance sheet that today focuses not on new coal trains or coal track but on new passenger trains, including the new Sunlander and track extensions, less on cargo port expansions and more on hospitals, and not on a commercial timber business but on funding national park acquisitions. These are the choices of this government—one that has always looked to the future. We have delivered on this program, just as we said we would.

NAPLAN Tests

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (10.19 am): Literacy and numeracy skills are the basic building blocks of learning. The Bligh government is committed to lifting individual student and school performance. Our goal is for Queensland to become one of the highest performing states in the nation. I am pleased to report to the House that Queensland is making strong progress in literacy and numeracy, and recent results are very encouraging.

Our students were the most improved in the country in NAPLAN testing between 2008 and 2010, showing significant improvements in average scores in 19 of the 20 testing areas. In addition, Queensland was the only state to achieve all its performance targets in 2010 in the National Partnership Agreement on Literacy and Numeracy. Furthermore, the Program for International Student Assessment report also found Queensland was well above the OECD average and among the top performing states and territories in Australia in the 2009 tests.

Maintaining this rate of improvement will be a challenge, but we are determined to see Queensland at the top of the class. The good progress we are seeing has been achieved through the hard work of students, teachers, principals and parents. Significant Labor government reforms and initiatives have also assisted. These include the introduction of the prep year in 2007 and the raising of the school starting age to bring Queensland into line with other states; set teaching hours for English, maths and science in primary school; summer schools for year 5 to year 7 students who need extra help with literacy and numeracy; intensive teaching for year 3 to year 5 students requiring additional support; the Premier's Reading Challenge, which commenced yesterday for 2011 and encourages primary school students to get into books; and the Queensland Ready Reader and Parent Ready Reader programs which train volunteers and parents to help young Queenslanders read.

Over the next three days, around 230 000 state, Catholic and independent school students across Queensland will sit the 2011 NAPLAN tests. These tests assess how years 3, 5, 7 and 9 students are progressing in the areas of reading, writing, punctuation and grammar, spelling and numeracy. NAPLAN tests are designed to give educators an accurate snapshot of student performance at a point in time so extra resources can be directed where needed. But these tests are only one of many indicators used to assess student performance. They are not the be-all and end-all of student testing so students should not feel unnecessary pressure.

As education minister, I want to ensure that all Queensland students are progressing and are on the way to reaching their full potential. It is in everyone's best interests for all eligible students to participate so teachers and parents know how each student is progressing and are able to help them continue to improve. I conclude by wishing all Queensland students the very best in the NAPLAN tests which begin today.

Gold Coast, Public Transport


 **Hon. A PALASZCZUK** (Inala—ALP) (Minister for Transport and Multicultural Affairs) (10.22 am): I have great news for the Gold Coast. Last Friday the Premier and I visited the Gold Coast to announce the company that will construct and operate one of Queensland's most significant transport projects to date. GoldLinQ, a consortium which includes companies Keolis, Downer EDI, McConnell Dowell, Bombardier and Plenary, will build and operate the Gold Coast's rapid light rail system stretching from the new University Hospital to Broadbeach. We welcome working with GoldLinQ in our newest public-private partnership on a project that represents a golden new era for the Gold Coast and its residents.

This is a project that will deliver more than 6,300 direct and indirect jobs and when completed in 2014 will give Gold Coast residents and visitors easy, hassle-free commuting. Following the completion of roadworks later this year, construction of the light rail corridor will begin with track expected to be laid in the second half of 2012.

Stage 1 of the light rail project includes a 13-kilometre light rail corridor that will service the new Gold Coast University Hospital, Griffith University, the Southport medical precinct and the fastest growing recreational centres of Southport, Surfers Paradise and Broadbeach. Early works for the project, which started in August last year, are progressing ahead of schedule despite 30 wet weather delays. To date, more than \$25 million has been invested in the local community sourcing labour and materials.

The Queensland government is a forward-thinking government. We have known that public transport on the Gold Coast needs to be transformed over the coming years to be able to deal with increasing demand. By 2031 the Gold Coast will be a city of more than 800,000 people. That is a lot of people who will need a high-frequency, easy to use public transport option and that is why this project is so important. In the not-too-distant future we will have a world-class public transport system which will change the way people move around the coast. This project will see the Gold Coast's reputation as an iconic Queensland tourism destination strengthened nationally and internationally. In years to come Gold Coast rapid transit will be an integral part of everyday life on the Gold Coast and local residents will have a public transport system unique to this exceptional city.

National Volunteers Week

 **Hon. NS ROBERTS** (Nudgee—ALP) (Minister for Police, Corrective Services and Emergency Services) (10.24 am): This week is National Volunteers Week. It is an opportunity to pay tribute to the more than 40,000 volunteers who support the activities of our police and community safety agencies. Honourable members are aware that early this year volunteers from across the emergency services agencies put in a magnificent effort responding to the natural disasters that impacted our state. These volunteers were there when Queensland needed them most.

The Rural Fire Service is the largest emergency service volunteer group, utilising more than 34,000 operational and non-operational volunteers in response to fires and other emergencies. The State Emergency Service has around 6,800 volunteers who help those affected by a range of natural disasters—including flooding, storms, cyclones—as well as assisting with a wide range of community events.


The Emergency Management Queensland Emergency Services Cadets program is led by a group of 300 volunteers across the state, all working towards the goal of building the next generation of paramedics, firefighters and volunteers. The Queensland Ambulance Service receives support from more than 360 first responders and honorary ambulance officers in rural and remote communities who provide first aid until an ambulance arrives on the scene. More than 1,400 volunteers from 161 Local Ambulance Committees also provide a valuable link between the community and Ambulance Service and support local paramedics.

Queensland Corrective Services benefits from the work of volunteers who enhance safety both within and outside correctional facilities. Inside correctional facilities chaplains, counsellors and elders volunteer their time to assist prisoners, while outside centres volunteers help families travel to correctional centres to visit their loved ones inside.

The Department of Community Safety also supports organisations including Surf Lifesaving Queensland, Volunteer Coast Guard and Volunteer Marine Rescue which utilise around 37,000 volunteers to support their operations. The Queensland Police Service is supported by around 300 volunteers in policing, who work with police to address customer service, community safety and crime prevention needs in the community.

Volunteers make an important contribution to our police, corrective services and emergency services agencies. The government strongly supports their efforts and is committed to increasing the number of volunteers in the community in coming years. I encourage all Queenslanders to show their support for our police and community safety volunteers during National Volunteers Week, and to also consider volunteering their time to help their community in times of need.

Water Prices

 **Hon. RG NOLAN** (Ipswich—ALP) (Minister for Finance and the Arts) (10.27 am): The pressure of day-to-day bills is a real issue for low-income Queensland households. Those householders should reasonably expect that governments will make every effort in good faith to keep those prices which are within their gambit down. For that reason, when the Local Government Association of Queensland made the claim that with a few policy changes on the part of the state the bulk price of water would be reduced by nearly 25 per cent, our government took the claim seriously and had Treasury analyse the LGAQ report. I table both the LGAQ report and the response developed with Treasury advice.

Tabled paper: Letter to the chief executive officer of the Local Government Association of Queensland from the Minister for Finance and the Arts, Hon. Rachel Nolan, regarding a response to the LGAQ report entitled 'Appraisal of the consequences of balance sheet management decisions of bulk water charges (April 2011)' [\[4372\]](#).

Tabled paper: Appraisal of the consequences of balance sheet management decisions of bulk water charges prepared for the Local Government Association of Queensland by Aspire Management Consulting (April 2011) [\[4373\]](#).

I am disappointed to advise the House that, while the LGAQ's claims may have grabbed a quick headline on the way through, the substantive report which underlies the claim is rot. In the LGAQ report provided to government in March 2011, it is claimed that bulk water prices could be reduced from \$1.52 to \$1.13 per kilolitre. The report is based on a number of basic flaws.

Firstly, the LGAQ has consistently claimed that if the state paid back its water debt more slowly then prices would be lower for consumers. That would be fine if it were true. What the LGAQ fails to understand is that the water assets—the water grid, pipelines, dams, et cetera—are being paid off in a time frame that corresponds more with their useful economic life, which is more like 50 or 60 years, not 20 years at all.

Secondly, the LGAQ claims that the government is making some kind of profit on the interest that the water companies pay. Again, this is nonsense. The Queensland government charges these entities the real cost of funds—in essence, the rate at which we borrow funds. Again for the LGAQ's information, the bulk water price is modelled on a 4.75 per cent real rate of return, which is exactly what was announced in 2008. The third error is the absurd assertion that if we just applied Sydney Water's cost structure—that is, its mix of capital and operating costs—then water in Brisbane would be 25 per cent cheaper. It does not take a financial genius to work out that the cost structure of Sydney Water—where no commensurate investment in drought-proofing infrastructure has been made—cannot simply be translated here. Given that poor management at Sydney Water left residents there boiling their water, I am surprised that the LGAQ claims we would even want that.

This report makes basic mistakes. It even makes the basic mistake of confusing individual water entities. It confuses the loans held by Seqwater as a result of building the new pipes and a dam with the debt held by the Water Grid Manager that comes as a result of the fact that we choose to sell water to councils at a loss. Local councils and South-East Queenslanders should feel let down by this LGAQ report. They should feel let down that their peak body does not understand the SEQ water infrastructure. They should feel let down that their councils' membership fees have been wasted on such fundamentally flawed economic analysis. There is only one thing we can hope for as a result of this report—that is, that the people of South-East Queensland do not have their water bills put up further to pay for the LGAQ acquiring such an infantile economic analysis.

Solar Bonus Scheme



Hon. S ROBERTSON (Stretton—ALP) (Minister for Energy and Water Utilities) (10.31 am): Members may have read media reports that the New South Wales government has recently suspended its Solar Bonus Scheme. There are fundamental differences between the Queensland Solar Bonus Scheme and its New South Wales counterpart. Frankly, Queensland's scheme is far more sustainable. The New South Wales scheme was very costly because it paid a bonus for all solar energy generated by household solar PV panel systems. In contrast, Queensland's scheme is vastly more cost effective because it only pays a bonus for surplus solar energy exported back to the electricity grid.

The Bligh government's scheme has exceeded all expectations in delivering affordable solar energy and jobs for Queenslanders. In June 2008 at the scheme's commencement, Queensland had 1,200 rooftop solar systems generating 3.2 megawatts of residential solar power. Now Queensland has over 72,000 rooftop systems generating 149 megawatts of power. Over 1,000 new systems are being installed every week. This is phenomenal growth. Our scheme is also stimulating significant industry and jobs growth and is one of the most successful schemes of its type in Australia. For example, in March 2008 there were only 78 accredited solar installers in Queensland; today there are approximately 690.

The Solar Bonus Scheme is financed by all Queensland electricity consumers, so we need to ensure it continues to provide value for money and does not unnecessarily force up electricity prices. That is why a review is now underway. For all of its success, the government intends making one change to ensure the scheme remains cost effective and sustainable for the future. While the solar bonus will be retained at the current rate of 44 cents per kilowatt hour, we intend limiting the size of eligible individual solar PV systems to one five-kilowatt system per premises. Most participating solar PV systems have a generating capacity well below five kilowatts and are used by homeowners simply to generate power for household use. Recently, however, we have seen growing numbers of people installing very large solar PV systems—up to 30 kilowatts—simply to make money from the Solar Bonus Scheme, with advertised returns of up to 15 per cent per annum. This money comes straight from the pockets of other Queensland electricity consumers. This practice is not in the spirit of the scheme—

Opposition members interjected.


Mr ROBERTSON:—and that is why we will apply a cap on the size and number of systems eligible for the solar bonus commencing in four weeks time while still allowing solar PV systems to be an attractive option for average householders. I note that at the last election the LNP announced a policy to increase the feed-in tariff and put Queensland on the same road to ruin as adopted by New South Wales.

Opposition members interjected.

Mr ROBERTSON: The LNP would have increased electricity prices in Queensland beyond those we have experienced. It just demonstrates yet again how unprepared it was and, based on their interjections here today, how unprepared it continues to be for government in this state.

PERSONAL EXPLANATION

Nuttall, Mr GR

 **Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (10.35 am): I draw to the attention of the House an inaccuracy in the *Australian* newspaper today in an article titled 'Handcuffed Gordon Nuttall returns to Queensland parliament for reprieve over rorts'. The article states—


Nuttall will have 45 minutes to plead his case after his application for an extra 10 minutes was rejected by his former cabinet colleague and leader of government business Judy Spence.

I have not received a letter from Mr Nuttall asking for an extra 10 minutes, so I could hardly reject that application. I understand there are other inaccuracies in this article. It says—

The deputy clerk of the parliament last week visited Nuttall in the maximum security prison where he is held ...


I understand that that did not take place either.

ABSENCE OF PREMIER

 **Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (10.36 am): I wish to advise the House that the Premier and Minister for Reconstruction will be absent from the House during question time on Wednesday. As per the Premier's advice to the House on 7 April, she is travelling to Kuala Lumpur to submit the Commonwealth Games bid.

MOTION

Queensland Floods Commission of Inquiry, Ministerial Briefing Papers

 **Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (10.36 am), by leave, without notice: I move—

That this House—

1. Notes that the Minister for Energy and Water Utilities has produced to the Queensland Floods Commission of Inquiry certain parliamentary papers that were prepared for the Minister and which are proceedings in Parliament pursuant to s.9 of the Parliament of Queensland Act 2001.
2. Ratifies the production by the Minister of those papers.
3. Resolves that the Minister has not committed any contempt by producing the papers.

Question put—That the motion be agreed to.


Motion agreed to.

ELECTORAL REFORM AND ACCOUNTABILITY AMENDMENT BILL

ELECTORAL (TRUTH IN ADVERTISING) AMENDMENT BILL

ELECTORAL REFORM BILL

Cognate Debate

 **Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (10.37 am), by leave, without notice: I move—


- (1) That, in accordance with Standing Order 129, the Electoral Reform and Accountability Amendment Bill, the Electoral (Truth in Advertising) Amendment Bill and the Electoral Reform Bill be treated as cognate Bills for their remaining stages, as follows:
 - (a) second reading debate, but with separate questions being put in regard to the second readings;
 - (b) the consideration of the Bills in detail together; and
 - (c) separate questions being put for the third readings and long titles.
- (2) That, notwithstanding anything contained in the Standing and Sessional Orders:
 - (a) debate of the Bills shall be considered during government business; and
 - (b) the time limits and order for the reply to the second reading debate shall be: Member for Beaudesert and the Leader of the Opposition (or nominee) in reply—30 minutes each, followed by Minister in reply—30 minutes.

Question put—That the motion be agreed to.

Motion agreed to.

SCRUTINY OF LEGISLATION COMMITTEE

Report, Submissions and Transcript

 **Mrs MILLER** (Bundamba—ALP) (10.38 am): I table the Scrutiny of Legislation Committee's *Legislation Alert No. 5 of 2011*.

Tabled paper: Scrutiny of Legislation Committee—Legislation Alert No. 5 of 2011 [\[4374\]](#).

I table a copy of three submissions received from Mr John Pyke, Mr Harry Evans and the Hon. John Mickel MP, the Speaker of the Legislative Assembly, regarding the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011.

Tabled paper: Submission, dated 7 April 2011, from Mr John Pyke to the Scrutiny of Legislation Committee regarding the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011 [\[4375\]](#).

Tabled paper: Submission from Mr Harry Evans to the Scrutiny of Legislation Committee regarding the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011 [\[4376\]](#).

Tabled paper: Submission, dated 29 April 2011, from Mr John Mickel, Speaker of the Legislative Assembly, to the Scrutiny of Legislation Committee regarding the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011 [\[4377\]](#).

In addition, I table a copy of the *Hansard* transcript of evidence received by the committee on 6 April 2011 in relation to the Parliament of Queensland (Reform and Modernisation) Amendment Bill and a copy of documents provided to the committee regarding that evidence.

Tabled paper: Transcript, dated 11 April 2011, of 4BC interview between Mr Gary Hardgrave and Mr Harry Evans [\[4379\]](#).

Tabled paper: Letter, dated 28 April 2011, from Mr John Mickel, Speaker of the Legislative Assembly, to the Treasurer regarding CBRC deliberations on the 2011-12 budget [\[4380\]](#).

Tabled paper: Letter, dated 28 April 2011, from Mr John Mickel, Speaker of the Legislative Assembly, to the Leader of the House regarding CBRC deliberations on the 2011-12 budget [\[4381\]](#).

Tabled paper: Scrutiny of Legislation Committee transcript of proceedings, dated 6 April 2011 [\[4382\]](#).

Tabled paper: Letter, dated 3 April 2011, from Mr John Mickel, Speaker of the Legislative Assembly, to the Premier regarding the proposed legislative changes to establish a new management committee to administer the Queensland parliament [\[4383\]](#).

Tabled paper: Letter, dated 27 January 2011, from Mr John Mickel, Speaker of the Legislative Assembly, to the Premier and ministers regarding the recommendation of the Committee System Review Committee [\[4384\]](#).


Tabled paper: Letter, dated 12 January 2011, from Mr John Mickel, Speaker of the Legislative Assembly, to the Premier regarding the recommendations of the Committee System Review Committee [\[4385\]](#).

Tabled paper: Article, dated 30 May 1992, in the *Courier-Mail* titled 'No Room for Rafferty's rules' [\[4386\]](#).

On behalf of the Scrutiny of Legislation Committee, I thank all those who contacted the committee about, and assisted the committee in, its examination of the parliament of Queensland amendment bill. The committee is extremely grateful for the many considered and expert opinions and views provided to it about the consistency of the bill with fundamental legislative principles. Further, on behalf of the committee I thank Hansard staff for the significant and professional services provided to ensure the evidence to the committee was recorded, particularly as that assistance was provided at short notice.

ENVIRONMENT AND RESOURCES COMMITTEE

Reports

 **Mrs SULLIVAN** (Pumicestone—ALP) (10.39 am): I lay upon the table the Environment and Resources Committee's report No. 4, *Growing Queensland's renewable energy electricity sector*, the executive summary to the report and the opposition's dissenting report, which was handed to me this morning. I express my disappointment with the LNP's report. It has no basis and is contrary to the findings of the ERC report—something that was agreed to only last week.

Tabled paper: Environment and Resources Committee, Report No. 4, *Growing Queensland's Renewable Energy Electricity Sector*, May 2011 [\[4387\]](#).

Tabled paper: Executive Summary—Environment and Resources Committee, Report No. 4, *Growing Queensland's Renewable Energy Electricity Sector*, May 2011 [\[4388\]](#).

Tabled paper: Dissenting Report—Environment and Resources Committee, Report No. 4, *Growing Queensland's Renewable Energy Electricity Sector*, May 2011 [\[4389\]](#).

On a per capita basis, Australia produces more greenhouse gases than any other country and around 30 per cent of those emissions are from our great state. This is a shocking statistic when we consider that Queenslanders account for only around a fifth of the nation's population. The longer we delay acting to cut our greenhouse gas emissions, the more we are risking the future of our ecosystems, industries and communities.

One of the most important areas to address is how we use energy. As our standard of living and quality of life have risen, so has our appetite for energy. We enjoy some of the cheapest electricity in the world and Queensland electricity prices are among the nation's lowest. However, prices are certain to rise as long as demand for electricity grows and pressure on the network continues to spiral. We are far too casual about electricity usage in our daily lives and where that electricity comes from. At least four of every five hours of electricity that lights, heats, cools and powers our homes and businesses every day comes from a coal fired power station. This heavy reliance on the burning of coal is unsustainable.

On a positive note, Queenslanders are also among the nation's strongest supporters of green power. The committee considers planning to meet more of Queensland's future electricity needs from renewable energy to be extremely important for the state's future. Switching to renewable energy sources will ensure that vital cuts to greenhouse gas emissions are achieved. The other key is using energy more efficiently with less wastage. The greenest watt of electricity will always be the watt that you do not have to produce.

This report presents our findings from an inquiry that examined opportunities to grow a stronger renewable electricity generation sector. It makes 14 recommendations for the government to implement. We have consciously avoided attempting to pick the winning technologies. Instead, we have recommended mechanisms that would allow market forces to shape the future and provide the right environment and infrastructure to support renewable energy sources.

I would like to acknowledge the invaluable assistance that we received from the submitters, witnesses and other experts who shared their ideas with us in the course of this inquiry. I also thank my colleagues, particularly the member for Mount Ommaney, Julie Attwood; the member for Morayfield, Mark Ryan; and the Independent member for Maryborough, Chris Foley. I also thank the staff of the Environment and Resources Committee for their dedication during the inquiry and for helping to produce this report. I commend this report to the House.

NOTICES OF MOTION

Dental Services



Mr MESSENGER (Burnett—Ind) (10.42 am): I give notice that I will move—

That this House notes that:

1. The Australian Institute of Health and Welfare found in a recent study that 30 per cent of respondents say they simply cannot afford dental care or have trouble accessing a dentist.
2. The president of the Australian Dental Association, Dr Shane Friar, says that when it comes to accessing dental care people from rural and remote areas, Aboriginal and Torres Strait Islanders and people with disabilities are having difficulty.
3. There is a wait of up to 8 years for public dental patients at the Bundaberg Base and other country hospitals.
4. All of the record number of illegal immigrants and asylum seekers receive timely and free dental treatment and are not forced to wait 8 years.
5. All of our prisoners, including child rapists and murderers, receive timely and free dental treatment and are not forced to wait 8 years.

And calls on the Premier as National President of Labor to explain to this House: why do illegal immigrants, asylum seekers and prisoners receive timely and free dental care, while thousands of country Queenslanders, including young mothers and pensioners, are forced to wait 8 years and longer for dental care while they suffer severe pain, indignity and ill health?

Correctional Facilities



Mr McLINDON (Beaudesert—TQP) (10.43 am): I give notice that I will move—

That this House notes that:

Following a four-hour tour of the men's and women's correctional centre in Townsville I discovered that:

Every room has air conditioning.
Every room has access to electricity 24/7.
Every room has access to a television and DVDs on demand 24/7.
Prisoners put their washing in clothes dryers.
Prison guards are operating in an unsafe environment whilst acting as room service.
The 308 state government administrative staff and prison guards wear identical uniforms creating a false sense of security.
There is an average 70% reoffender rate in Townsville.

And calls on the government to:

Replace the airconditioning units with an enclosed fan and access to an open window for fresh air and an extra blanket.
Implement a lights out at 10pm.
Prisoners to be required to hang their own washing.
Prison guards' uniforms to be distinctly different to those staff in administrative and support services.
Prisoners to have greater access to educational resources.
Prisoners' health needs to be met by joining the waiting list like every other Queenslanders.


SPEAKER'S STATEMENT

School Group Tours

Mr SPEAKER: Before I call question time, I want to acknowledge the teachers, students and parents of the Maryborough West State School in the electorate of Maryborough and the Sunshine Coast Grammar School in the electorate of Maroochydore. Question time will end at 11.46 am.

QUESTIONS WITHOUT NOTICE

Tourism Industry

 **Mr SEENEY** (10.45 am): My first question without notice is to the Minister for Tourism. I refer to the tourism operators in the Whitsundays who are facing bankruptcy and closure because of the decline of up to 15 per cent in tourist numbers in the area, and I ask: will the minister advise if tourist numbers in the region could be increased and struggling Queensland tourism businesses boosted by the expenditure of an additional \$26 million on the promotion of the Queensland tourism industry?

Ms JARRATT: I thank the honourable member for the question, because it gives me an opportunity to inform those opposite of the plight of tourism operators in my own electorate of Whitsunday. Of course, like tourism operators right across the state, they have been impacted by a number of factors, many of which are outside the control of the government.

The floods and the cyclone events that we had in the Whitsundays and across the state earlier in the year have impacted businesses right across this state. I do not think even the member could deny that. Even those businesses that had not been directly impacted were impacted by the downturn in bookings. Following Cyclone Yasi we had people cancelling accommodation and tours in the Whitsundays out to June and July. Obviously people are not understanding just how quickly industries in areas that were not directly impacted bounce back from these events.

The state government, together with the federal government, has stepped in to put in place the Nothing Beats Queensland recovery package, because we know just how important tourism is to this state. Right across this state, 220,000 jobs are dependent on the tourism industry. So the commitment of \$12 million to put in place a direct program to let the world and the rest of Australia know that we are back in business, that we are not under water, that we have not been blown apart, has indeed been a very important element of the fact that the Whitsundays area over Easter was indeed in a really good place. Most of the accommodation saw very strong bookings. For example, Hamilton Island had 100 per cent occupancy across the Easter weekend. You cannot do any better than that. They certainly were not looking at figures like that prior to the government's campaign that we launched both right across the country and internationally.

I met with 200 Queensland tourism operators in Sydney on Saturday night. They had been down to New South Wales and Victoria. They were personally spreading the message—taking their brochures and their stories with them, telling everybody that we are open for business, that we are indeed the best place to come and that people will have the best holiday. Many of those operators have signed a pledge to say that they are going to give the very best of service and that people can be assured that they will have a great holiday when they come to Queensland. I think it was a great boost for the industry and their own morale that they were able to participate.

(Time expired)

Disability Services

Mr SEENEY: My second question without notice is to the Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships. I refer to the many Queensland people living with a disability or caring for a relative with a disability and struggling to get adequate support and assistance services such as respite care, and I ask: will the minister advise how many of those people living with a disability could be provided with additional respite services with an additional \$26 million in funding for disability services in Queensland?

Mr PITT: I thank the honourable member for the question. In terms of the answer to his specific question in relation to the actual number, I will have to get back to the member on that. We have been working very closely over the last few years in Queensland on our Growing Stronger reforms. These reforms are about how we go about assessing people's eligibility for services right across the state. It is a system that we have devised to make things fairer and to make sure that we are providing the services where they are needed most. It is no secret that there is an enormous amount of unmet need, not only in Queensland but right across—

Honourable members interjected.

Mr SPEAKER: Both sides of the House will cease interjecting.

Mr PITT: What those opposite have failed to recognise in asking this question is that we have seen over the last 13 years an increase in disability services of some 430 per cent. This figure is something that was absolutely necessary. From the meetings I have had with my interstate counterparts, I can say that the issue of unmet need is not unique to Queensland. We have a record budget in Queensland. Last year it was more than \$1 billion. If one includes what we have done in terms of the needs of carers through our Home and Community Care support, this is a \$1.6 billion budget. This is an enormous amount of money. Is it enough? No, it is not. We can always do more. That is our job. That is the task that we have been set. That is what good Labor governments do. We focus on the people who need our assistance the most. Autism early intervention is one of the areas that we are focusing on. We are also working with the federal government on removing young people in aged residential care to assist them to lead a better life in our community. Better life outcomes are what we are trying to achieve.

We are working closely with our federal counterparts and the other jurisdictions in terms of developing a model for the long-term support and care needs of people with a disability. The NDIS is not a pipedream; it is something we are working very actively on, and we will continue to do that. This is about looking after vulnerable Queenslanders, which is exactly what we are going to do.

Mr SEENEY: I rise to a point of order. The minister in his answer to my question gave me an assurance that he would get back to me in relation to how much extra respite could be provided with \$26 million. Could I confirm that that answer will be provided before the end of the day's sitting in accordance with the normal proceedings of this House?

Mr SPEAKER: The minister has given an undertaking. He did not specify when. There is no point of order.

Gold Coast Rapid Transit

Mr LAWLOR: My question is directed to the Premier. Can the Premier please update the House on the progress of the exciting Gold Coast Rapid Transit project?

Ms BLIGH: I am very pleased to take this question from the member for Southport. The member for Southport is someone who is very excited about this project because he understands that this rapid transit project, the first light rail public transport system in any regional city of Australia, will transform the face of the Gold Coast. It will change the way that people see the city; it will change the way that visitors and locals move around the city and the way they use the facilities in the city. As I said, this will be a transformational project for the city of the Gold Coast. This is a project that will act as a catalyst for further development around the coast. What it means, for example, is that businesses will seek to locate near it. They will have opportunities to change their business to create more jobs as people will have more chance to get into those business areas with this light rail project.

This all comes as part of our vision for the Gold Coast as one of the fastest growing regional cities in Australia and Queensland's second largest city. In the short term, what the light rail project means for the Gold Coast is 6,300 direct and indirect jobs, many of those jobs in the construction sector. As the member for Southport, along with other members for the Gold Coast, will know, the construction sector on the Gold Coast was one of the hardest hit construction sectors by the GFC anywhere in Australia. It is projects like this that will make the difference.

This project is part of our vision for the city of the Gold Coast, along with our determination to do everything we can to win the bid to host the 2018 Commonwealth Games. Just think about it: over the next eight years, the Gold Coast—a place that Queenslanders, Australians and people from around the world already love to visit—with the Commonwealth Games, the Gold Coast Rapid Transit, the transformation of the Griffith University campus with the knowledge and health precinct, the opening of the Gold Coast University Hospital, a major tertiary teaching hospital larger than any of its kind in the country, has a golden future. This government believes in the regions of Queensland. This government has long-term visions for every one of our regions because we understand that the great strength of Queensland is our regions. The Gold Coast is one part of regional Queensland that is driving opportunities. We are going to continue to make sure that that happens.

Townsville Hospital, Cancer Treatment Services

Mr McARDLE: My question is to the Minister for Health. Since reporting began in October 2008, Townsville Hospital has never been under the maximum acceptable waiting time for radiation therapy in the quarterly hospital reports. Will the minister detail how \$26 million could be used to ensure cancer patients in Townsville and regional Queensland receive their life-saving treatment on time?

Mr WILSON: I thank the honourable member for the question. He obviously has not been paying attention over the last several months as we have announced record funding—joint federal and state—that is going into the expansion of radiography services to be provided at the Cairns Base Hospital so that Cairns residents who presently have to travel to Townsville are able to have their services closer to home. Not only are we doing that; we are also rolling out additional oncology services in a number of

other regional places throughout Queensland. Never have we seen a starker demonstration of the sham righteousness of the opposition in asking this or the previous two questions. What did those opposites do about the \$52 million the federal government wanted to provide Queensland to improve public dental services? They blocked it in the Senate. Secondly, the Howard government stripped \$50 million a year over 10 years out of the public dental service in Queensland. What I am illustrating is the sham righteousness of this question that we are not aware of the imperative of providing services. We certainly are, but those in the opposition have no idea about it otherwise they would not have had their Liberal and National Party senators in the Senate block that \$52 million coming to Queensland.

In addition, they went to the last election telling the Queensland public that they would block the \$17 billion public works program, including all of the health projects that were being rolled out to about 12 emergency departments and other aspects of hospitals throughout Queensland. They were going to put a freeze on the Capital Works Program. They did not support it; in fact, they opposed it. Not only that, they said they would sack 36,000 public servants from the Public Service. How can you deliver services without public servants? In this term we have provided 4,700 extra doctors, nurses and allied workers to the health system.

Opposition members interjected.

Mr WILSON: They do not like it, do they? We have allowed for 4,700 extra doctors and nurses in the health system and they would have cut it.

(Time expired)

Premier's Reading Challenge

Mr KILBURN: My question is to the Premier. The Premier's Reading Challenge is now underway. Could the Premier inform the House how many children are expected to participate in the Premier's Reading Challenge this year?

Ms BLIGH: I thank the honourable member for the question. I know how much time he spends working with the schools in his community and how deep his understanding is of the importance of the basics in education. Literacy and numeracy are the building blocks for all other educational opportunities. That is why six years ago we launched the Premier's Reading Challenge. Every single year we have seen more students, more children, more families and more schools take up the challenge. Last year 71,000 primary school students took part, between them reading more than one million books. This year we are aiming to increase that number to 75,000 students. This is a terrific way to encourage children to love reading. The research shows that students who read for pleasure, particularly from an early age, not only improve their learning ability and their school results but also considerably enhance their self-esteem and confidence as young learners. A love of reading sets up a child for life.

The challenge started yesterday and will run until 26 August. We know that children, particularly primary school children, love a competition. Once they set their minds to something like this, many of them become very determined about achieving it. Individuals and schools have until 27 May to register. The challenge is open to children from prep through to year 7. It is available for all reading abilities. There are also plenty of opportunities for parents to get involved. The value of reading to and with children cannot be underestimated. During the time of the challenge children in prep to year 4 must read or experience 20 books and children in years 5 to 7 must read 15 books. By the end of that experience, we hope those 75,000 young Queenslanders will be hooked on reading for life.

This is all part of our government's determination to give our children a flying start to their education. It comes with other initiatives such as our ready reader and parent ready reader programs, the Queensland Reading Ambassador's Program, Books for Bubs where every newborn child in a Queensland hospital will be given their first book before they go home, and our reading awareness campaign. Children who complete the challenge are awarded a certificate. I encourage members from all sides of the House to get involved with their schools that are doing the challenge and to help to present the certificates. It is a great way to recognise the achievements of those children. Schools that have a 100 per cent participation rate will go into a draw for prizes such as family passes to Dreamworld. This government is passionate about education. We are driven by our determination to give every Queensland child the best possible education, because we know that from education comes opportunity.

Asbestos in Schools

Dr FLEGG: My question without notice is to the Minister for Education and Industrial Relations. Asbestos registers for Education Queensland schools such as Toowoomba North, Mansfield and Oakleigh state schools, which are all located in Labor electorates, record the presence of the deadly substance. Will the minister tell the parliament whether \$26 million would assist in the removal of this deadly product—asbestos—in schools such as those and others across Queensland?

Mr DICK: What I will say about asbestos is this: we have a nation-leading program to address asbestos in schools. No jurisdiction in Australia does more to remove asbestos, to record it and to protect children than this Labor government and previous Labor governments. We lead the nation. In our state's recent past when the Liberals and Nationals were in power asbestos was known to be a carcinogen and something that could be dangerous to people, but they did nothing about it and continued to use those building products in Queensland schools. They caused the problem and Labor governments are fixing it. Let us bell the cat on this. What is the \$26 million? The \$26 million represents the opposition's attempt to undermine the most significant campaign finance reform measure in the history of this country. That is precisely what it is seeking to do. Let us see what Campbell Newman said. Today he said, 'We're not going to support it. We want the secret'—

Mr SEENEY: I rise to a point of order.

Mr Dick: There is Mr Glass Jaw, Mr Speaker.

Ms Bligh: They don't want to talk about it now.

Mr SEENEY: I am happy to talk about it, but we also have to respect the rules of the House.

Mr SPEAKER: Order!

Mr SEENEY: I am happy to talk about it. You stand up and suspend the rules of anticipation—

Mr SPEAKER: Order! The Leader of the Opposition will cease. If you are on your feet for a point of order say it; do not get up and argue. I call the Leader of the Opposition.

Mr SEENEY: Thank you, Mr Speaker. I was responding to an interjection.

Mr SPEAKER: I do not care what you were doing. You were being completely and utterly disorderly.

Mr SEENEY: I rise to a point of order. I realise that the minister has not been in this House for very long, but even he would understand that the rule of anticipation precludes a debate about a bill before the House and his comments are clearly about a bill before the House. I suggest he be ruled out of order.

Mr SPEAKER: Minister, resume your seat. I will get advice. Minister, I was distracted while you were making your remarks. It is completely disorderly to refer to a bill that is before the House. If you have done that—and I stress I did not hear your remarks—I would ask you to confine your remarks to the question that was asked by the member for Moggill.

Mr DICK: Thank you, Mr Speaker. Let us look at what Campbell Newman said in 2004. This is what he said on the public record. In a *Courier-Mail* article by Chris Griffith, he said that he saw public funding as a 'very important' principle and if elected he would discuss its implementation with Premier Peter Beattie. We know what this is about. It is about undermining a significant reform process; an integrity and accountability reform process that has been running for a year.

Mr SEENEY: I rise to a point of order. Those comments are clearly about a bill that is before the House. That offends the rule of anticipation and I suggest the minister be ruled out of order.

Mr SPEAKER: I will give a ruling. The chair is in a difficult situation. I do not have the bill before me. At face value, Minister, I would say you are coming close to what may well be a bill. Would you please confine your remarks to the question, which was a question about asbestos and \$26 million? If you confine your remarks to that, I will be happy.

Mr DICK: When you make a point in this House, when you strike at the heart of an issue, those opposite go to water. They cannot take up the fight. The points of order and the interjections come from the glass jaw of the Leader of the Opposition. I will tell the House what we spend on education, which is \$10 billion each and every year. We are spending \$850 million on State Schools of Tomorrow, the biggest single rebuilding program in state schools in our state's history; \$321 million on 240 new kindergarten services, giving every four-year-old child in this state the opportunity to start on the path of learning; \$70 million for computers for teachers; and in the member for Hinchinbrook's own seat more than \$3 million to rebuild the Tully State High School, and there are millions more to come to rebuild that school. That is what we are spending. We are spending \$10 billion on education to build the pathway so that every child in this state can be the best person they can be. We will not be distracted by campaigns that seek to undermine reform processes, wherever they may be and in whatever portfolio. We stand by reform and we stand by progressive change in this state. We will not let the grubby hand of backroom deals and backroom funding return to Queensland.

(Time expired)

State Penalties Enforcement Registry

Mrs SCOTT: My question is to the Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State. Can the Deputy Premier update the House on the success of the State Penalties Enforcement Registry?

Mr LUCAS: I thank the honourable member for her question. The government's crackdown on fine dodgers continues to pay off. I am advised that since SPER was first established in 2000 it has now recovered more than a billion dollars in unpaid fines. Of course, SPER is not the only organisation in Queensland that is raking in the cash. The LNP and Campbell Newman are trying to line their pockets and their party coffers in relation to the LNP convention in July. At that convention Queensland businesses will be asked to fork out \$3,750 for the cheap seats, while platinum sponsorship will set them back \$60,000. It is cash for access at its worst.

This Labor Premier committed herself to abolishing cash for access, but time and time again we have seen the other side of politics refuse to apply that standard to themselves. The worst thing is that on 3 April Campbell Newman told the *Brisbane Times* that he would not support cash for access where people receive large sums of money for exclusive access. On 4 April he told the *Australian*—

I will not be part of behind closed door meetings to an elite group of people paying for access.

It is a very interesting package that they get for their ticket price: attendance at the Liberal National Party convention, individual group policy briefings, all functions hosted by LNP members, personalised schedule, LNP ambassador to assist attendees. People who are on disability waiting lists do not get \$60,000 to shell out for this conference. People who are on housing waiting lists or dental waiting lists do not get to go to the platinum function paid for with cash for exclusive access. There is only one thing we need to have made absolutely clear here: people who go to this function are going there for one purpose and one purpose only. When they pay more money for their housing one day because of a 'mates' rates' approval for a dodgy deal, that will affect anyone who buys a house in that neighbourhood. That will go on top of the price for everyone. Who could forget Clive Palmer?

Mr Nicholls interjected.

Mr LUCAS: The member for Clayfield has raised a beauty. The other day I approved a Brisbane City Council unanimously approved LNP local area plan. The argument was that I could not approve it. Who was the only person who bought that argument? Des Houghton. As we say in law, *res ipsa loquitur*: the thing speaks for itself.

Tabled paper: LNP Corporate Observer Program 2011 [4390].

Public Transport, Ticketing

Mr EMERSON: Mr Speaker—

Mr Watt: How many hairbrushes can you get for \$26 million?

Mr EMERSON: Not many for you, mate!

Government members interjected.

Mr SPEAKER: Order! Those on my right will cease interjecting.

Mr SEENEY: I rise to a point of order. There has been a longstanding convention in this parliament, for as long as I have known, that comments about a member's personal appearance are way out of order. I think the interjection that was made is unparliamentary and it is unbecoming of this place. I interject as much as anybody, but that is not the sort of interjection that should be part of this parliament.

Mr SPEAKER: Notwithstanding that I would normally say that, the member for Indooroopilly would be the one who could complain about that. I do not think it is appropriate for you to take the point of order on behalf of somebody. I will say this to the House: I could not hear the comments. I would say to the member for Indooroopilly in speaking to the point of order that if you take objection to something that was said then I would ask you to take action through the chair to have that withdrawn.

Mr Lucas interjected.

Mr SPEAKER: The minister will cease interjecting.

Mr EMERSON: The question is—

Mr SPEAKER: Did you want to take—

Mr EMERSON: No.

Government members interjected.

Mr SPEAKER: Those on my right will cease interjecting. I say to the House that, wherever I go, people in the wider community do take objection to the personality of politics. I did not hear the comments of the honourable member, but I say that in general. We lower the standards of the House when we get into personalities.

Mr EMERSON: In the interests of the House I will not take objection to that. I ask a question of the Minister for Transport. Would the minister explain how quickly she could reintroduce monthly, six-monthly and 12-monthly tickets to give cost-of-living relief to regular public transport users if her portfolio had an extra \$26 million?

Ms PALASZCZUK: I thank the shadow minister for his question. I think he looks fine. In relation to that question, this is an issue that the government is looking at very seriously. We are delivering a world-class public transport system here in South-East Queensland.

Mr SPEAKER: Order! I say to the minister that that is precisely the point—just address your comments through the chair and we will take it from there.

Ms PALASZCZUK: Mr Speaker, we are delivering a world-class public transport system here in South-East Queensland. As I have said time and time again, we are listening to what public transport commuters out there have to say. That is why I have established the Public Transport Advisory Group. Today I can report to the House that over 120 people have applied to be public transport champions in South-East Queensland, to be on that Public Transport Advisory Group. One of the concerns that people have been expressing to me is in relation to the six-month and 12-month passes. This is something that as minister I am seriously looking at and about which I have had discussions with the Treasurer. It is one of the items that the Public Transport Advisory Group will be looking at in detail over the coming months.

We are always looking at investing more and more money into our public transport system. Campbell Newman has failed to invest over the years. We are the ones who are providing the buses; he is the one trying to take the credit. Public transport is very important. Today we talked about the \$1 billion investment in Gold Coast rapid light rail, benefiting Gold Coast members. What has Campbell Newman said about the future of rail in South-East Queensland? He wants to scrap Cross River Rail. Where is the opposition on Cross River Rail? They do not have a position on Cross River Rail. We are committed to spending more and more money on public transport—\$1 billion. In fact, a couple of weeks ago the member for Mansfield and I celebrated the 10th anniversary of the South East Busway, delivered by a Labor government.

Opposition members interjected.

Ms PALASZCZUK: No, you do not like it.

Opposition members interjected.

Mr SPEAKER: Those on my left will cease interjecting.

Ms PALASZCZUK: What we have seen with the Victorian Liberal government is cuts to public transport.

Mr Emerson interjected.

Mr SPEAKER: Those on my left will cease interjecting. Member for Indooroopilly, you have asked the question.

Ms PALASZCZUK: During the last sittings I announced over 150,000 extra seats on the Sunshine Coast-Ipswich line. What have they done in Victoria? They have actually decreased their reliability. They have taken away services. They have stripped peak hour services from their public transport network. That is what we would see under you. We would see cuts to our public transport. Where we enhance, you cut. Where we enhance our public transport spend and our public transport infrastructure, you just don't spend.

Mr SPEAKER: Order! Direct your comments through the chair.

Federal Budget

Ms FARMER: My question without notice is to the Treasurer and Minister for State Development and Trade. Ahead of tonight's federal budget, can the Treasurer advise the House of the Queensland government's priorities for federal funding?

Mr FRASER: I thank the member for Bulimba for her question and for her commitment to the people of Queensland and to the people of Bulimba whom she represents so well in this place.

Tonight's federal budget will be important for Queensland. The absolute priority for Queensland needs to be on recovery from natural disasters—funding for flood and cyclone reconstruction activity right across the state. We look forward to seeing those funds being committed not only this year but into the future because that has to be the No. 1 priority for the state of Queensland for the future. Secondly, we look forward to confirmation of the federal government's commitment of putting funds into the Bruce Highway to make sure that projects on the books can be delivered for the benefit particularly of people in North Queensland.

Overall, this government really wants to see an investment in skills for the future. We know that that is going to be the challenge of the next 12 months, the next two years, the next five years and indeed the next 10 years, and that is the sort of investment we want to see. We want to see it because of particularly the interest in the resources sector. We know that emerging markets demand is driving developments particularly like those in the Galilee Basin, where we see many proponents including

three major proponents. We have the Hancock projects—the Alpha and Kevin’s Corner projects that are being proposed by Mrs Rinehart. We have the Waratah Coal’s China First project, which is being proposed by Mr Palmer. Of course we have also the Link Energy entitlements, which are now owned by the Adani Group, being promoted by Mr Adani and others.

I was intrigued at the sudden interest of the LNP in this policy issue. We have been clear with proponents from the start, indeed putting to them that they need to have third party access on rail corridors—indeed making it a condition of processing their approvals. So why all of a sudden is the LNP interested in this? Yesterday the LNP leader, Mr Newman, outside of this place, said that he had had discussions with one of the proponents. I wonder who. That was Mr Palmer. Of course it begs the question: has he spoken only to Mr Palmer? It begs the question: has he spoken to Mrs Rinehart? It begs the question: has he spoken to Mr Adani? It begs the question: who did he speak to first? It begs the question: who approached who about this?

I just note in passing that that on again off again float of Mr Palmer’s resource company is back in the paper today, and I just wonder whether some souffles aren’t being given every opportunity to rise more than twice, because what is occurring is that the line of questioning being pursued here today and the policy proposals that the LNP are promoting are all about running a donor protection racket. They already think they are back on this side. They think they are back in business, but all they want to get back is the old LNP Inc.—to get LNP Inc. back in business. The reality is that democracy is very expensive. It is just that the alternative costs a whole lot more. The LNP should stand on a principle to defend the nature of this democracy and not pursue this line of questioning.

(Time expired)

Cairns, Tourism Industry

Mrs STUCKEY: My question without notice is to the Minister for Tourism. I refer the minister to the crucial dredging of Cairns Harbour to encourage cruise ships and the desperate need for a boost to tourism in the Cairns region. I ask the minister: would \$26 million assist in delivering the proposed cruise ship facility that has been delayed under this Bligh Labor government?

Ms JARRATT: I thank the honourable member for the question. Of course cruise shipping is one of this state’s emerging tourism sectors—one that we have supported right across the state and we have seen quite remarkable figures over recent years in terms of the increase in cruise ships visiting ports like the Whitsundays, where we have now some 20-odd cruise ships a year calling in and boosting our local economy. Of course Cairns is no different. They welcome cruise ships to that area. We have invested considerable funds to put facilities in place to welcome people on cruise ships to Cairns and the Cairns port.

We are talking about increasing access to ports. There are ever-growing cruise ships. They are getting bigger and bigger all the time. Of course there are some issues there in terms of the channel that would allow these very, very large vessels into that port area. I am well informed by my colleague the Minister for Marine Infrastructure that a study is underway as we speak as to whether or not this will be a viable option for the government to support.

Mr Lucas: It does nothing for hotel rooms in Cairns. It does nothing for local restaurants.

Ms JARRATT: That is right. That area is a fairly fragile environment, and there are a lot of things that need to be weighed up in terms of the impact on the environment and the impact on the local economy. So that study is underway. The results of that I am sure will be made public by the minister at the appropriate time.

Queensland Investment Corporation

Ms van LITSENBURG: My question without notice is to the Minister for Finance, Rachel Nolan. Can the minister please update the House about Queensland’s own sovereign wealth fund, the Queensland Investment Corporation?

Ms NOLAN: Yes. I am pleased to inform the House that the Queensland Investment Corporation exists. Members who have been here for many years will understand that the LNP’s journey to coming to an economic policy outcome can sometimes be a long and indeed a torturous one. For the last two years the LNP has been coming into this House claiming that its priority in government would be to pay down debt and to restore the state’s AAA credit rating. Indeed, on 10 June 2010, the former LNP leader, Mr Langbroek, indicated in a press release—

... the LNP is determined to restore Queensland as the economic powerhouse of Australia with reclaiming the AAA credit rating—

Opposition members interjected.

Mr SPEAKER: Order! Those on my left will cease interjecting. The minister has the call. I call the minister.

Ms NOLAN: The former LNP leader made the claim in a press release on 10 June—

... the LNP is determined to restore Queensland as the economic powerhouse of Australia with reclaiming the AAA credit rating our number one priority.

Mr Langbroek went on to say that Queensland needed a debt repayment strategy to regain the credit rating. Well, members will understand that the new LNP leader, Mr Newman, has subsequently claimed that all of the previous policies are null and void, and it would seem that a commitment to repay debt has been the first LNP policy to go. Why? Because in yesterday's *Financial Review* the shadow Treasurer was quoted as saying that it turned out that debt reduction may not in fact be the first priority—

Mr Nicholls interjected.

Mr SPEAKER: Order! Those on my left. The minister has the call.

Ms NOLAN:—and rather than paying down debt with the remaining QR National proceeds, as the government has indicated it would do, the LNP would set up a sovereign wealth fund. For the benefit of the House, I am pleased to advise that Queensland has one. We have had one since 1989. It is independently managed with its own act of parliament and, just to prove its existence to the House, I am happy to table its annual report.

Tabled paper: QIC Annual Report 2009-2010 [4391].

So what are the LNP doing? They are walking away from what was previously their No. 1 economic priority in order, they say, to create something that already exists.

(Time expired)

Bundaberg Hospital

Mr DEMPSEY: My question without notice is to the Minister for Health. I refer to further reports of shortfalls at the Bundaberg Hospital, which needs over 60 beds to return to a safe bed occupancy level. Would the minister please detail whether an extra \$26 million could help ensure that patients are not sent home too early and that they receive the full treatment they need?

Mr WILSON: I thank the honourable member for the question. We have put unprecedented funding into the Bundaberg Hospital in recent years. Indeed, the number of doctors has doubled since 2005. We have virtually completed the current phase of building. A new maternity unit, a new emergency department and a new 24-bed ward have been delivered at that hospital. There is a \$9.5 million dental health clinic commitment. The planning phase is being undertaken for that. We have virtually eliminated long waits for elective surgery in that area. The average waiting time for the emergency department is 37 minutes. For category 1 it is within one minute. That is a very good record. But of course what we want to do, not only in Bundaberg but in every other hospital, is make sure that we continue rolling out the \$7.5 billion capital works program that the opposition opposed. We will continue rolling out the employment of additional doctors, nurses and allied health workers. Some 4,700 have been employed—

Opposition members interjected.

Mr SPEAKER: Order! Those on my left will cease interjecting. The honourable minister has the call.

Mr WILSON: It is interesting to see, isn't it? We have just created 4,700 extra jobs for doctors, nurses and allied health professionals in Queensland. We are ahead of the commitment that we gave in 2009 as to what we would achieve in this term. We are already ahead of that as of February this year. Those opposite are not interested in that. Why would they not be interested in that? Their strategy at the last election was to sack 36,000 people in the Public Service over three years. Some 36,000 people in the Public Service over three years—

Opposition members interjected.

Mr SPEAKER: Order! Those on my left will cease interjecting. The honourable minister has the call.

Mr WILSON: That was the icing on the cake in opposing the \$17 billion public works program for this term that has created approximately 100,000 extra jobs in Queensland. So not only were those opposite attacking the public works program that will expand emergency departments in every major hospital and provide all of the other fine services that we are introducing; they were wanting to make sure that we did not employ those 4,700 extra doctors, nurses and allied health professionals. Do not be misled by those on the other side. They have no policies on health. They started a review 18 months ago and we have heard nothing since.

(Time expired)

Crime Prevention

Ms GRACE: My question without notice is to the Minister for Police, Corrective Services and Emergency Services. Can the minister advise the House of any police measures dealing with youth issues in the central Brisbane area?

Mr ROBERTS: I thank the member for the question and for the support that she provides to police within her electorate. I am pleased to advise the House of an initiative between the Queensland Police Service in the city station and the Brisbane Youth Service. It is called the Joined Up Street Team initiative or the JUST initiative. This initiative is about Queensland police working with the Brisbane Youth Service in identifying at-risk youth, particularly those who frequent the CBD, and working with them to prevent criminal activity and antisocial activity. The member is well aware of this program and is a great supporter of it.

It is all about identifying young people before they get drawn into the criminal justice system and making appropriate referrals to support agencies, and it has been getting some great results. Up until the end of the month contact had been made with 350 vulnerable young people within that particular district. Already police are reporting a reduced number of arrests for disobeying move-on directions—an area where some of these young people were previously getting involved with police. The incidence of robbery and trespass offences are also down, so this initiative is getting significant results in working with troubled youth within the CBD and hopefully getting them back on the straight and narrow. Discussions are underway now to see whether the initiative can be extended into Fortitude Valley, which I am sure the member is pleased about. It also dovetails nicely with another Queensland Police Service initiative, the coordinated Youth at Risk Initiative, where young people are referred on to support agencies.

This is just another example of the government putting the appropriate resources into the community and the Police Service getting positive results. This is in stark contrast to the LNP which is out there at the moment spreading misinformation and making empty promises, particularly in the Police portfolio. I refer to the member for Surfers Paradise, who in the week of 14 April misled the Gold Coast community about the number of traffic officers on the Gold Coast. He was out there claiming that they were 13 short, knowing only too well that those numbers were being replaced. In fact, 10 were in place at the time he made the claim.

In addition to that, last week the LNP came out with promises of a crime squad on the Gold Coast. The LNP member for Surfers Paradise with the de facto leader made a promise of \$1 million over four years for the Gold Coast. What that would deliver in terms of a crime squad on the Gold Coast is around eight additional detectives. Only a few weeks ago I stood in this place and outlined—and I have also said it in the public arena—that we are committing an additional 10 detectives to the Gold Coast plus four additional detectives to Coomera. So what those opposites are promising is less than we have already committed to for the Gold Coast region.

(Time expired)

Police Resources

Mr LANGBROEK: My question without notice is to the Minister for Police, Corrective Services and Emergency Services. It has been suggested that the government is considering closing police stations in Annerley, Camp Hill and Coorparoo because of costs. Would an additional \$26 million assist in keeping these vital local police stations open?

Honourable members interjected.

Mr SPEAKER: Order! There is too much audible conversation. I call the honourable Minister for Police.

Mr ROBERTS: At the outset, the member is again misleading the House and misleading the people of Queensland. There is no proposal to close the police stations that the member has outlined. This is just another example of this opposition going out into the community on a daily basis and making unsubstantiated claims. There is no truth at all in those particular allegations. I can reject the question outright. I take the opportunity to go on a bit further about some of the matters I was talking about before. As I have indicated, there is no doubt there is community concern about armed robberies on the Gold Coast and indeed in other parts of Queensland. The Queensland Police Service is devoting considerable resources to addressing this issue. But, again, the member for Surfers Paradise and other members are out there whipping up hysteria.

The facts are that there certainly has been a spike in armed robberies in April in particular on the Gold Coast, but the numbers are in fact roughly equivalent to the number of armed robberies in the same period last year and about 21 less on the Gold Coast than they were about three years ago. The government is committing significant resources to policing in this state. I have already talked on many occasions about the significant increases in police numbers. We have reduced the police to population ratio since we have been in government from one to 507 when the opposition was last in government to

one to 434. That is a significant reduction. What has that increased resourcing delivered for the Queensland Police Service? Reduced crime rates. Over a 10-year trend, which is the only real way of measuring the success of policing, overall crime rates, particularly in the area of property offences, have reduced by over 40 per cent and offences against the person have reduced by around 20 per cent. These are significant reductions in crime rates because of the extra resources that we have put in place.

Let us go to armed robberies and particularly look at the state-wide figures. The rate of armed robberies has decreased by 44 per cent in the last 10 years. I am not taking away at all from the seriousness of these offences. If you are an employee or a business owner affected by an armed robbery, it is a traumatic and exceptionally difficult set of circumstances to be confronted with. The police will do all they can to put these offenders behind bars. When we look at the overall rates of crime in Queensland, across a whole range of significant offences there are significant reductions. If we look at the Gold Coast district in particular—where I am acknowledging there has been an issue in April—the rate of reported robbery offences decreased by 33 per cent in 10 years and armed robberies have decreased by 36 per cent. That shows that Queensland policing is having an impact on the rate of crime in our community. The resourcing that the Labor government has provided is providing the police with the resources they need to address crime rates. The facts show that crime rates are coming down across all areas.

(Time expired)

Water Entities

Ms STONE: My question is to the Minister for Energy and Water Utilities. Following the Premier's announcement regarding changes to the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, can the minister please update the House on how consultation with local councils is progressing on this?

Mr ROBERTSON: I thank the member for the question. I have to say that, since the Premier announced the policy to cap water price increases at CPI, giving councils what it is they have been demanding of us, I am disappointed at the consultation that has been undertaken by councils with the state government. Time and time again, they have been invited to meet with me as the responsible minister but they have in fact refused to do this. Under the direction of Campbell Newman, they continue to perpetrate the blame game. They continue to want to engage in politics that tries to confuse the issue of who is responsible for rising water bills in this state.

What we saw yesterday was a very welcome announcement by Queensland Urban Utilities that actually demonstrates what we have been saying all along about the new structure for distributor-retailers for council water and retail charges. What we saw was one of those DRs having done the hard yards to bring down previously announced water prices. This is something that the other DRs need to follow, if only they can get the cooperation of local governments to do that hard yakka.

At the end of the day, councils have been offered an opportunity to demerge from these distributor-retailers, but I have to say that yesterday's announcement by QUU demonstrates that they have to think long and hard about what is in the best interests of their ratepayers. The Gold Coast council in particular has to show that the people on the Gold Coast will benefit from Gold Coast Water being re-established. What QUU has shown is that the efficiencies that have been talked about—that were recognised by Campbell Newman himself when he reached agreement with the state government in establishing this new system—actually do deliver results.

What we heard in the ministerial statement by the Minister for Finance this morning is that the four-point plan by the LNP has in fact been shredded by that tawdry report from the LGAQ. We have seen in this chamber today an attempt to get around the standing orders of this place by talking about \$26 million. If I were asked where \$26 million might come from, I could say that I could raise it by hosting \$20,000-a-head dinners, or I could raise it by charging \$10,000 for access to ministers, or I could get a billionaire mining magnate in my back pocket to help me raise \$26 million. Let there be no misapprehension about what this is about: the brown paper bags are back in town.

(Time expired)

Correctional Facilities

Mr McLINDON: My question without notice is to the Minister for Police and Corrective Services. Given the amount of porn I saw during a room inspection in the men's Townsville Correctional Centre, will the minister commit to enforcing a ban on all porn in Queensland prisons?

Mr ROBERTS: The member has been in the public arena this morning making a series of outrageous and unsubstantiated claims about a four-hour visit that he made to the Townsville Correctional Centre which made him an expert on prisons. This morning he put out a policy whereby he is going to cut off electricity to prison cells. The only things missing from the member for Beaudesert's policy announcement this morning were daily public floggings and a return to gruel for breakfast.

This member made some dishonest claims this morning about access to pornography. He made misleading claims—

Mr McLINDON: I rise to a point of order, Mr Speaker. I had five prison guards with me by my side and I take offence at that statement. Everything I have said is true and correct.

Mr SPEAKER: That is a point of view but not a point of order.

Mr ROBERTS: One of the claims the member made was that he saw stockpiles of pornos in prison. Pornography is a contraband item in prisons and there are not stockpiles of porno in prisons. Any person who brings in any offensive material of that nature, whether it be through visitors or through anyone else, such as an employee, is potentially committing a criminal offence. Prisoners who are caught with any such material—whether it be that or other contraband—face either further criminal offences or indeed internal discipline.

One of the other claims the member made this morning about the Townsville prison—about which he is now an expert after four hours of walking around it—was that there is a 70 per cent reoffending rate in Townsville. The Queensland average for prisoners returning to prison is around 33.5 per cent, so I do not know where the member gets this figure that 70 per cent of prisoners return to prison in Townsville.

A government member: He made it up.

Mr ROBERTS: He made it up. The member has also claimed that prison officers are in fear of their lives. I woke up to the 5.30 news this morning to hear the member claiming that prison officers are in fear of their lives because of the conditions at Townsville.

Before we get too far into this, I will give some information. The member did visit the prison on 13 April, as I understand it, and he has been out there undermining confidence in the management of the Townsville Correctional Centre by these claims. We have a first-class manager at the Townsville Correctional Centre. I table for the record a letter that Mr McLindon wrote to the manager following his visit. The letter states—

Dear Mr Pike,

I just wanted to drop you a quick line to thank you for accommodating my visit to your facility on the 13th April, 2011.

It was certainly very informative.

Keep up the great work you are doing.

Tabled paper: Letter, dated 18 April 2011, from Mr McLindon MP to the General Manager, Townsville Correctional Facility relating to a visit to the facility on 13 April 2011 [\[4410\]](#).

When the member for Beaudesert goes into the public arena making these claims and basing his policy on them, he needs to be held accountable for the claims he is making. I challenge him—

Mr McLINDON: I rise to a point of order, Mr Speaker. The minister has misled the parliament in saying that none of my statements are true and correct. I ask him to withdraw those statements. I find them offensive because they are true and correct and I have numerous prison guards who are willing to testify.

Mr SPEAKER: Do you claim to be personally offended by those?

Mr McLINDON: Yes, Mr Speaker. I take offence at them and I ask him to withdraw those statements.

Mr SPEAKER: Can you withdraw?

Mr ROBERTS: I withdraw. But to put the claims that the member has made into context, I do invite people to read again the letter that he wrote to the manager of the centre following his visit.

(Time expired)

Mr SPEAKER: The time for question time has ended.


NOTICE OF MOTION

Amendment

Mr SPEAKER: Honourable members, the member for Burnett's notice of motion today refers to the Premier in her capacity as national president of Labor. In accordance with standing order 70(2), I am amending the notice of motion to delete 'as national president of Labor'. The Premier appears in this House as the Premier of Queensland.

PARLIAMENTARY SERVICE AND OTHER ACTS AMENDMENT BILL

Advice from Solicitor-General


 **Hon. JC SPENCE** (Sunnybank—ALP) (Leader of the House) (11.47 am): I seek leave to table advice that the government received today from the Solicitor-General of Queensland concerning the draft Parliamentary Service and Other Acts Amendment Bill. I wish to table this information for the use of all members before that bill is debated.

Leave granted.

Tabled paper: Memorandum of advice, dated 9 May 2011, from the Solicitor-General Queensland regarding the Draft Parliamentary Service and Other Acts Amendment Bill 2011—Matters relating to the Committee of the Legislative Assembly [4402].

MATTERS OF PUBLIC INTEREST

Premier's Disaster Relief Appeal, Payments

 **Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (11.47 am): Four months ago, our state was hit by a series of disasters which left many Queenslanders in dire need. The devastation and loss tore through the hearts of those of us who witnessed them on TV but were mercifully spared the direct impact that was so disastrous for so many. Four months ago, Queenslanders and Australians across the country generously donated to a fund to help their friends and neighbours and to help complete strangers who had been badly affected by these disasters. Australia's companies, big and small, gave many millions of dollars to boost that fund. Today, the majority of that money remains in the Premier's disaster relief fund while residents of hard-hit areas remain in tents and temporary accommodation, with many streets and businesses left empty and with people still waiting for the funds to be distributed.

The only consistency in the Premier's disaster relief fund has been a series of delays—a series of delays justified by the Premier as 'systematically improving the system'. The victims who are left waiting say that the payments have been delayed. The Premier says that it is about 'systematically improving the system'. We wonder which Queensland version of Sir Humphrey Appleby thought of that.

In December last year, when the Premier announced a disaster relief appeal, few people who gave to that appeal could have guessed that five months later the funds would still be pooled in the Premier's appeal fund instead of helping people to rebuild their lives. The reason that the money was given has never been fulfilled. One hundred and twenty days after our largest city was flooded, 120 days after towns were washed away in the Lockyer Valley, too many Queenslanders have still not received the assistance that was generously and spontaneously given by people across Australia. Now—only now—the Premier says again that it is time to speed up the payments. After 120 days of trauma and crisis, far too many Queenslanders would say that it is way past the time that these payments to flood victims should be speeded up.

On 11 February the Treasurer said that it could take more than a year to distribute the cash. He stated—

... it's about getting it to people in need, not about the timeframe.

That absurdity is clearly unacceptable to the people of Queensland and to the people of Australia who donated that money to assist their fellow Queenslanders and their fellow Australians. Two weeks after the Treasurer made that absurd statement, the Premier said that she was concerned and disappointed that some people in the worst affected areas still had not seen any money from the fund in the weeks after the event. She stated—

Checking these applications is important, but people are more important than process.

...

That's why I have demanded that the turnaround for payments be reduced.

The next day the Premier announced the change in the system. She stated—

I apologise to those people who are still waiting for their funds.

...

I've put in place new arrangements and I think it will start to see things move much faster.

That comment was made on 26 February this year. On 28 February, the Premier announced—

I want to see them clear the backlog as quickly as we can.

Two weeks later, on 14 March, the head of the relief fund, David Hamill, was blaming applicants who double dipped for the delays—a disgraceful tactic of blaming the victims that is being repeated over and over, and which was repeated again today in the media, a disgraceful tactic of blaming the victims while the delays continue. Last month—on 8 April—the Premier said of the new funding round—

We hope this makes a difference for those people whose lives are currently in limbo.

By that stage, these people had been in limbo for three months. Today, they are still in limbo.

Today, the Premier has laid the blame for the delays at the feet of the insurance companies. The Premier has described an example of rejected funding as unacceptable and said that the funds must be administered with compassion and flexibility. Today in this House the Premier has again assured all of those Queenslanders still waiting after four months that she, 'fully understand the trauma' and blames the difficulty in getting builders. Now, she says that she is 'genuinely focused on getting this money out'.

Changes to the maximum payments will not be matched by changes to eligibility, nor will they increase the processing times. The fact is that people are still waiting and are still suffering while they wait—after four months—for money that was donated by their fellow Queenslanders and fellow Australians. The Premier's promise to 'simplify' the process will not see any real changes to the need for documentation and will not see any real change to the bureaucracy, the assessment and the delays.

As the Premier said, these events bring out the very best in people and they bring out the very worst in people. In this case, they have brought out the very worst in a failing government. They certainly have not brought out the best in this inept government. Despite the Premier's rants against insurance companies, despite statements that she would name and shame them, despite blaming them for every aspect of the draggingly slow recovery, the Premier is no better than the worst of those insurance companies. The Premier has called on the insurance companies to be named and shamed, but that is coming from the Premier whose relief fund still has 70 per cent of privately donated funds remaining in the bank after four months. Seventy per cent of the money that Queenslanders and Australians gave to assist their fellow citizens in need remains in the Premier's bank account. It is not the Premier's money, it is not the government's money; the money belongs to the people of Queensland and the people of Australia who deserve to get it.

The response to the disaster should have been as quick as possible to ensure the minimal amount of emotional and financial trauma. Yet government delays are just making the situation worst. The failure of the Premier's Disaster Relief Appeal illustrates everything that is wrong with this current Labor government. It illustrates the failings of this current Labor government. It illustrates the extent to which the capacity of this government to deliver has disappeared. It illustrates the extent to which the failure of this Labor government can affect the lives of everyday Queenslanders. It is real people who are being hurt by this government's failures. It is real people who are being hurt by this government's failure in this instance to manage the relief fund. It is the mums and dads—people who have lost children, wives and husbands, people who have lost houses and property—who are suffering because of this government's complete incapacity to manage what should have been a relatively simple task.

Instead of a government reacting with compassion and urgency, these people have been faced with an uncaring government and an impossibly complicated process that is making their suffering worse. Premier Bligh's red tape and bureaucracy have left people in limbo for far too long. People everywhere gave compassionately and freely and spontaneously to the Premier's relief fund. They did not expect that the funds would mostly still be there four months after the heartache and the devastation.

One person who has been hit exceptionally hard is John Tyson, who lost his wife and son in Toowoomba. As Mr Tyson said, the money should not be sitting in government coffers. He stated—


The state government have let us down something chronic ... I have been promised the world and been given absolutely nothing.

That is one small example that illustrates the frustration of people right across Queensland who expected that they would be able to receive the help that has been given so generously by their fellow Queenslanders. The generosity of Queenslanders who gave the \$250 million to the fund has been rebuffed by the hard-heartedness and the stinginess of the Bligh Labor government and its incapacity to administer what should have been a simple task. The government is refusing to give the money to the people who need it. It is incapable of administering the process that is involved and it is the people who are suffering.

When donors to the fund start calling for refunds because they know that they could get the money to people in need much faster and with less bureaucracy, that demonstrates beyond doubt that the fund has been poorly administered. When victims of the flood tell their friends and colleagues not to donate to the Premier's relief appeal because the funds go nowhere, that shows that the administration of the fund has betrayed the trust of Queenslanders in a time of great need. When victims are described as cracking under the emotional and financial pressure, exasperated by their inability to receive disaster relief funding, the situation has gone a whole step further.

The Premier can defend the fund as she likes. She has done so with great regularity and she has done so again today. The fact remains and cannot be denied that the administration of the Premier's relief fund has added to the suffering of the people who suffered in the natural disasters and it has illustrated the failure and the incapacity of this state Labor government.

Fortitude Valley Drink-Safe Precinct

 **Ms GRACE** (Brisbane Central—ALP) (11.57 am): In mid-April 2011 Deputy Premier Paul Lucas released the statistics on the first three months of the operation of the Fortitude Valley drink-safe precinct. This is a great, well-funded program under the Bligh government's drink-safe precinct—DSP—trial over two years in the area. The two-year drink-safe precinct trial forms part of the Bligh government's response to the recommendations of the bipartisan Law, Justice and Safety Committee's inquiry into alcohol related violence, ably chaired by the member for Springwood.

Fortitude Valley is one of Brisbane's busiest entertainment precincts and it is the perfect candidate, along with Surfers Paradise and Townsville, for the DSP trial, as it is a well-renowned and highly popular entertainment precinct among locals and tourists alike. Some of the 75 licensed venues in the Valley offer world-class entertainment facilities. The Valley DSP includes most of the late-night trading area, where it is estimated that on an average weekend night approximately 50,000 patrons frequent it, with just over 5,000 residents living in the suburb. Drink-safe precincts are about fostering safe environments where party goers can have a good time without the risk of alcohol or drug related violence or antisocial behaviour. The DSP trial is about a holistic management plan involving the government, the council, business and community organisations and stakeholders coming together to ensure that the precinct is safer, with well-coordinated services so that their patrons can enjoy a great night out.


New strategies introduced due to the state government's Valley DSP program include the establishment of a DSP coordinating committee; funding of a chill-out zone supported by NightWatch chaplains; extra police numbers; upgraded installation of additional lighting; improved coordination of public transport, including introduction of gobo projections—that is, light projections on footpaths; installation of LCD monitors by QR to better inform passengers of bus and rail timetables; relocation of secure taxi ranks and bus stops; and improved cleaning of the precinct, to mention just a few.

Three months in and the results already speak for themselves. This is despite the number of factors that have impacted on the results, such as the Queensland floods, Cyclone Yasi and the very busy festive season. The increased police presence is having an impact with police undertaking an additional 3,749 hours of patrol in Fortitude Valley in just three months of operation. In addition, police assisted 162 people to a place of safety or to a designated rest and recovery area, intervened in and prevented conflict on 574 occasions, defused 310 potential incidents through de-escalation and issued 237 move-on directions. Officers also performed 821 street checks, 592 walk throughs of licensed premises and 70 random breath tests. There were 414 arrests undertaken, which included 1,314 liquor offences, 196 good order offences, 27 drug related offences, one drink-driving offence and 15 offences of assault related offences. There have been 45 notices to appear issued and one reveller has been banned from the Fortitude Valley drink-safe precinct for 12 months for common assault and being armed so as to cause fear or alarm. This is evidence that the Bligh government's new banning laws are operational and working.

These results demonstrate that this government is serious about cracking down on the minority of patrons who go out to cause trouble, clearly demonstrating that the DSP trial is helping to do just that. Together with the increased police presence, a two-year DSP trial also includes the establishment of safe zones with the chill-out zone assisting 323 patrons and distributing more than 10,000 cups of water. A further 336 patrons were assisted by NightWatch chaplains. I want to thank Senior Chaplain Lance Mergard and his team for their dedicated and outstanding services to the Valley area over a long period of time.

Improved and better coordinated public and private transport services resulted in taxis, via secure and staffed taxi ranks, safely transporting 114,300 people home from the Valley DSP, representing more than 56,000 taxi trips. Improved transport information and signage and reallocated bus stops have delivered safer increased patronage with many patrons expressing their appreciation for the improvements. The Office of Liquor, Gaming and Racing also conducted 37 compliance operations at 26 licensed venues which detected seven breaches, sending a clear message that all stakeholders must work together to ensure the safety and orderly conduct of all who enjoy what the Valley has to offer. There is an online survey which has been greatly participated in. We are looking forward to the results. I would like to thank all members of the DSP committee, in particular the police force, which is performing an excellent coordinating role. People deserve to feel safe and secure when they go out in Brisbane. The Valley DSP trial is ensuring that this is the case.

Kindergarten

 **Mr WATT** (Everton—ALP) (12.02 pm): A great education gives children the best start in life. That is why for years the Bligh government has placed improving the education of Queensland children at the centre of our agenda. In recent years we have introduced the prep year—a full-time year of school before year 1; the learning or earning reforms, where all young people are required to be in school, training or work until they turn 17; poured resources into improving students' literacy and numeracy levels; and invested hundreds of millions of dollars building new schools and refurbishing older ones. These and other positive changes are ensuring that Queensland children get a flying start to life.

Having introduced these reforms, our next step to improve Queensland children's education is in the early years before school begins. Early childhood experts agree that kindergarten programs develop children's abilities and help prepare them for school. By participating in play, art, music and movement and interacting with others, children develop their social and language skills as well as their physical abilities. In this sector, Queensland has lagged behind other states. Previously, only 30 per cent of Queensland children have received a kindergarten education taught by a qualified teacher. In other states, up to 95 per cent of children have had this opportunity. As I have said, access to quality early childhood education provides children with a flying start in life and those who attend kindergarten programs are more likely to be successful in the future. Indeed, my own son commenced kindergarten this year and my wife and I have already noticed the difference in his language skills, although he still has a bit to learn when it comes to patience.

It is because of our commitment to Queensland kids that the Bligh government is making a quality kindergarten education available to all Queensland children. It is truly an investment in the future. We are currently building or expanding up to 240 extra kindy services throughout the state. This will provide kindergarten places for an additional 10,500 children.

In the electorate I represent, a new kindergarten was recently opened at Prince of Peace Lutheran College in Everton Hills. The establishment of this kindergarten was an election commitment of the Bligh government in 2009 and it is great to see it up and running. The school principal, Mr Garth Hunt, showed me around the new kindy last week and it is a fine place for kids to learn. Through the delivery of this election commitment, local children now have access to yet another quality provider of early childhood education. I am looking forward to attending the official opening in July to celebrate this fantastic new facility in our community. Prince of Peace joins other long-established kindergartens in the Everton electorate in offering great early childhood education and care. These include Mitchelton Preschooling Centre and C&K kindergartens in Eatons Hill, Albany Creek, Everton Park and Arana Hills. I commend them all on their extraordinary efforts to educate our kids.

Our government recognises that traditional kindergartens, which tend to operate for limited hours, do not suit the lifestyle of many families, especially working families. Because of this, we are also providing extra funding for private long-day-care centres to provide kindergarten education. Over 340 long-day-care services have been approved to deliver kindergarten programs, with more to be announced. In the Everton electorate, the government has provided funding to five long-day-care providers to improve the quality of care available to local families. These centres are the ABC Learning Centre at Albany Creek, Albany Creek Kids Early Learning Centre, the Everton Park Child Care and Development Centre, Dixi's Early Learning in Everton Hills and Mitchelton Child Care Centre and Preschool. I would like to acknowledge the exceptional commitment of the staff at these centres and the quality of teaching and care provided. I was fortunate enough last year to spend a day working at the ABC Centre in Albany Creek and saw firsthand the wonderful work that its staff does on a daily basis.

Across the state, the government is providing scholarships to early childhood teachers and care staff to upgrade their qualifications so that they can provide an even better quality education for our children. Being a Labor government, we are also working to provide more kindergarten opportunities for disadvantaged children, including Indigenous children and children with disabilities. This is an important step to ensure that all children get access to a quality early education. It is fitting, as we approach State Education Week in two weeks' time, that we pause to commend the great work of the early childhood workers across the state. With these reforms of the Bligh government now well and truly underway, I look forward to the day when 100 per cent of Queensland children are getting a flying start in life.

Queensland Economy



Mr NICHOLLS (Clayfield—LNP) (Deputy Leader of the Opposition) (12.07 pm): We know Queensland's state finances are in ruins and we know that the Premier and the Treasurer have spent beyond their capacity to pay for the last three years. We know that after asset sales, the budget papers are still predicting debt rising to over \$79 billion—as much as one can believe the budget papers. Do Queenslanders realise that the interest that they will be paying on \$79.5 billion will be over \$540,000 each hour of each day, seven days a week, 52 weeks a year? Are Queenslanders happy with what they are receiving for that payment? What has it led to? Has all that debt and all that spending led to less congestion on our roads? Has it led to better access to health services? Has it meant safer streets and less violence in our communities? Has it led to better business conditions, more jobs, or has it meant a better education system? Has it ultimately led to a better community? Resoundingly, as I ask the people of Queensland as we travel around, the answer is no. Comprehensively and completely the answer is no. Whether it is someone trying to get into a hospital, whether it is someone wanting to feel safe and secure in their home or whether it is someone wanting a better education for their kids, they are ultimately disappointed by this long-term Labor government.

This is backed up by the reports of independent bodies. In its April 2011 report, CommSec ranks the Queensland economy last—behind Tasmania, behind New South Wales and behind South Australia. It is stone-cold, motherless last. The NAB monthly report released yesterday states in relation to business conditions—

Conditions in Queensland remain weaker than the national average.

It does not state that they have become weaker but that they remain weaker, signalling that Queensland's business environment has been below average for a long period. It is weaker than the national average. For the past three years the Centre for Independent Studies has ranked last Queensland's business attractiveness.

With all that going on, one would think this government would want to take some positive action, but what is the theme of the government? It is to spend more on its own political ends and to raid the public purse to pay for political parties to campaign. This morning we have seen where money could be spent to power Queensland, not to power politics as Labor wants to do. But, instead, Labor is happy to spend money on apparatchiks and comrades at Trades Hall. While the government is paying over the odds to sack up to 3,500 public servants, victims of Queensland's floods and cyclones are being told that they are to blame for not receiving the relief funding so generously provided by people across the country and the world.

In question time today, members of the government—ministers responsible for tourism, for disabilities, for health, for education, for transport and for police—were asked if they could use extra funds in their portfolios. They were asked if they could use some extra money to deliver services to Queenslanders. Remarkably, not one of them took the opportunity to say, 'Yes, we could use more money. Yes, we could use more funding.' The Minister for Tourism said that she could not do any better. Initially the Minister for Disability Services could not give us an answer and then said that he was going to get back to us. He did sort of say that there is an unmet need. The Minister for Health, who has failed to deliver access to services in Townsville, failed to say that he could use the extra funding that would be available. The Minister for Education started off on one of his vitriolic diatribes and rants, but he said that he could not use the money to provide better services and educational outcomes for Queensland children. The Minister for Transport said that she wanted to speak to the Treasurer about getting some more money but would not take the \$26 million. She would not say what she would do with that \$26 million. The Minister for Health again spoke, saying that he did not want the money for the Bundaberg Hospital to alleviate problems that have been brought to light in reports only today.

We have a government that is more interested in spending money on itself and in playing politics than in delivering outcomes for Queenslanders. We have a government that is relying on foreign handouts from the government of Abu Dhabi to pay for election promises it made four years ago. We watched the scene as the minister from Abu Dhabi said that she wanted to give the money to a can-do government. It was an interesting view as we looked at the faces of Kevin Rudd and the Premier of Queensland. If they want a can-do government in Queensland, we need to vote in a can-do team and not this tired, old Labor team.

Bishop William Morris



Mr SHINE (Toowoomba North—ALP) (12.12 pm): On Saturday night, 30 April, like many Catholics in Toowoomba I read a letter from our bishop, Bishop William Morris, which I table.

Tabled paper: Letter from William Morris, Bishop of Toowoomba, to his dear brothers and sisters in Christ regarding his removal as bishop of the Toowoomba Diocese [\[4392\]](#).

The news conveyed had the same effect as hearing of the death of a dear friend or relative: stunning. Bishop Morris's letter indicated that he was seeking early retirement, consequent upon receiving a determination from His Holiness Pope Benedict that the Diocese of Toowoomba would be better served by the leadership of a new bishop. It appears that a small number of persons in the diocese were upset enough with the bishop's leadership and direction that they complained to Rome. In particular, it seems that they are concerned about the bishop's 2006 Advent Pastoral Letter, wherein, alluding to what is the crisis of priest shortage, he mentioned that the church has to be open to options such as married and female priests, ideas which were hardly novel. At no time did he advocate their adoption but merely their consideration.

A drawn-out series of interchanges over five years took place with the Vatican, resulting in what lawyers would no doubt call 'constructive dismissal', was the cause of the incredibility, sorrow, concern and even anger felt by so many, resulting in a huge public show of support for Bishop Morris from the city's and region's populous, Catholics and non-Catholics alike. I do not know whether or not the bishop was wrong by in some way disobeying a papal directive in doing what he did, but dozens who have raised the matter with me and I feel that the punishment of dismissal is totally disproportionate to any alleged offence committed. Compounding the tragedy is the revelation of the denial of natural justice in the process undertaken. One shakes one's head and wonders how on earth the treatment he received in any way advances the task of the church to spread the good news of Christ's teachings and provide the living model of Christ-like behaviour.

In the 18 years he has served in Toowoomba, William Morris has become known as a man of great courage, determination, compassion and intellect. He is blessed with a cheerful and warm manner. He is a man who, nonetheless, commands respect and admiration. He is a natural leader. In his time, Indigenous and, in the last decade, refugees from Africa have benefited from his unreserved commitment, both spiritual and practical, to their welfare. His commitment to the pursuit of social justice is not limited to his diocese, as he had Australia-wide responsibilities in the Australian Catholic Social Justice Council.

In recent times, Toowoomba has proved not to be an exception to the occurrence of child sex abuse within a church institution. A teacher in a Toowoomba Catholic school was convicted of multiple sex offences against primary school girls. The bishop took decisive and timely action against the principal and committed the church to addressing properly, from a moral as well as a legal point of view, the compensation cases brought against it as a result of the commission of those offences. That included an admission of liability. His actions were commended widely, even by case hardened plaintiff lawyers engaged by the victims. His actions went a long way in restoring public confidence in the church and provided a much needed precedent of proper conduct for others to follow in these tragic circumstances.

An honourable member interjected.

Mr SHINE: I take the interjection. The bishop is well respected and liked by leaders and members of other faiths, as he is by our civic and community members.

His inclusive nature ensured ecumenical progress. Our community will miss him immensely, but we know that, wherever he lives out his life, his prayers will be offered for his Toowoomba flock, whose almost universal loyalty will no doubt comfort him. As for Catholics in Toowoomba, I can only hope that the church does address their sense of bewilderment by providing a full and open explanation as to why this momentous event occurred and why it ought to have occurred. Members of the Catholic community in the Diocese of Toowoomba deserve no less.

Bligh Labor Government



Ms SIMPSON (Maroochydore—LNP) (12.16 pm): Waste is a way of life for this Bligh Labor government. The financial distress and hardship caused by Labor's waste and mismanagement have created a new way of life for thousands of Queenslanders. While thousands of Queenslanders are struggling to make ends meet—to pay their electricity and water bills, fill their cars and put food on the table—this Labor government has been haphazardly throwing taxpayers' money away.


The failed Health payroll system is a stand-out example of the government's waste. A sum of \$210 million in additional funding has been spent on the payroll system as a result of a complete bungle that should never have occurred. Not only did this throw taxpayers' money into a void; it also caused hardship for the Health staff directly affected—those who were either not paid or not paid on time. This waste is made more stark by the fact that that \$210 million could have been used to employ 3,750 much needed nurses. Our health system is poorer for the waste and for the wasted opportunity.

In this year's budget, every capital statement will show blow-outs in spending due to mismanagement, not due to additional services. Projects such as the nation-building housing program and BER are filled with waste, excessive costs, management fees and the like. When non-government organisations can build houses for about half the price of those built by the government and Catholic and independent schools can show up government waste in school hall programs because they know how to spend a dollar more wisely, it becomes evident that waste is not a one-off in this government. It is endemic, it is everywhere and it is costing Queenslanders a lot in terms of wasted money and lost services. For every \$100,000 wasted, our communities miss out on the employment of front-line service people in areas such as child safety, schools and hospitals. There are resources and equipment that cannot be purchased for operating theatres, classrooms and youth detention centres. There are roads that cannot be fixed and infrastructure that cannot be built—and the list goes on and on.

Just a quick list of waste through infrastructure programs adds up to billions and billions of dollars. As household water bills are ballooning, Queenslanders know they can fairly and squarely blame the Labor government for a wasted \$9 billion on the South-East Queensland water grid, more than \$2 billion for a water recycling plant that is largely sitting idle, \$600 million wasted on the failed Traveston Crossing Dam, \$450 million on the northern pipeline interconnector stage 2—also known as the pipeline to nowhere—\$1.1 billion for the mothballed and rusted Tugun desalination plant, \$350 million for Wyaralong Dam which is not even connected to the grid, and \$200,000 for water restriction fridge magnets that were never distributed. This is just one isolated area and it accounts for billions of dollars in waste, in money not spent wisely and no bang for buck for taxpayers. There are many other examples such as the more than \$112 million that was wasted on the smart card driver's licence that is not that smart.

Multiplied across every department we see the Bligh Labor government's reckless waste become apparent. This is the same government that is also imposing waste on other areas of the state as our small business, industry and community organisations fight a growing mountain of red tape and bureaucratic expenditure. Compliance has never been more expensive nor more onerous. Under Labor, community organisations routinely go through up to nine different government agencies just for one funding application. These are the same organisations which have to pick up the pieces when Queenslanders can no longer pay their bills. As we have heard, this Labor government's debt—its wasteful debt, its plan not to repay this debt—is resulting in \$540,000 per hour in interest payments with peak debt in the next two years. That is \$540,000 per hour which could have been spent on doctors, nurses and front-line services. It could have been spent on relieving the pressure of the high cost of living that has come about due to this government's reckless approach to running government. Waste costs people in their hip pocket. It costs them through higher registration and higher costs of living. Ultimately, it is due to this government's mismanagement.

Cairns Electorate


 **Hon. D BOYLE** (Cairns—ALP) (12.21 pm): I rise to let members know how Cairns is doing and about our progress through the difficult times that we have been experiencing. Members would be well aware of the damage done by Yasi. As was said in Cairns at the time, my heavens we dodged a bullet. Of course, the worst of the damage was to those hard-hit communities in the southern sector around Cardwell and Tully Heads. As much as it is true that we dodged a bullet in terms of a direct hit from the cyclone, it is also true that, nonetheless, there have been negative impacts on Cairns more broadly. This is in the context that Cairns has been doing it tough for some three years. The impacts of the global financial crisis have been badly felt in Cairns with the collapse of three of our four major construction companies, and a fourth is now struggling to survive. With that, of course, was the increase in the value of the dollar over recent years which has impacted negatively on our tourism industry in particular. Unemployment increased and planning approvals have dropped away to an all-time low. Our banks have called in their debts from our major companies and they are not lending money. In that context, along came Yasi. So for Cairns it has been a little bit like kicking a man when he is down.

Nonetheless, I am pleased to say that there are some small signs of improvement. I must congratulate the Minister for Tourism and Tourism Queensland as well as our local tourism body, Tourism Tropical North Queensland, and all of the tourism operators who, no matter how tough it gets, just keep on going, convinced—quite rightly in my view—that we have a spectacular product in Cairns and the region to offer, particularly to international tourists but also to domestic tourists. We are not talking too loudly about it in Cairns at this stage, but it was a good Easter and bookings following Easter are better than they might have been without the campaigns and targeted marketing that has occurred. But it is early days and after years of difficulty compounded by the dreadful events in Japan, one of our key tourism markets, there are small movements in the right direction. I pay my respects to all in the tourism industry who will not give in and who may well have suffered severe financial hardship but who are determined to rebuild.

There is some small good news also on the employment front. At its worst we hit an unemployment rate up in the mid teens. At the last call of the federal statistics department our unemployment rate is now at 10 per cent, but we suspect that it will drop below that now because there are some jobs from the reconstruction effort. Yes, of course the jobs first and foremost have to go to people from the hard-hit communities. But where there is not sufficient skilled labour or even sufficient labour to do the jobs, then Cairns people need next priority and they are at the ready. A lot of our smaller builders are beginning to get the work now that the wet season is complete which will see homes reconstructed and new construction in those southern communities. That benefit is flowing through in terms of jobs. Compliments must go to the Reconstruction Authority, ably led within the region by Mike Keating, for making sure and being vigilant to not only keep the work program rolling out but also ensure that there are local jobs.

We are also pleased to see some cranes on the skyline in Cairns, though, sadly, they are only public sector cranes. They are in fact state government cranes on a number of major projects. As senior businesspeople have said to me, if it were not for the capital works and infrastructure program of the state government in particular, heaven knows what more serious mess we might have been in. The cranes are there in particular for the continuing redevelopment of the Cairns Base Hospital, a very visible project and the most important project for us in Cairns. We are due to open our radiation oncology unit in the next few months and things are proceeding well. Indeed, I welcome the announcement of cyclone shelters and look forward to Cairns getting one and maybe more as these are further developed.

Education Reform; Rose, Mr L

 **Dr FLEGG** (Moggill—LNP) (12.26 pm): Queensland parents and school communities are entitled to ask how this government could have been so incompetent and so bungling in its flawed proposition to move year 7 into high school. When this was first floated by the government in its Flying Start paper it was painted as a fait accompli. Essentially, the Premier's statements were an announcement that this move would take place. We now find that Queensland school communities are in complete limbo as the government has suddenly realised that it forgot to assess things such as the need for an increase in recurrent expenditure. Is it any wonder that when this proposal got to the Cabinet Budget Review Committee it suddenly stalled? The government's insistence that it continue to hold the proposal out for ever-increasing consultation simply covers up the fact that it has now realised, after the LNP has been raising it for months, how incompetently it has managed this process. It ignored, for example, the fact that it costs around \$2,000 per student more to educate a student in a high school. That is some \$80 million a year for the 40,000 or so students who would be moved into high school by this proposal. It actually forgot to mention recurrent expenditure at all in the Flying Start green paper.


The government missed the fact and ignored completely the need for a massive investment in professional development and retraining as some 1,800 grade 7 teachers would be made redundant in effect by its proposal and we would need a couple of thousand more high school teachers. That is an enormous expense that was never mentioned in the Flying Start green paper put out for consultation. I do not see how the government can ask for consultation on a proposal when it does not lay such vital facts on the table. The government completely ignored the fact that many more people choose a private high school education, so by adding an extra year to high school we will in effect be increasing enrolments in private schools as many people take a public primary school education into a private high school education. This will increase enrolments, increase the number of classrooms that must be built in Queensland's numerous non-government schools and increase dramatically the cost to parents of their children's private secondary education.

The government completely ignored the fact that it needs to lobby ACARA seriously on behalf of Queensland families to ensure that the impending national curriculum addresses the fact that Queensland students will still be in primary school when the national curriculum comes on board and that, in effect, ACARA need to have a two-stream syllabus. It ignored the need in some parts of the state for new high schools if it were to increase enrolments by 20 per cent. There is no better example of that than Kenmore State High School, in my own electorate, at 100 per cent capacity, with numerous people in areas like Mount Crosby and Chapel Hill excluded from the enrolment cap on the school and places like Mount Crosby that do not even have a TransLink service where people are, in effect, forced into private schools because of the lack of availability of a government school. The government ignored the need in A Flying Start to expand middle schooling as a response to Queensland's younger students being prepared for their move into high school.

While I still have a short time left, with my other hat on as the LNP shadow minister for Aboriginal and Torres Strait Islander partnerships, I want to pay tribute to a great Australian whom we lost this week in boxer Lionel Rose. Lionel Rose grew up from an Aboriginal background at a time when that was a very tough thing to do. He went on to become a world champion and somebody that Australians were rightly proud of, and in so doing he lifted the status and regard for Indigenous people in this country. I note that he presented his world title belt to Tjandamurra O'Shane to try to encourage that badly injured young child to full recovery. I want to pay tribute to this Indigenous Australian whom we lost this week.

(Time expired)

Gold Coast University Hospital; Gold Coast, Commonwealth Games Bid

 **Mr LAWLOR** (Southport—ALP) (12.31 pm): Most residents of Southport are well aware of the parking issues associated with the areas surrounding Griffith University and the almost \$1.8 billion Gold Coast University Hospital construction site, and also in that area is the commencement of the \$1 billion light rail project. The station is presently under construction. In 2010 an analysis of car-parking needs was undertaken by the Gold Coast Health and Knowledge Precinct partnership to determine the impact construction works associated with the Gold Coast University Hospital, Griffith University facilities and the Gold Coast Rapid Transit project would have on car parking within the precinct. This analysis predicted a significant shortfall of car-parking spaces throughout 2011 and 2012.

One solution at the time proposed was seen to be the termination of the lease of the Griffith University athletics track and the construction of car-parking facilities on the site. Written and verbal submissions from the public, the Gold Coast City Council and me to the Premier and then minister for infrastructure and planning pointed out that the Griffith University athletics track was a valued community facility and should not be used for car parking. A rapidly growing city such as the Gold Coast needs more, not fewer, sporting facilities.

As a result, the Coordinator-General's office consulted extensively with the Gold Coast Health and Knowledge Precinct partners and the Department of Environment and Resource Management to further analyse car-parking demand and identify alternatives to supply car parking within the precinct. As a result, it was determined that the athletics track was no longer required for car parking because Queensland Health confirmed that the commencement of the construction of the private hospital has been rescheduled, which spread the construction work over a longer period of time and thus reduced parking demand. Also, Griffith University's growth in student and staff numbers at the Gold Coast campus is the primary driver of car-parking demand in the precinct, and DERM's CBRC submission confirmed that the university's car-parking needs can be managed by clearing two hectares of land owned by the university on the south side of Smith Street.

Consultation included the general public including myself, the Gold Coast City Council regarding its preferred position that the track be retained, Queensland Health to obtain updated information regarding construction schedule and car-parking demands, DERM to identify suitable land for development of a car park under the Nature Conservation Act 1992, and also Griffith University in obtaining updated information regarding car-parking demands in the precinct and to discuss a proposal to clear two hectares of land on the Griffith University's Gold Coast campus. The closure of the Griffith University athletics track for a 1,200-space car park could have damaged the Olympic hopes of athletes such as Sally Pearson, one of our medal prospects; also four athletes from the Gold Coast Victory Athletics Club who were at the last Commonwealth Games; and also athletes from Vanuatu and Papua New Guinea who use the track.

Following the extensive consultation and reconsideration of the situation, it has been decided by the government to retain the athletics track. It is great to see that the government was able to work through the issue and find the best solution for the community. Parking unfortunately is still an issue in this precinct because of the university and the hospital construction site and also the light rail station, so there is still some pain ahead. But the new university parking on the southern side of Smith Street, the gradual completion of the construction work both for the hospital and the light rail and also the commencement of the light rail public transport system itself, will gradually ease the congestion.

Construction in this precinct is a massive undertaking with extremely complex logistical issues. These projects create thousands of jobs for the state, and the state government will continue to consult with the community and other stakeholders during this important period of infrastructure development for the Gold Coast.

Following the Premier's announcement this morning regarding Parklands and her trip to Kuala Lumpur to make Queensland's official bid to bring the Commonwealth Games to the Gold Coast, this precinct will continue to be a construction hub for many years—whether it is the construction of the games village or the Gold Coast Health and Knowledge Precinct. The development of Parklands will be an integral component of the Gold Coast's emerging Health and Knowledge Precinct, which includes the Gold Coast University Hospital and Griffith University.

If successful, the 2018 Gold Coast Commonwealth Games bid provides a catalyst for the further development of the precinct. What that means is that if we win the bid the Gold Coast wins more than just the Commonwealth Games. The Health and Knowledge Precinct will be home to new industries, driving the Gold Coast's economic development and prosperity. Athletes and officials will be housed in apartment buildings. It is a great asset for the Gold Coast. The Gold Coast Health and Knowledge Precinct provides a unique opportunity to bring the visions of the Queensland state government, Griffith University and the Gold Coast City Council together to drive economic growth for the city and the surrounding region.

(Time expired)

Nuttall, Mr GR



Mr MESSENGER (Burnett—Ind) (12.37 pm): I table for the House documents and electronic information which I hand delivered and posted to Judge Moynihan, chair of the CMC, from 22 December 2010.

Tabled paper: Letter, dated 8 April 2011, to the Hon. Martin Moynihan AO QC, from Mr Rob Messenger MP in relation to allegations made to the Crime and Misconduct Commission by Mr Gordon Nuttall [\[4393\]](#).

Tabled paper: Submission, dated December 2010, to the Crime and Misconduct Commission from Mr Rob Messenger MP titled 'Nuttall's allegations' [\[4394\]](#).

Tabled paper: Submission, dated December 2010, to the Crime and Misconduct Commission from Mr Rob Messenger MP titled 'Royal Commission' [\[4395\]](#).

Tabled paper: Electronic device containing audio recording of conversation 1 and 2 between Mr Rob Messenger MP and Mr Gordon Nuttall in relation to corruption allegations [\[4396\]](#) [\[4397\]](#).

These documents contain serious allegations of high-level corruption by this and previous Labor governments as detailed by former Labor cabinet minister and now prisoner Gordon Nuttall. In two days time we will witness an historic occasion—the appearance of Gordon Nuttall before the bar of this parliament on findings of contempt arising from high-level corruption. The CMC has in the last 12

months been approached twice to investigate further serious allegations of high-level political corruption known to Mr Nuttall and has failed to investigate—once by Mr Nuttall's solicitor about a year ago and once by me on 22 December 2010, four months and 18 days ago. On both occasions, the CMC has either rebuffed that approach and/or failed to properly investigate the allegations.

In the four months and 18 days since I personally gave Mr Nuttall's allegations to the CMC, it has failed to approach Mr Nuttall once about these disclosures with the exception of a curious visit made approximately four hours before the Leader of the House was forced to announce on 7 April Mr Nuttall's appearance before the bar of this place. It is alleged by Mr Nuttall that during that sudden and unannounced official visit two CMC officers presented a letter to him which was backdated two weeks to 25 March 2011. The CMC letter is alleged to have asked Mr Nuttall to disclose the names and details of any members of parliament who he believes to be corrupt. By presenting the backdated letter to Mr Nuttall, the CMC could be seen as trying to create the false impression that it has acted on the corruption allegations two weeks prior to the Leader of the House being forced to announce that Mr Nuttall was to be brought before this place and allowed to speak under privilege.

To date I have not received a satisfactory answer as to why Mr Nuttall was presented with a backdated letter by the CMC and why a CMC officer said to Nuttall, 'You take care of yourself,' in a maximum security prison. Nor have I received a satisfactory answer as to why the CMC has twice now failed to make a serious attempt to at least explore what Mr Nuttall might further disclose and under what terms and conditions he might do so.

Mr Nuttall indicated that he has more information to give regarding political corruption, if he receives consideration for indemnity from further criminal charges and consideration for a reduction in sentence for successfully identifying further corrupt activities. Corruption fighter Tony Fitzgerald used the same technique of granting indemnity to a major participant in large and intractable corruption to devastating effect. Known liar and corrupt policeman Jack Herbert became the star witness for the historic Fitzgerald inquiry. Nuttall, who is also a known liar and corrupt individual, could also become the star witness in a Fitzgerald inquiry mark II. Just like Herbert, Nuttall is a major participant in corruption which is large and intractable. Only a fool or a corrupt person would say that Nuttall is the only corrupt politician in Queensland. Only a fool or a corrupt person would oppose the granting of indemnity to Nuttall.


For six years as a Labor minister, Nuttall commanded extraordinary affection and loyalty from and influence over the highest levels of this government and its Public Service. He was trusted to spend approximately \$5.69 billion of taxpayer funds. At the height of his corrupt activities Nuttall was completely trusted by the then Premier, who told this parliament that he was a decent man. The then Deputy Premier said that Nuttall was a good and honest man.

Nuttall is now prepared to give evidence to an independent commission of inquiry of what he terms high-level corruption in both this and previous Labor governments involving former Premier Beattie, former CMC chair Mr Needham, former director-general of Health Uschi Schreiber, former Labor minister Bob Gibbs, Premier Bligh, the member for Rockhampton, the member for Sunnybank, members of the McGuire family hotel owners and others.

The Queensland CMC has failed to investigate and serve the public interest on this and many other serious matters referred to it but is quick to investigate other matters which politically benefit this government. By its actions it has repeatedly shown that it is in breach of the Crime and Misconduct Act, hopelessly compromised and untrustworthy. Today I call on the chairman of the CMC, Judge Moynihan, to immediately stand down. I call for a royal commission to investigate systemic corruption within this and previous Labor governments and its Public Service. The Premier should stand down pending the findings of a royal commission into corruption. Her appointment of Peter Beattie to a plum government job in LA was a clear breach of the Electoral Act.

(Time expired)

Logan Hospital

 **Mr MOORHEAD** (Waterford—ALP) (12.42 pm): The Bligh Labor government is continuing to deliver more and better health services to Logan residents. This weekend just gone has seen major milestones in the delivery of health services in Logan. The date of 7 May is an important one for health services in Logan. On 7 May this year I was delighted to officially open the refurbished private hospital under its new name—the Logan Hospital Ambulatory Services Building. It was also on 7 May but in 1990 that then Premier Wayne Goss opened the first stage of the Logan Hospital. At that time it was the first new hospital to be built in Queensland in 10 years.

So it is fitting that on the 21st anniversary of the hospital's opening the Bligh government was opening one part of the next phase in the growth of the hospital as we continue to provide the growing community of Logan with much needed health services. Like every 21st birthday party, it is the start of a new phase in the life of Logan Hospital. This is the first step in the \$230 million expansion of Logan Hospital, with coming years to see more parking, an expanded emergency department and new mental health services.

The ambulatory services building is an \$18.9 million project that has seen the entire interior redesigned and remodelled to provide a new and modern clinical facility for day services. Known to locals as the old private hospital, Queensland Health took over the building when the private operators closed the doors. The new building is open for business, providing services for outpatients of Logan Hospital.

In order to tailor the building to the services wherever possible, the building was taken back to a shell and then, after extensive consultation with health professionals, our builders and architects set about transforming the space piece by piece to house these services with different operational needs. The refurbishment has provided purpose-built areas for endoscopy, day oncology and renal services, specialist outpatient clinics and offices as well as a satellite pharmacy.

The new ambulatory services building includes an expansion of renal dialysis facilities with an increase from nine to 18 chairs. Unfortunately, with the growing incidence of diabetes within our community, we have had to expand this important service. The move to modern, new surroundings will help new kidney patients and those who have been coming to Logan Hospital for dialysis, some for over 20 years, to feel more comfortable.

I met with Les and Roland, two of the foundation dialysis patients from 1990. With the hours and weeks they spent in dialysis, they very warmly welcomed the brand-new dialysis treatment facility with open and lovely garden views. The endoscopy team have also found a home here, and their improved facilities allow for maximum efficiency through the department. This provides staff the opportunity to continue actively reducing waiting lists through the endoscopy assessment clinics. With the assistance of the Australian government Surgery Connect program, the clinic has rolled out an innovative nurse led assessment clinic, cutting waiting lists for endoscopy services.

Pharmacy services are also a welcome addition to the ambulatory services building, with a satellite pharmacy now in residence. Having pharmacy representatives on-site in the ambulatory services building will significantly improve patient safety and medication management processes. Cancer services for those who need short-stay treatment have been expanded and moved to a newly renamed day therapy unit in the ambulatory services building. Six treatment chairs allow for up to 12 patients per day to receive a variety of day treatments, mostly of a supportive nature. On the day we were joined by representatives from Look Good...Feel Better, who were also celebrating their 21st birthday. They run a program for health and beauty professionals providing services to cancer patients.

Finally, the specialist outpatient and private practice clinics have been completely renovated and relocated into purpose-built clinic areas delivering around 60,000 attendances per year. The building was designed with the input of health professionals. Many staff members across a variety of disciplines will be working from this building. I would like to thank those people for their commitment to the health and wellbeing of the Logan community.

The other important milestone, achieved most appropriately on Mother's Day, was the birth of the 50,000th baby in the Logan Hospital maternity ward. At 5.28 pm Nikkita and David Denning of Boronia Heights welcomed baby Sophie into the world and Logan Hospital celebrated this important milestone. I was fortunate to join Nikkita, David, Sophie's protective big sister, Mia, and Logan Hospital executive director Dr Jennifer King at the presentation of the special commemorative certificate. Logan is a growing community with a very busy maternity ward. Congratulations to Nikkita and David and congratulations to the staff of the Logan Hospital maternity ward on this fantastic achievement.

Mr DEPUTY SPEAKER (Mr Ryan): Order! Time for matters of public interest has expired.

SUSTAINABLE PLANNING (HOUSING AFFORDABILITY AND INFRASTRUCTURE CHARGES REFORM) AMENDMENT BILL

First Reading



Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (12.46 pm): I present a bill for an act to amend the Building Act 1975, the Local Government Act 2009 and the Sustainable Planning Act 2009 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Tabled paper: Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Bill [\[4398\]](#).

Tabled paper: Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Bill, explanatory notes [\[4399\]](#).

Second Reading



Hon. PT LUCAS (Lytton—ALP) (Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State) (12.47 pm): I move—

That the bill be now read a second time.

The introduction of the Sustainable Planning (Housing Affordability and Infrastructure Charges Reform) Amendment Bill 2011 will make our infrastructure-charging system in Queensland much more transparent and simple through the introduction of maximum infrastructure charges. This will dramatically increase certainty for local governments, developers and communities.

This government is committed to reforming local government infrastructure charging, but we also need the development industry and the financial sector to play their parts to ensure homebuyers in Queensland get a fair deal. The government recognises that housing affordability is one of the key issues inhibiting growth and is working where it can to address this through improving land supply and planning processes.

The government also recognises that the current infrastructure-charging framework is one that contains a high level of inconsistency and uncertainty. Whilst local governments have been working and continue to work hard to get their infrastructure planning right, they have all struggled with the charging component of their priority infrastructure plans, otherwise known as PIPs. Reigning in infrastructure charges and ensuring developers know upfront what their infrastructure charges will be is critical to providing certainty and a streamlined process, which in turn will help to ensure feasible developments go ahead.

The message from industry has been clear: certainty in the area of infrastructure charges must be provided as a priority. As a key Growth Management Summit initiative, the Infrastructure Charges Taskforce was established to consider improvements to the existing charging framework and to identify opportunities to simplify charges and provide greater certainty. On 15 March 2011 I released the task force's final report, which recommended a number of key actions including the introduction of a maximum infrastructure-charging regime for both residential and non-residential development for three years while broader reform actions are underway. Importantly, the independent task force recommended residential infrastructure charges should be capped somewhere between \$20,000 and \$30,000, and that is what we proposed to do.

The government has accepted this recommendation and proposed to set a maximum charge of \$28,000 for a dwelling with three bedrooms or more and \$20,000 for a one- or two-bedroom dwelling. The charge for non-residential development has been set at a range between \$50 to \$200 per square metre of gross floor area, depending on the development type. A stormwater charge per square metre will also apply.

I must stress that we are looking to introduce maximum not blanket charges. Local governments will decide if the infrastructure charge in their area increases. The new charging framework does not require a local government to charge more than they are currently charging. Local governments will continue to retain some level of flexibility but will not be able to levy charges beyond the maximum.

Importantly, local governments fully retain the ability to set their charges below the cap—councils can, by resolution, fix their local charges to suit their circumstances or to stimulate development. Mr Deputy Speaker, there are already numerous councils with charges for individual localities well below the cap this bill introduces. Ipswich City Council, for example, currently charges approximately \$23,500 per house at Raceview; and Moreton Bay Regional Council charge approximately \$17,000 per house at Kippa-Ring.

Local governments have raised concerns about the costs of implementing current legislative requirements for infrastructure charging. The amendments will see the important planning elements of PIPs retained but will result in the complicated infrastructure charges schedules essentially being replaced with adopted charges.

The amendments in this bill will establish a head of power to make a state planning regulatory provision, a SPRP, so that we can make the charges work. The SPRP will do a number of things, including set maximum charges for residential and non-residential development, replace existing infrastructure charging frameworks and provide for the allocation of charges for water or sewerage service infrastructure between a local government and a distributor-retailer. As part of the development of the SPRP, the government will consult with key stakeholders, including local governments and the development industry. The amendments will not fundamentally change our existing planning system but will simplify current infrastructure charging arrangements.

Mr Deputy Speaker, although not dealt with in this bill, I can inform the House that as part of our reform to infrastructure charges, the Queensland government has also agreed to place a moratorium on the collection of local function charges, further reducing the burden on applicable projects. The amendments also deal with the transitional issues around water and waste infrastructure charges for the distributor-retailers in South-East Queensland.

The bill proposes that water related infrastructure charges be allocated between a council and the relevant distributor-retailer, but still keeping within the maximum set in the SPRP. The local government and the distributor-retailer can come to an agreement about how to split charges. Only if they fail to reach an agreement by the end of June will a split under the SPRP be applied. However, if at a later time the distributor-retailer and local government can agree on how to split the charge, this agreement will then apply.

The proposed amendments to the Local Government Act 2009 are necessary to continue implementation matters ancillary to two minor boundary changes made between the Ipswich City Council and the Scenic Rim Regional Council and between the Wujal Wujal Aboriginal Shire Council and the Cook Shire Council. Implementation matters include transfer of ownership of local government assets, such as any material associated with a road or a bridge, and the continuation of planning schemes for persons affected by the boundary changes.

These two boundary changes were made at the request of the councils involved. However, because these particular boundary change applications straddled the jurisdiction of the old Local Government Act 1993 and the new Local Government Act 2009, implementation matters for the boundary changes were provided for in a transitional regulation. The amendments allow for implementation matters for those two councils involved to continue as long as necessary.

Mr Deputy Speaker, the proposed amendments to the Building Act 1975 are necessary to provide pool owners additional time to register their pools on the online pool register. Many pool owners are expected to have suffered significant property damage due to the recent natural disasters and it would be unreasonable to require these property owners to have registered their pool by 4 May 2011. The proposed amendments will delay the requirement to register pools by six months, from 4 May 2011 to 4 November 2011. To be clear, these amendments only relate to pool registration. No other requirements in the Building Act are being changed. For example, the need to provide a pool safety certificate on sale or lease still applies. I commend the bill to the House.

Debate, on motion of Mr Seeney, adjourned.

RESIDENTIAL TENANCIES AND ROOMING ACCOMMODATION AMENDMENT BILL

First Reading



Hon. KL STRUTHERS (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.53 pm): I present a bill for an act to amend the Residential Tenancies and Rooming Accommodation Act 2008 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Tabled paper: Residential Tenancies and Rooming Accommodation Amendment Bill [\[4400\]](#).

Tabled paper: Residential Tenancies and Rooming Accommodation Amendment Bill, explanatory notes [\[4401\]](#).

Second Reading



Hon. KL STRUTHERS (Algeria—ALP) (Minister for Community Services and Housing and Minister for Women) (12.54 pm): I move—

That the bill be now read a second time.

In 2003 the Queensland government introduced a legislative framework to govern the listing of tenants' personal information on residential tenancy databases. The current legislation regulates who can be listed on a tenancy database and for what purpose. The law provides a process for tenants to dispute listings if they are inaccurate, incomplete or incorrect. Residential tenancy databases are privately owned electronic databases that contain information about an individual's tenancy history. Most real estate agents subscribe to one or more tenancy databases and use them as a tool for screening prospective tenants.

About a third of Queensland households rent their homes and they mainly rely on the private market for their housing. Since tenancy databases are widely used, it is important they operate fairly and do not become a barrier for people accessing rental housing. This makes tenancy databases important to the Queensland housing sector and the Queensland economy at large.

When used appropriately, tenancy databases are a legitimate tool that can, in some instances, lessen and reduce the risks associated with managing a residential investment property. This legitimate use, however, needs to be balanced against the rights of tenants to be protected from unfair or unjust listings that could hinder them from securing a private rental property.

The bill implements national uniform laws based on recommendations of a national working party of officers from all of the Australian jurisdictions. Model legislative provisions have been drafted from the working party's recommendations and endorsed by the ministerial councils. The model provisions provide states and territories with a base from which to enact their legislation with any local variations that are necessary to achieve consistent national policy. Once all states and territories have adopted the uniform law, there will be a consistent legislative framework across the country for governing listings on databases.

Queensland was the state that led the drafting of the model provisions which are based on our current legislative framework. I also commend the work of our Residential Tenancies Authority and our tenants support services, funded by my department around the state. We have a leading tenancy support system in Queensland. The amendments being introduced through the bill will bring our local tenancy laws in line with the national policy framework agreed by all states and territories.

I turn to the key amendments proposed by the bill. The bill will include the obligations on lessors and their agents to inform tenants about which tenancy databases they use; inform prospective tenants if they are listed on a tenancy database; advise a database operator if a listing on their database needs to be amended or removed; provide a copy of the listed information to the tenant if requested in writing, noting that lessors/agents can charge a reasonable fee for this service; and ensure database operators only maintain a person's information on a tenancy database for a maximum of three years.

I thank all of those who contributed to and informed the development of the bill. I commend the bill to the House.

Debate, on motion of Ms Simpson, adjourned.


Sitting suspended from 12.58 pm to 2.30 pm.

PARLIAMENT OF QUEENSLAND (REFORM AND MODERNISATION) AMENDMENT BILL

Second Reading

Resumed from 5 April (see p. 973), on motion of Ms Bligh—

That the bill be now read a second time.

 **Mr SEENEY** (Callide—LNP) (Leader of the Opposition) (2.29 pm): On behalf of the opposition I rise to make a contribution to the consideration of the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. This bill is the next step in a process that began on 25 February 2010, when a review committee was established as a select committee of this parliament by a resolution of the parliament to conduct a review into the parliamentary committee system, which had been the subject of some concern among members who served on those committees and some criticism from those members and from other parties for quite some time. The review committee considered parliamentary committee systems in a number of different jurisdictions and I was very pleased to be part of that committee. It was one of the best experiences that I have had since I came into this parliament and I spoke about that when the committee report was considered by the parliament. It was a bipartisan approach to the issue of the parliamentary committees and we looked at examples in New Zealand and other parts of the world.

On 15 December 2010, the review committee tabled its report titled *Review of the Queensland parliamentary committee system*. The report recommended significant changes to the parliamentary committee system based around what I believe was a fundamental reform in the role of the committees. The government responded to that report on 9 March 2011 and, although the government supported a majority of the recommendations, there were some things that the government did not support and which I believe have had something of a profound effect on the consideration of the issue since then.

As I said, I was part of that committee that undertook a task that was overdue in this parliament and I was very pleased when the parliament considered the committee's report. I believe that the recommendations that the committee made were often misunderstood and not fully appreciated by those who commented upon them—not so much by people in this House but by commentators in the community generally. The committee recommended not just a review of the committee system. In fact, it understates it to call it that. It undersells it to call it that. It fails to understand the full impact of the changes that were part of that committee report to call it a review of the committee system. As I said when I spoke to the report in the parliament, what was recommended and what is included in this legislation was a fundamental change in the way in which legislation is introduced into this House, a fundamental change in the way in which legislation is considered in this place, a fundamental change in

the role of members of parliament who serve in this parliament and a fundamental change in the way in which the general public are given opportunities to respond to legislation before it becomes law. There could be hardly a more sweeping change than a process that brings about fundamental change in all of those areas and to call it just a review of the committee system understates what that committee recommended and understates what this parliament has embarked upon to put in place.

Unfortunately, I think the significance of those changes and the worth of those changes have somehow or other not been given their consideration because of an escalating debate about one particular recommendation and that was the establishment of the Committee of the Legislative Assembly. Even then, it is not the recommendation of that Committee of the Legislative Assembly per se that has caused the controversy but the role of the Speaker on that committee. That has caused a controversy that has been the subject of, in my view, much ill-informed debate on both sides of the argument. I have watched that debate—I have listened to the various contributions and I have read the material that both sides of the debate have produced—and I would suggest that both sides of that debate have been grossly misinformed and or grossly ill-informed about the recommendations of the committee and the role that the Committee of the Legislative Assembly was supposed to play.

But I believe that is a very minor part of the recommendations that the committee made. Unfortunately, to some great degree it has detracted from the significance of the fundamental change that was encompassed in the committee's report, which was accepted in the main by the government and which this bill seeks to put in place. Although I will come to that particular controversy later, I do not want to make that particular controversy the subject of my contribution to this debate, because it is a relatively small part of it. Unfortunately, it has overshadowed so much of the other work that I believe will make a fundamental difference to the way in which this parliament operates.

As was indicated in the committee report, the main thrust of the changes that are put in place by this legislation is to change the committee system. This bill establishes the Committee of the Legislative Assembly, which is to commence on assent of the bill. The bill sets out that the Committee of the Legislative Assembly should consist of the Leader of the House or an alternate, the Premier or an alternate, the Deputy Premier or an alternate, the manager of opposition business or an alternate, the Leader of the Opposition or an alternate, the Deputy Leader of the Opposition or an alternate and the Speaker when the committee is dealing with matters relating to the standing rules and orders.

This bill is the first step in putting into place the other portfolio committees. It was envisaged that the first step would be to establish that overarching committee that would then move on to establish those other committees based on portfolio areas. Those portfolio areas would be set out in areas of common interest. It is envisaged that the committees would consist of a finance and administration committee; a legal affairs and police committee; an industry, education, training and industrial relations committee; an environment, agriculture, resources and energy committee; a community affairs committee; a health and disabilities committee; a transport, local government and infrastructure committee; and that the Parliamentary Crime and Misconduct Committee would be retained and that it would be given oversight of the ethics issues that are currently dealt with by the Member's Ethics and Privileges Committee.

It has long been the criticism of people, sometimes within this chamber, in commenting on the Queensland parliament that there is no proper system of review. Given that this is one of the few parliaments that does not have an upper house, that criticism can often be seen as having some justification. One of the points that I think is important to make about the changes to the legislative process that this bill seeks to put in place is the review processes that it will bring to the consideration of legislation. It is important that we understand that that is the principal thrust of the legislation—the legislative process of which this bill will be the first part. That was the overarching aim of the committee's recommendation—to ensure that there was a legislative process that was open to review, that was transparent, that gave members of parliament an important role and that gave the members of the public an opportunity to have an input. I believe that the recommendations that the committee made achieved all of those things. I was disappointed that to some extent the government's response detracted somewhat from the model that was put forward by the committee and, in doing so, lessened the extent to which those things were achieved.

The reduction in the number of committees from 10 to seven is a disappointment. I do not believe that the additional cost of the extra three committees that our committee recommended would have significantly impacted on the state budget. I think it would have produced a much better outcome. Without infringing the rules in this place in relation to anticipating future debate, I think there have been other proposals put forward that involve the spending of considerable amounts of money and one of the justifications for that, as we heard in the parliament this morning, was that democracy does not come cheap. To some extent that is a comment that could be applied to the legislation that we have before the House this afternoon. We should be prepared to pay the costs that are necessary to make this parliament work properly. We should be prepared to pay the costs that are necessary to ensure that the new system that we put in place properly achieves the aims of the committee that recommended it. Reducing the number of committees involved was unnecessary and erodes the capacity of the model that the committee developed.

I was also disappointed in relation to a number of other changes that are to some extent related to the controversy that I referred to earlier. Those changes relate to the structure of the Committee of the Legislative Assembly, which this bill sets up. The Committee of the Legislative Assembly was envisaged to be a bipartisan committee consisting of senior members of the parliament who came together in their roles as members of parliament, not as representatives of a political party or because of their roles in the government or the opposition. Those members would come together in a bipartisan way and make decisions that affect all of us as members of parliament. It was recommended by our committee that the Committee of the Legislative Assembly consist of three senior members from either side so that nobody had the numbers, so that it was a committee that was essentially bipartisan. We discussed what would happen in the event that those six senior members of the parliament could not agree on a particular issue and we felt it right and proper that that issue would go back to the parliament and parliament as a whole—all of us as parliamentarians—would decide that issue.

When the government moved away from that model and insisted that the chair of the CLA have a casting vote, it essentially took away that essence of bipartisanship that was at the heart of the recommendation of the committee for the setting up of the Committee of the Legislative Assembly. It took away something that was an important part of the concept that we developed in the committee: that concept of a bipartisan committee.

The other change that has impacted on the controversy that I referred to earlier is the change that was made to the role of that committee. It was envisaged in our committee report that the Committee of the Legislative Assembly would carry out the disciplinary role in the parliament that is currently carried out by the Integrity, Ethics and Parliamentary Privileges Committee in that if there was an issue with the behaviour of a member the Speaker would refer that member to the Committee of the Legislative Assembly, made up of those six senior members. The government did not accept that recommendation and, in the proposal as it now stands before us, that disciplinary function will be discharged by the Parliamentary Crime and Misconduct Committee in its role as the ethics oversight committee.

According to my recollection, they were the two fundamental changes, both of which were reasons the Speaker was not included on the Committee of the Legislative Assembly. The Speaker was not included on the Committee of the Legislative Assembly firstly, of course, because as the presiding officer in this House it would be the Speaker who would refer a member who may have to answer a disciplinary charge. Obviously, if that disciplinary charge was going to be decided by the Committee of the Legislative Assembly, it would not be appropriate for the officer of the parliament that referred that member to the committee to then sit on the committee and make a judgement about the particular matter. So the committee's recommendation was that to maintain that bipartisanship—three members from either side—and to avoid the obvious conflict of the Speaker sitting on a committee making a judgement about a disciplinary matter that the Speaker himself had referred to the committee, the committee should consist of three senior members from each side of the parliament and the Speaker would join the committee for those matters that related to standing orders.

Once that disciplinary role was taken away from the Committee of the Legislative Assembly—in the government's response to the report that is exactly what it did as it insisted that that role go to the Parliamentary Crime and Misconduct Committee in its role as the parliamentary ethics oversight committee—the argument for not including the Speaker in all of the activities of the Committee of the Legislative Assembly was taken away. The main plank of the reasoning for not including the Speaker on the Committee of the Legislative Assembly was taken away.

Of course, the other reason the Speaker was not included in that committee was that it would then take away the bipartisan approach. It would take away the three-members-from-either-side type structure that I spoke about earlier. The reasoning for that, too, was destroyed by the government's insistence that the chair of the Committee of the Legislative Assembly could have a casting vote and therefore the bipartisanship of that committee was taken away by that insistence.

The controversy that has overshadowed the consideration of the other issues in the committee's report I think has focused on a whole range of other issues—constitutional questions, questions about separation of powers, questions about the independence of the Speaker—about which I have great difficulty seeing any great validity. I do not think there was great validity in any of the arguments; nor, I would say, did those who sought to defend the position in many cases reflect much credit upon themselves in the arguments that they put forward. Unfortunately, that issue has now come to dominate the consideration of these changes that we seek to bring before the parliament.

I therefore think it best that this controversy is put to rest. Given that the reasons for the original recommended structure of the Committee of the Legislative Assembly have been taken away, the opposition will be proposing to the parliament that the Speaker be appointed to the Committee of the Legislative Assembly as part of the consideration of this bill and—not only that—that the Speaker be made chair of the Committee of the Legislative Assembly. We do that in an attempt to ensure that the controversy can come to an end—that there can be no question raised about the independence of the Speaker, the role of the Speaker or the constitutionality of the changes. We do not want those things to be the main focus of the consideration in this parliament.

We want people in the parliament, people in the community and commentators to focus on the fundamental changes that we seek to make to the legislative process in Queensland. Those fundamental changes will have a much greater chance of producing the successful outcomes that we believe they can if every member in this House enters into the changes in the right frame of mind and in the right spirit. If every member in this place sees the significance of these changes for what they are and if every member in this parliament enters into the new committee structure in the right frame of mind and with the right approach, the model can be very successful. Without that willingness to participate, an acceptance of the structure as has been recommended and the willingness to make it work, I fear that the outcomes that will be achieved will not be what those of us who were part of this process envisaged they could be.

At the appropriate time in the consideration of this bill, I will be proposing an amendment to put an end to the controversy, to ensure that the role of the Speaker is not questioned and that the role of the Speaker is properly recognised. There is no fundamental reason why the Speaker cannot now be a part of the Committee of the Legislative Assembly, because the government has taken away the things that prevented that in the beginning. It was the government that sought to take away the bipartisanship of the Committee of the Legislative Assembly by insisting that the chair has a casting vote. That was not the committee's recommendation. The committee's recommendation was that the Committee of the Legislative Assembly be composed of three members from each side and if they could not agree the matter came back to the parliament. That is not the proposal that the parliament is now considering.

It was the government that changed the proposal that was put by the review committee that the disciplinary issues be dealt with by those six senior members of the parliament. It was the government that insisted that that role be undertaken by the CMC committee, in a somewhat different format. The government has changed fundamentally the reasons for the Committee of the Legislative Assembly structure being what it was in the review committee's report. Therefore, there is no fundamental reason that the opposition or I can see why we should not move to negate the controversy that has engulfed this whole issue. If the government insists on having the numbers on the Committee of the Legislative Assembly, the government can achieve that by supporting our amendment. While effectively the government will have three members and the opposition will have three members, and without suggesting that the Speaker is anything but an independent officer of the parliament, in all practical senses the government would retain control of that committee.

Certainly, the issue of the disciplinary role has been well and truly dealt with and I will not go over that. There is no fundamental reason why, in the absence of that role, the Committee of the Legislative Assembly cannot include the Speaker, because the committee will not be considering those issues that precluded the Speaker from that membership in the first place.

There remains the question: why make the Speaker the chair? In itself, that is a recognition that even though the Speaker is appointed by the parliament—and the government always has the numbers in the parliament so the Speaker is always the government's appointee—it is appropriate for the independence of the Speaker to be recognised in appointing him or her to the position of chair. That is the amendment that we will move at the appropriate time in the consideration of this bill. I will do so with a degree of uneasiness. I would caution governments in the future, when they embark upon processes such as this, to be very cautious about deviating from the recommendations of the committee that is charged with the responsibility of coming up with a solution to an issue. In this particular case, there has been a longstanding issue. This parliament set up a review committee. Some very senior and long-serving members were appointed to that review committee. That in itself was extraordinary, especially when you look at the seniority, the years of service and the positions that were occupied by the people who were appointed to that review committee. It was a recognition that this was a major issue that the parliament needed to address and we needed some very well qualified and experienced people on that committee to address it. The committee then took a very deliberate decision to act in a bipartisan way and to act in a most unusual way in my experience in this parliament. First and foremost, it was to act as parliamentarians. It was quite unique. Without transgressing on the accepted confidentialities of the committee, I well remember a number of times in committee discussions when the committee was divided on an issue but not along party lines. There were times when there were members from the government and members from the opposition on one side of the debate and, similarly, members from the government and members from the opposition on the other side of the debate, and quite vigorous debates they were as well on particular points. By no means was it a partisan committee; by no means was there politics in the committee room. We were determined to ensure that we arrived at a model that set this parliament on a course that provided the parliament with a procedural basis that would produce an outcome that we all wanted to see, which was better legislation for the people of Queensland and a better resolution of the issues that confront us as parliamentarians.

That was made evident to the parliament and to the government when the report was considered in this place. I recall the contributions that were made by committee members from both sides of the House. The bipartisanship, the sincerity and the diligence with which the committee did the job was made evident to the government. The government then erred in not accepting the report of the committee in its entirety by seeking to tamper and tinker with the model and somehow suggest that

those members of the government or the cabinet—whoever it is that makes these decision on behalf of government—knew better than the senior parliamentarians who served on the committee for over a year and who entered into that exercise. Once the government sought to tamper with the model, the reasons for some of the structures were lost, and so it is with the Committee of the Legislative Assembly that this bill seeks to set up today. Once the government sought to tamper with the model and to change things, the reasons for the structure of the Committee of the Legislative Assembly that is contained in this bill disappeared. Therefore, it is with some uneasiness that, on behalf of the opposition, I will seek to take the controversy out of this argument. We will seek to put the focus back on the fundamental change in the legislative processes that we believe are necessary in this parliament, that we believe are overdue and that we believe the report of the committee set out to address in the best possible way.

In conclusion, we will support the legislation but we will seek to amend that part of it which has been controversial. We will seek to amend that clause which sets out the structure of the Committee of the Legislative Assembly to ensure that that controversy is put to rest. Every member of the parliament, every member of the Queensland public and all of the commentators can focus on the real issues, the real parts of this legislation. Hopefully, that will make the changes that we seek to introduce into this parliament a success not just for those of us who sit here now but also for generations of parliamentarians who will follow us.



Mr HORAN (Toowoomba South—LNP) (3.00 pm): This particular bill can provide some historic benefits to the parliament of Queensland and to democracy in this state following the establishment of the review committee that looked into all aspects of the parliamentary committee system. I say to honourable members that this will be a new era in how this parliament runs and operates. It will be an injection of hybrid vigour into the system of this parliament and it will provide a real opportunity for those people who are not members of the executive, particularly backbenchers on both sides of the House and shadow ministers, to be involved and have a political career in which they can make a far more substantive contribution in this parliament than they hitherto have been able to.

The review committee looked at our committee system. I reflect on the committee system that was first introduced in a limited way in the 1980s and in a fuller way in the early 1990s, during the early years of the Goss government. That system has continued pretty well through to now, with some changes and tinkering. I think we are all aware of some vast shortfalls in the current system.

We are a unique parliament in the Westminster system in that we do not have an upper house. Queenslanders are pragmatic enough to know that, since the abolition of the upper house in 1922, there has been relatively little support for its reintroduction. However, people would still like to see a greater system of checks and balances. Reintroducing an upper house would cost in the order of \$45 million a year. I do not think the public of Queensland want to see that; they want to see that money spent on other issues.

Through this proposed system of revitalised committees we could introduce a true system of checks and balances, a true system of involvement of the talents and abilities of members of the parliament other than those who are in the executive—in the cabinet—so that this place really operates in a modern way and is open and accountable and so that the government of the day is truly held to account. Every member of this parliament should be aware that under this system there will be a far greater onus on ministers and shadow ministers to lift their game. There will be real pressure and responsibility on those who serve as chairpersons of the various committees. They will not simply be running a committee that is structured in terms of what it does; they will have to be cognisant of time management of legislation, what legislation needs to be examined in depth, what legislation is ‘tick and flick’ because it is purely technical, what matters have to be debated and examined at estimates—in a different way to the almost farcical way that estimates are conducted now—and what matters that were previously the purview of the Public Accounts and Public Works Committee need to be examined by their committee.

The other difference that people should understand is that the status of these committees will be completely changed from the almost low status in which committees were held previously. These new committees will be a true part of parliament. The Wednesday morning of a parliament sitting week will be devoted to the committees of parliament. These committees will be open to the public and open to the media. Compare that with the system we have now, in which committees are held in closed session, there are penalties upon people if they speak up about what has happened or what was discussed in committee and the government has the numbers to stop anything being inquired into that it so desires. For example, the proposal that a committee look into the western corridor recycled water scheme and the \$1 billion blow-out associated with that could have easily been closed down in private and no-one would know whether the matter had ever been brought up. This system is open and accountable. So if the opposition of the day wanted to examine that, it could bring it up. That would be done in front of the media and the public and it would be recorded in *Hansard*. Then if the proposal was knocked back by the government on the numbers, the government would face the ire and the criticism of the media and the public if it appeared it wanted to avoid examination of matters that should be examined.

The openness and accountability of these committees will really force the government to be on its toes. We will need to have high-performing and talented ministers who can handle and deal with openness and accountability and who can front up and answer the questions. We will need to have ministers who know their legislation and who have properly instructed their departments to conduct proper consultation before bringing legislation into the House. Otherwise they will be embarrassed when the committee decides that it should conduct consultation. It would then bring in the relevant bodies that should have been consulted to provide to that committee the information and the points of view that should have formed part of that particular legislation's development.

With a thorough examination of legislation, these committees should come up with necessary amendments to legislation to which any minister who is worth his or her salt would give every consideration—as opposed to our current unicameral system, which is almost a dictatorship. Currently, virtually 99.9 per cent of all amendments put up in this parliament are knocked out and it is only on an ultrarare occasion that they are accepted. Under this proposed system, if a minister continually disregards sensible and pragmatic amendments put forward by an all-party committee that minister will start to be assessed by the public and by the media with regard to their overall performance.

This new committee process will also result in an estimates process that is far more bona fide. We will move away from some of the dorothy dix type of staged questions that we see currently. We will have a more flexible system of estimates where good, talented ministers will be able to answer questions, a certain level of public servants will be able to answer questions and the committee will be able to ask questions directly of those public servants.

These committees will look into matters of public accounts and public works. These committees should become specialists in their area. For example, in the case of a committee involved in health, the members of that committee should become experts in that portfolio, particularly throughout the three years of their committee term. They should be able to inquire into matters of finance regarding the health system. They should be able to inquire into matters of public works. Therefore, those members should be able to make a good contribution.

As I said earlier in my speech, where previously people on either side may spend time during their parliamentary career on the backbench, under this system they will be able to make a far greater intellectual and practical contribution to the legislation of this parliament, to the openness of this parliament, to the consultative process of the parliament and to the accounts and the costings of each of the portfolios and the public works that are undertaken. They will be able to establish whether or not the taxpayer is getting value for money in relation to those particular matters.

I state again—and I do not know that it has really come to the attention of all members of this parliament yet—what a dramatic change this is going to be in the parliament. Wednesday mornings will be devoted to committees. No longer will committees be closeted away secretly in back rooms for an hour and a half in the afternoon with members running in and out of meetings to form a quorum in the chamber or respond to the division bells in the parliament. No longer will there will be rushed lunchtime meetings when people try to grab a bite to eat and return to the chamber during that time. It will be a set, structured time as determined by standing orders and each and every one of those committees will be open to the public and open to the media.

There are a lot of practical aspects that need to follow on after this bill is hopefully passed by the parliament. It will involve the education of members of this parliament as to this new system. It will involve some form of restructuring of rooms around the parliamentary precinct to provide seven portfolio committee rooms and one committee room for the PCMC. Eventually, as funds become available—and I know there has been a cautionary approach taken to the costs of this so that there is very careful use of public funds to bring in this new system—each and every committee should have a room, as they have in New Zealand, that does provide a limited amount of public and media seating and proper recording and PA systems and so on. I know that all of that will be put in place in many cases on a temporary but satisfactory basis in different rooms in this precinct that have been examined and selected.

One of the disappointments of all of the recommendations that were made in that report—and that report was adopted by the parliament during a two-day debate in March—is that there have been some changes to what was proposed. There was a proposal for nine portfolio committees plus the PCMC. That number has been reduced to seven portfolio committees plus the PCMC. Whilst disappointed with that, there is a recognition that new systems like this which bring about so much change sometimes have to be brought in gradually and also with an eye on expense and what the costs will be so that stays within the limitations of a budget.

To do it properly and to have the proper status, we do not want to see these particular committees absolutely overloaded so that they cannot do what they should do. As I said, with good time management and professional leadership from the chairpersons of these committees, the committees will look at those bills that are important to be looked at, they will look at public accounts matters that

should be looked at and they will look at public works matters that should be looked at. What was recommended was far broader. These were the initial guidelines for the committees, but what was recommended by our committee was that they have a far broader remit. If a committee felt there was an issue that needed to be examined, then that could be done by that committee provided that committee could still meet its targets of getting all of its legislation through in the maximum six-month schedule that applies to each piece of legislation.

Initially, for the committees to look at public works and public accounts matters as well as the legislation is a great big step forward. As the committees become more mature and the system becomes more mature, then they will perhaps be able to go even further in the future to look at other matters. It may well be that there is a burning issue out there that needs to be examined by a committee, and a committee could do that provided that it could still adequately handle the legislative workload that that committee will have.

One of the most important pillars of this new committee system was to have a senior committee or board called the Committee of the Legislative Assembly that would deal with matters of business to come before this House. So it would, in effect, establish what is urgent or essential business. Whilst all legislation will go to the committees, we all know that in the day-to-day running of this parliament there are matters that arise very suddenly that need to, for whatever reason, come before this parliament as a matter of urgency. One of the tasks of this committee would be to look at that but also to act as a board with regard to the standing orders of this parliament, with regard to the campus of this parliament—the buildings of this parliament, the services and the facilities like the various catering, office and library facilities that are provided in the parliament—and also to provide the same purview or board of management oversight, if you like, of the electorate offices and the services that are able to be provided in those electorate offices—their equipment and looking after staff and so forth.

The logic behind having this senior group of people—three members from each side of the House—was to provide members of this parliament with a number of people representing their interests. As members of parliament endeavour to deal with ever-increasing numbers of electors in their electorates and ever more complex matters as they spend up to 20 weeks of their working year in this parliament, using the facilities of this parliament often for extremely long hours, the various entitlements, services, facilities, maintenance and all those types of things that are necessary to look after this most important building in Queensland—Parliament House and its associated facilities on the campus that belong to the people of Queensland—could all be managed by a group of six senior people who represent the 89 members of this parliament. There was to be a CEO and the Speaker was to retain all the rights and independence in the operation of the parliament and the parliamentary process itself—so nothing changed with the Westminster independence and authority of the Speaker in this parliament. Also, there is a current proposal that the Speaker be added to the committee when it is considering standing orders matters, which is one of roles of the Committee of the Legislative Assembly.

Subsequent to our report, there has been an enormous amount of public controversy, which the Leader of the Opposition has referred to, which has, if you like, detracted from or negatively impacted upon these wonderful changes to the committee system which I believe will make this parliament the envy of many other parliaments in the Westminster system if they are implemented well and properly. It has made the public discuss—sometimes erroneously; sometimes close to the mark—the pros and cons of the Speaker not being on this Committee of the Legislative Assembly. But the government has also brought in two other substantive changes.

In the bipartisanship that existed in the time that we had our committee of review, it was always planned that this Committee of the Legislative Assembly should be three-all—three from the opposition; three from the government—and if they could not agree on a matter then that matter would go back to the parliament. The government has brought in a system whereby the chairman of that committee will now have a casting vote. We think that changes the spirit of what was planned. Also, the proposal from the committee of review was that the Committee of the Legislative Assembly would also act as the ethics committee and that the Speaker would not be on the committee because the Speaker is the one who refers matters to the ethics committee and therefore would not be able to sit on the committee during those deliberations. It is now a matter on record that the government has requested that the examination of referrals of ethics matters be undertaken by the PCMC and that the PCMC be chaired on those occasions by a government member, whereas in normal circumstances under the new system the PCMC will be chaired by a member of the opposition.

So, for that reason, as the Leader of the Opposition has indicated, the LNP will be moving an amendment to include the Speaker on the CLA, the Committee of the Legislative Assembly, and also for the Speaker to be the chairman of that committee. What that does is introduce an uneven number but the casting vote, if you like, is held by the independent Speaker of the House. That probably assuages a lot of concerns that people may have had about any usurping of the power of the Speaker, even though we were satisfied in our report that the parliamentary powers of the Speaker were not touched or changed in any way, shape or form.

As the Leader of the Opposition says, this has been a decision that we have approached with some concern. But I think overall there is a bigger picture here. It is that Queensland is embarking on a system of parliamentary reform that will be simply outstanding. It should not be dragged down by the anchor of public discontent about the role of the Speaker. If it can be fixed by simply adding the Speaker to the CLA and the CLA still being able—

(Time expired)



Mr SPRINGBORG (Southern Downs—LNP) (3.20 pm): As I indicated in this place a little while ago when we debated the report of the Committee System Review Committee over a number of days, this was an excellent committee that was very ably chaired by the Leader of the House. I think all members who participated in this committee, whether they be government, opposition or Independent members, did so in a true spirit of bipartisanship. We genuinely wanted to bring about parliamentary reform in Queensland which can stand the test of time and makes sure that all members of parliament can participate and have a greater chance to not only earn but also practice their craft as real legislators in this place and not just be an ombudsman in their electorates where concerns of constituents are taken into this place and just ventilated. That is fine in itself because that is one of the roles of members of parliament. But what we have seen in the past is a fundamental departure from the role of members of parliament as genuinely informed and genuinely involved legislators.

The role of this committee was to make sure that the executive in Queensland—the executive that is accountable to this parliament—is truly accountable to this parliament. Regardless of whether a person is a member of the opposition or a member of the government or an Independent member in this place they are supposed to keep the executive in check. I think it is probably lost on some that if they are a backbench member of the government it is important to fulfil that particular role. It is about a check on executive authority and a check on the executive in this place.

That is why we have the estimates process. That is why we have this chamber in which to debate. That is why we have the legislative process which we have seen evolve. It has generally evolved very well in the Westminster system over many centuries. It does pain me that the more we seem to advance the more we probably take steps backwards.

If we go back to the original Bill of Rights in 1688 and back to when the original barons, dukes and the landed gentry wrested control from those who had all the authority in England very many years ago, I think they were probably in a stronger position in many ways than we are today. In the 1600s and 1700s there was extraordinary control over the then executive. What we have seen in recent years in the parliamentary system generally, not just in our parliament, has been a significant deterioration in the control of the parliament as a check over the executive. That actually goes for all sides of politics, not just this side of politics. It is very important that we have these types of reforms.

We need to balance that against the fact that we have in Queensland a unicameral system of parliament. Many people say that we should have an upper house. We have seen what an upper house really costs. In Victoria the cost of the upper house is some \$42 million. We believe that by having a better committee system—that is, where we have genuine cultural change and the participation of members of parliament, whether they be government, non-government or Independent members of government—we can have a system which is as good if not better than a very costly upper house. We have to also make sure that the public is involved through inviting their participation in the development and refinement of legislation.

That is what the parliament should be about. The parliament should be about making sure that the public has a chance to be listened to and we have better legislation. I have seen in my time in this place a growing trend of legislation being rushed into this place. When it is debated weeks or months or sometimes a year or more down the track the amendments to the original legislation that was tabled by the minister in the parliament are almost as substantive as the original bill itself.

That would appear to me to be legislation which has been rushed into parliament without the appropriate due consideration and due deliberation of those people in the stakeholder groups or the general public. Indeed, in all of the jurisdictions around the world we spoke to, whether it be New Zealand or Canada—and I understand the Leader of the House actually spoke to members in the United Kingdom, Scotland and Wales or Ireland—they had a similar view. Government, opposition and Independent members everywhere felt that whilst this process could be a little bit onerous you generally got better legislation and a greater chance for public participation. If we look at it through that paradigm members will get a far better understanding of what the Committee System Review Committee was all about.

This is the most substantive and profound reform of the parliamentary system in Queensland since we actually gained independence from New South Wales in 1859. I know a lot of people will argue that the abolition of the upper house in 1922 significantly and substantially changed the way that not only politics but government was conducted in Queensland. That was profound; there is no doubt about it. If we set that against the backdrop of what we have now sought to achieve in wresting some control and authority back from the executive in this place, the fact that we were able to see such a bipartisan approach to doing that is also a great credit to members of this place.

It has concerned me, though, in recent weeks to have heard a quite degrading and diversionary debate around the role of the Speaker in this place. I think there have been some unfortunate propositions put forward by both those people who are in favour of the status quo and those who are opposed to the status quo when it comes to the role of the Speaker in running the broader parliamentary precinct. I think that has created a diversion which is unhealthy and has probably framed the debate in an area where it should not be.

We should be standing here today debating the significant advantages and benefits that have come from this all-party, bipartisan report which is about giving the people of Queensland an opportunity to have better democratic outcomes and better legislative outcomes. Instead, I suspect that all the public knows about this is some debate about the role of the Speaker and whether the Speaker should or should not be on the Committee of the Legislative Assembly.

When one looks at the debate about the Speaker's accommodation in recent times—and a certain amount of admonition goes to my good friend the member for Rockhampton with regard to this—I do not think it should have become an issue whether the Speaker should or should not have his current accommodation in this place. The Speaker is offered and should duly and properly expect recognition for the role that he plays in this place—or she may play in the future. That high office should accrue with it a set of immutable, set-in-stone resources and entitlements and recognition and respect which should not be impugned by members in this place.

Not so very long ago I had the privilege to attend, at the invitation of the Speaker, and meet a delegation from a Japanese prefecture. The Speaker hosted this delegation at his residence in the parliamentary precinct. He was able to take those people into his sanctuary. There was an extraordinary amount of privilege on the faces of that delegation from that Japanese prefecture. The Japanese delegation felt that that was a very high honour because they really respect the position of the Speaker.

The Speaker should not be living in substandard accommodation in this place. Many people might be surprised by the standard of accommodation that many members actually do live in in this place, because we do not want to take the step of making sure that members do actually live in decent accommodation. However, it should not be about the Speaker's accommodation vis-à-vis other members' accommodation in this place. The Office of the Speaker should have genuine respect and there should be genuine respect for the entitlements that go with that office. A Speaker should be able to not only entertain but also impress visiting delegations in their own personal precinct in this place. That stands us in very great stead, because there are cultures around the world that really do appreciate what that means. When it then comes to developing not only trade but also cultural and very strong friendship ties with us, as I said, that stands us in good stead.

It also disturbs me that there is talk about impugning the independence of the Speaker. The only way we are ever going to get true independence of the Speaker in Queensland is if there is a truly independent Speaker, if we want to take that next step. The whole notion of a truly independent Speaker can only be true if we take it to its ultimate conclusion—that is, somebody who is truly independent in this place. In the debate on the Committee System Review Committee report the honourable member for Rockhampton indicated that that is something that should be looked at at some future time. If we truly want to go down that particular path then maybe that is something we need to look at. But from my observation, the current Speaker is the best Speaker that I have observed in my two decades in this place. He is second to none. He has been absolutely outstanding in his respect and the way that he applies himself to ensure that this chamber is dealt with as fairly as possible within the political paradigm that we live in. I pay tribute to the Speaker for that.

Cultural change will be required if this is going to be a success. It concerns me that we are already seeing a slide back into the partisan political argy-bargy that has got us to where we are today, and I say that that has come from both sides. The way we go about changing this parliament and making it work to give better legislation is ensuring that there is a cultural change in the way that we apply ourselves in this place. The debate over the CLA, the Committee of the Legislative Assembly, is where it is exemplified the greatest. The role of the Speaker probably should be to ensure that he or she chairs this place in as fair a way as possible; entertains in this place; makes sure that the high office is upheld the way it should be; that members themselves should be very much involved in setting the business of this place, as was envisaged with the Committee of the Legislative Assembly proposal; and making sure that we have the best possible advocacy for the resources entitlements of members of parliament, as was envisaged by the Committee of the Legislative Assembly proposal. People need to understand that separation. That is why it came about and was recommended in the way that it was by the Committee System Review Committee.

Indeed, I reflect on the observations that the leader of government business and I made in Canada, which has a similar creature to the Committee of the Legislative Assembly which we have recommended. They cannot even imagine that matters would degrade into the political partisan. There are many such committees over there, whether it be the bureau in Quebec or other committees in the other provinces we visited, and they always work it through. They try to keep the politics out of it as much as they possibly can and leave the politics for the chamber, and that is what it should be about.

When this committee made these recommendations—and it is probably unfortunate that we were not as strident as we should have been in making the recommendation in the report; I think it was implied—the Committee of the Legislative Assembly should have operated as a committee which was made up of three government members and three non-government members without a casting vote—that is, where matters to do with the day-to-day running of the House were worked out on a consensus basis in the interests of all members. If there were political connotations, they should be referred to this parliament—this chamber—so those matters could have been kept properly where they should be dealt with, and that is in the partisan nature of this chamber. It is unfortunate that we do now have the situation where it is not just three members each but three members each with a casting vote for the chair. I think that casting vote will break that down.

To my way of thinking, it would have been far better to have it three all with no casting vote. That is fundamentally important to bringing about cultural change, because otherwise it is far too big of a step to go from the political partisan approach which has dominated this parliament and the make-up of its committee structure to an approach where we will have a Committee of the Legislative Assembly which stands in the interests of members of parliament without outside political connotations. By its very nature, if that committee is three all with a casting vote for the chair of that committee, regardless of the capabilities and the commitment of that person we run the risk of everyone knowing that there is not going to be a consensus and there cannot be a consensus approach but that that committee will be dominated, either implicitly or otherwise, by the overt threat of political considerations. In order to bring about that cultural change, the committee should have been three all without a casting vote for the chairperson of that committee.

I have no such contention when it comes to the seven portfolio based committees, because I understand and respect that when a government is elected a government needs to be able to conduct the business of government. We should have the parliamentary portfolio committees that have been recommended, and indeed there does need to be the capacity for an incumbent government to break that deadlock and ensure that the business of government can go forward in this place. No-one is arguing against that. But when it comes to the running of parliament, there should be a body which is about promoting the interests of all members of parliament regardless of their political colour or whether they are Independents, and ensuring that is done in a very partisan and holistic way. Party domination of that concerns me.


I refer to the mention of a committee structure which reflects the old Parliamentary Services Commission, which had the Speaker on it. If anyone thinks that was necessarily a screaming success they need to go back and read the debate in 1995. That process, even though the Speaker was the chairman of that commission, was very much influenced by the executive. I say to the honourable member for Chatsworth that his predecessor twice removed was a very dominant person on that and the executive was very much alive in that process, despite the presence of the Speaker on that commission.

The point I am making is that the success of the CLA, or any committee which is about looking after this parliament and running the day-to-day business of this parliament, is only as good as the cultural outlook and the bipartisan approach of the members who are on that committee and the way they look at it. If we look at the Committee System Review Committee report itself, the recommendation was for nine portfolio based committees. We are now back to seven portfolio based committees. Once again, we are still seeing an extension of the executive domination over this parliament. The cost of those extra two portfolio based committees would have been an absolute pittance in the context of the running of this place. They would have ensured that people had maximum participation in that there was an opportunity for the public at large to feed in and for members of parliament to participate at the maximum level so that committees do not get overwhelmed, because some of these committees are going to be. But once again the executive, which was obviously concerned about the cost, has come back and said, 'Look, we would prefer seven.'

I acknowledge and commend the government for the fact that it has been prepared to accept as many recommendations as it has, and what we have seen in recent times has been quite extraordinary and unprecedented. But we are seeing a concern over the cost of good government in Queensland. When we put that up against the cost of running an upper house, which costs \$42 million in Victoria, I do not think an extra few hundred thousand dollars for a couple of committees would have been very much at all.

The other thing is that if we are not careful we will also embed what is wrong with the current system in our new committee system. Looking at it from an opposition's perspective, with 21 members of the opposition—it will not be 21; there will be some Independents—there will only be the shadow ministers. Some Independents will miss out. Therefore, most of the backbench will still not be participating at a committee level so they are not going to be informed on legislation and will continue to be ombudsmen for their electorates, unless the government increases the number of participating members on the seven-member committees—that is, maybe four members from government and four members represented by or nominated by the Leader of the Opposition in this place.

So I think there are some worrying signs there that we have to take on board. I will go back to the CLA for a moment and to some of the areas where members lose out. A couple of years ago members in this place traded off the printed *Hansard* for constituents. A lot of people might ask, 'So what? What's a printed *Hansard*?' A whole range of people in our electorates used to get the printed *Hansard*—those who do not want to use the internet or who do not have the internet, or those who do not think that that is the best way to read *Hansard*. They like to sit down and study it. There were only handfuls of people in our electorates who wanted that, but we traded the printed *Hansard* off in order to provide some additional overdue entitlements to members representing western areas. Honourable members, the whole point is that we are often forced to rob Peter to pay Paul because we are constantly battling the forces of executive government which is saying, 'If you want to do something that is common sense, you go and find the resources within to rob yourselves to make those changes.' There is much good in this bill, but we have a long way to go.

 **Hon. JC SPENCE** (Sunnybank—ALP) (3.40 pm): This bill brings into law a number of changes that were recommended by the parliamentary Committee System Review Committee—the CSRC. As I have stated in this parliament previously, I appreciate the input, views and support of my committee colleagues in making these recommendations. I would also like to thank my colleagues on the Committee of the Legislative Assembly as well as those who have played a significant role in shaping this bill before the House. As has already been acknowledged today, we are seeing the most sweeping change to the way in which this parliament works that has probably ever happened. Although the government has drafted the bill, the Committee of the Legislative Assembly was provided with copies of the bill and examined each clause and recommended a number of changes, which were adopted by the government. This must be a first for the Queensland parliament.

I note that the Leader of the Opposition pointed out with some disappointment that the government has made changes to some of the original recommendations in the CSRC report. In fact, the Leader of the Opposition said that the government is deviating from the recommendations of the committee. I would like to remind the Leader of the Opposition and those who served with me on the CSRC that we discussed in great detail in our deliberations whether we should actually go down the path of adopting the New Zealand model, where policy committees are allowed to change legislation in the committee stage of the bill rather than sending that bill back to parliament. We all believed—we were unanimous in believing—that at the end of the day the committee should make recommendations and that it would be up to the minister, to the executive of the day, to support or reject those recommendations and that those decisions should be made on the floor of this parliament, not in some committee. So to suggest now that the government does not have the right to reject some committee's recommendations is seriously not in the spirit in which the CSRC considered all of its recommendations. To have the member for Southern Downs now say today that the government's decision to reduce our recommendation of nine policy committees down to seven—and I quote the member—'represented an executive domination of the parliament' I think is not in the spirit of the deliberations that we made when we thought about the role of the committees and how they should interface with the executive and with the parliament.

Mr Seeneey: The executive knew better than the committee. That's what it means.

Ms SPENCE: At the end of the day we believed that the policy committees can make recommendations and those recommendations will come back to this parliament. If the minister of the day wants to reject a unanimous report that has come back from a policy committee on legislation, the minister can stand in this parliament, front up to the Queensland people and say why that unanimous committee report is going to be rejected by the government of the day. Ultimately, parliament will make that decision. We did not want to go down the path of adopting the New Zealand model for precisely that reason. The bill proposes significant reform to parliament and, like any major reform, it is controversial. I think this is the first time that I have heard the way parliament works being discussed in the public domain for probably more than a decade and that has to be helpful and healthy to democracy in Queensland.

This morning I tabled legal advice from the Solicitor-General, which relates to this bill, and a proposed bill to be introduced later. His advice is unequivocal. There is not a breach of the doctrine of the separation of powers and the bill does not weaken or diminish the ability of parliament to reform its primary role, that of making laws.

The bill amends the Parliament of Queensland Act 2001 in a number of ways. It provides powers to create portfolio committees, while their responsibilities and names will be found in the standing orders. Portfolio committees will be standing policy, legislative, scrutiny and estimates committees and will be responsible for the public accounts and public works functions for their portfolios. Each committee will consist of six members—three nominated by the government and three by the opposition—with the government appointed chairs having a deliberative and casting vote. The bill will abolish a number of committees whose functions will transfer to these new committees. Although not legislated, there will be seven portfolio committees. As the legislation states, each department must be covered by a portfolio area, whether by allocating the whole department to the portfolio area of a committee or allocating parts of the department to the portfolio areas of different committees.

For the first time in this parliament's history there will be subject matter committees that can cover all aspects of government administration. For example, currently our policy committees do not cover the whole range of government activities. Government portfolios such as Transport are not covered by any committee under the existing arrangement. The new committees will also assume all the existing functions of the Scrutiny of Legislation Committee and the Public Accounts and Public Works Committee for those matters relevant to that portfolio as well as serving as the estimates committee.

Increasing the number of committees from four to seven, expanding their functions to include public accounts responsibilities, public works, scrutiny of legislation and estimates functions as well as the scrutiny of the policy objective of the legislation delivers on the government's intention to improve scrutiny of legislation. The existing functions of the Public Accounts and Public Works Committee and the Scrutiny of Legislation Committee have been allocated across the seven portfolio areas. Indeed, the government has agreed to retain the staff of the Scrutiny of Legislation Committee to assist the committees deal with these responsibilities under the Legislative Standards Act.

The proposed changes will allow parliamentarians to be subject matter experts and to focus on policy areas of greatest interest to them. The changes will also allow fundamental legislative principle matters to be considered along with matters related to the policy efficacy of a bill. That will benefit the public and parliamentarians in many practical ways. For example, a person who is interested in transport matters would be able to serve on a committee that considered all transport matters in one area.

I will use a plausible, practical example to demonstrate how this new system will benefit members and the public. Say the Auditor-General had identified in a report to the Public Accounts and Public Works Committee some deficiency with the legal basis of a fee charged on heavy vehicles and the use of that funding to the Roads Investment Program. As a secret recommendation, or confidential matter, as provided for under the Auditor-General Act, the problem would not be known to other members of parliament. Under law, it would be limited to only those members of the Public Accounts and Public Works Committee. The director-general of that department and the minister would need to attend secret hearings of that committee to advise on the progress of any legislative changes to address the deficiency identified by the Auditor-General. Under the present system, most of the deliberations of committees are conducted in private and members are not allowed to share these discussions with their colleagues outside the committee. In future, we expect that the committees will be more transparent and open.

I will go back to the example that I have given. When the bill was presented to the parliament or any subordinate legislation was gazetted, the minister and departmental staff would need to prepare fresh submissions and responses to the Scrutiny of Legislation Committee as the committee would comprise a different group of members. The minister would then go back to square one to explain why the bill was needed, potentially why it had to breach any fundamental legislative principles and why it was drafted in a manner such as to give effect to a report of the Auditor-General. Then the minister and the director-general would attend estimates hearings. This would be another forum where they would need to go back to square one and brief a third group of parliamentarians on matters that have already been ventilated with two parliamentary committees. They may then have to explain to the estimates committee the rationale for changing the law. Finally, when the funds were applied through the Roads Investment Program to specific projects, the minister and the director-general may well need to go back to the Public Accounts and Public Works Committee to explain matters relating to the building of that infrastructure. By that stage the committee may well have forgotten about the report of the Queensland Audit Office that sparked the original change.

Although this hypothetical example may seem absurd, I am well aware of a similar case that has occurred in the past decade. Under these changes contained in this bill, the transport and infrastructure committee will comprise the same group of members who will hear public accounts matters, scrutiny of legislation matters, public works matters and who will sit as members of the estimates committees. Those committee members will be able to use the knowledge that they have accumulated at each stage of the parliamentary process to better scrutinise the raising, allocation and spending of funds as well as any legislation presented to the House.

As was noted in the Fitzgerald report, parliamentary committees enhance the skills of backbenchers of all parties and increase their experience in and familiarity with public administration, as well as reinforce their sense of purpose and appreciation of their independent parliamentary role and responsibility. The portfolio committee system will significantly assist members of parliament in their understanding of public administration through this integrated process. The bill will also retain the Parliamentary Crime and Misconduct Committee. Unlike other committees it will continue with seven members—three non-government and four government—as presently exists. While not detailed in the bill, the chair will be a non-government member.

I turn now to the role of the Committee of the Legislative Assembly, the CLA. All members of the CSRC agreed on its membership. I note that there has been much public debate about the membership of this committee. In fact, some commentators have gone so far as to say that the membership of the CLA hands more power to the executive arm of government. Some have even suggested that 'it is an

insult to the doctrine of the separation of powers'. I note that a number of people who purport to be some experts on democracy or on the Westminster system indeed signed a letter to the editor of the *Courier-Mail* that makes that very accusation. I would hope that those members who put their names to that letter take the time out to read the Solicitor-General's summary that I tabled this morning and I hope that they are sufficiently embarrassed by the statements that they have made in this letter. These arguments have been well and truly refuted in the advice I tabled from the Solicitor-General today.

Regarding the issue of the membership of the executive or the alternates being represented on the CLA, the Solicitor-General notes that the Board of Internal Economy, the administration board for the Canadian House of Commons, includes two ministers and the Leader of the Opposition. Accordingly, we do not think that this difference is a significant one. The Solicitor-General goes on to say that the reintroduction of a multiparty committee, the CLA, increases the role of the opposition in the administration of parliament and is a move back towards Westminster convention that tends to lessen the grip on the executive. I encourage every single member of parliament to read the Solicitor-General's advice before commenting on this legislation. I have not seen a lot of evidence of that in the debate thus far.

Regarding the membership of the CLA that does not include the Speaker, the Solicitor-General points out quite properly that this of itself does not create any legal consequences. He says that it is also relevant that under the reform bill the Speaker is a member of the CLA when it deals with a matter relating to standing rules and orders and that this aspect of the proposal supports the independence of the Speaker. The advice foreshadows further safeguards a government will have to protect the role of the Speaker when it amends the Parliamentary Service Act.

The Solicitor-General's advice confirms that the primary role of the Speaker is to preside over the House, to maintain order and ensure its effective functioning and, by convention, the Speaker acts as the representative of the House. These functions will not change. The Solicitor-General also points out that, unlike the Speaker of the House of Commons, Australian Speakers are required to contest their seats and there is little likelihood of them being re-elected Speaker if there is a change in government. In practice, he says, it is very difficult for a political partisan to discharge the duties of Speaker with fairness and impartiality and therefore the position does not occupy the high plane of dignity which it occupies at Westminster. In short, he says that the Australian model of Speakership does not follow the two fundamental Westminster conventions: impartiality and continuity. The reality is that in Australia the Speaker is a political appointment of the executive, and that is what the Solicitor-General says. I have made that point myself on a number of occasions. In fact, the Solicitor-General said he cannot see how the diminished role of the Speaker under the proposal would be unconstitutional or breach any law.

Let me return to those who suggest that these changes are an insult to the doctrine of the separation of powers—our high-minded friends who put their names to the letter in the *Courier-Mail*. The Solicitor-General's learned advice considers the doctrine of powers as far back as Aristotle, Montesquieu, the modern British Constitution and Australian High Court rulings and notes that the Westminster system departs from the pure form of the doctrine in a fundamental way. In the Westminster system ministers are drawn from and remain accountable to the parliament. They have the same rights as other parliamentarians plus they have additional responsibility. The Solicitor-General concludes that the proposal does not breach the doctrine of the separation of powers; rather it is an acceptable variation that does not weaken or diminish the ability of parliament to perform its primary law-making function. Finally, he states that he does not consider that the proposed laws breach any other law, doctrine or rule. As I said, I encourage every member of parliament to read his full advice before making the outrageous allegations that have been made in the public domain by so many people who I believe have embarrassed themselves.

I will address a number of points raised by the Leader of the Opposition about this very matter. He and other opposition members have made the point that the government's decision that the chair of the CLA have a casting vote takes away the concept of a bipartisan committee. I actually agree with that point. I have just had another look at the CSRC report that was tabled in December last year and I have to say that, on another reading of that report, I think we were not very clear on this particular recommendation. When we wrote in 7.26 on page 23 of that report about the voting rights of chairs, our recommendation 19 says—

The Committee recommends that Standing Orders continue to provide for chairs to have a deliberative and casting vote.

We were silent on our desire for the chair of the CLA not to have that deliberative or casting vote. I acknowledge that every single member of the CLA believed that the chair should not have the deliberative or casting vote. I certainly agree with that point. I am happy to talk to the Premier, who, as we know, is in Malaysia, about that very significant issue and see whether the government wants to change its mind on that very issue. From our point of view—and I see the member for Southern Downs nodding in agreement—we could have been a lot clearer in our report about that particular matter.

Another point made by the opposition is that we took away the disciplinary role of the CLA and there was now no reason not to have the Speaker on this committee. We debated that the Speaker could not be on a committee that was deciding disciplinary matters. I think, though, that what we were

always thinking about was that the CLA would be much more than that. We discussed the issue that, as a board of management of parliament, we all believed it was incorrect for any Speaker to have to turn to the Premier of the day, or indeed for the Leader of the Opposition to have to turn to the Premier of the day, to ask permission to travel. Those decisions should be made by a board of our peers, which would be the Committee of the Legislative Assembly. I still believe that this committee should serve that sort of function. I do not think it can serve that function if the Speaker, whose travel we are approving, for example, is a member of that committee.

That is only a small part of this legislation. Like others, I am sorry that this issue has overshadowed these reforms. In 20 years time, when people look back at the reforms that we are making today to change the way the Queensland parliament operates, they will see today as the day when very important committees were formed which, for the first time in a long time, give members of parliament the opportunity to really participate and have their views known and to have some real input into the laws of Queensland. They will look back and say that every other state followed us down the track in a similar model and that we improved democracy in this state on this day. This issue about the Speaker on the CLA will be a minor issue that will not warrant much attention. We are debating important issues today. As I said, I thank all my colleagues, both on the CLA and on the original committee, for their contributions and I ask all members to endorse this bill before the House.

Debate, on motion of Ms Spence, adjourned.

Interruption.

PRIVILEGE

Comments by Member for Burnett



Hon. RE SCHWARTEN (Rockhampton—ALP) (3.59 pm): I rise on a matter of privilege suddenly arising. I note that this morning the member for Burnett hid behind parliamentary privilege to defame me. I challenge him to leave this chamber and repeat what he said outside. If he does, I will have him dealt with by the courts. Unless he is prepared to do that, anything that he said this morning should be discredited and condemned. That the member for Burnett is prepared to be a mouthpiece for a person like Gordon Nuttall, who in my view was the most corrupt politician in the history of this state—and that includes Bjelke-Petersen, whom Nuttall himself cited as a man who accepted brown paper bags full of cash, which, as it evolved, Nuttall repeated—tells us what sort of person the member for Burnett is.

I make no secret of my long friendship with the McGuire family which goes back to the days when I worked for Tom Burns, who was also a personal friend of theirs. Never once has the McGuire family asked me to do anything improper; nor would I be mates with them if they did. Unlike Nuttall, to me mateship is not about money; it is about decency. True mates do not expect their mates to lie or be corrupt on their behalf. True mates do not care whether you have money or whether you do not. I have mates who have plenty of money and I have mates who have none, and there is not one I treat differently accordingly. That was not the case with Nuttall, who loved to hang around people with money and, as it turns out, was not shy in putting the bite on them as well.

As for Mr Nuttall's parliamentary mouthpiece, I suggest he ask Nuttall about his hotel fundraising events. I can confirm that the member for Sunnybank and I held large fundraisers at McGuire hotels and we were charged for those functions. There were well over 100 paying guests, it was a public event and the proceeds were banked in a Labor Party account. Yes, a table I crafted was auctioned, from my memory, for \$6,000. Again, the money was banked in a Labor Party account, which is duly dealt with according to law. Such a secret was this that the auction made the pages of the *Courier-Mail*. I would welcome any scrutiny by any agency of my actions. Unlike Nuttall, who was collecting cash and bribes, all of my dealings are transparent and will survive any investigation at any time.

One final point is this: some inside help I turned out to be for publicans. And believe you me—no one will find this a surprise—I know lots of publicans.

Mrs Kiernan interjected.

Mr SCHWARTEN: That is right, too. I sat in a cabinet that increased their poker taxes, increased their fees, banned smoking, cut their hours and allowed for the naming of publicans who had incidents in their pubs. The record will show that I supported all of those measures. Despite that, the McGuire family are still mates, which says a lot about their values. They are a good family and are great supporters of community events and charities. They do not deserve to have their name trashed in this way. Furthermore, they have friends on both sides of the parliament, are respected in the hotel industry in this state and have a proud history in that regard. I will finish on this point: they do not deserve to have a low grub like the member for Burnett trash their name in this place.

Mr DEPUTY SPEAKER (Mr Kilburn): Order! That language is unparliamentary and you will withdraw it.

Mr SCHWARTEN: It was intended to be. I withdraw it.

PARLIAMENT OF QUEENSLAND (REFORM AND MODERNISATION) AMENDMENT BILL

Second Reading

Resumed from p. 1258.

 **Mr MESSENGER** (Burnett—Ind) (4.03 pm): From his comments, it looks like the member for Rockhampton will support a call for a royal commission.

Mr SCHWARTEN: I rise to a point of order. I made no such call. That would be a waste of taxpayers' money. I point out that the member for Burnett is a mouthpiece for a villain and criminal.

Mr DEPUTY SPEAKER: Order! You have had your say, member for Rockhampton. Member for Burnett, you are now speaking on the bill that is before the House.

Mr MESSENGER: I rise to speak to the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. With the introduction of the debate of this legislation, this becomes a very sad day for the people of Queensland. For people who have an appreciation of how this place works and for lovers of democracy it is a very sad day. This is a bill with 'reform' in its title and a step towards tyranny in its text. The Parliament of Queensland (Reform and Modernisation) Amendment Bill was scrutinised by the Scrutiny of Legislation Committee. I will go immediately to the issues arising from the examination of the bill. The committee report states—

In relation to whether the bill has sufficient regard to rights and liberties of individuals, the committee draws the attention of the Parliament to:

...

clause 7, conferring responsibilities on the statutory Committee of the Legislative Assembly and which may not be drafted in a sufficiently clear and precise way

Therefore, before this parliament we have legislation that is not properly drafted. It is underprepared. That is what a bipartisan committee, the official parliamentary committee for the scrutiny of legislation, found. The report states—

The committee invites the Premier to provide further information regarding the application of fundamental legislative principles to:

...

Clause 7 and whether it would allow undue Executive intrusion into the separate parliamentary branch of government—

I hope that the Premier answers the bipartisan committee's request—

Clause 7 and whether it might impair the role and status of the Speaker.

Once again, a bipartisan committee of this parliament casts doubt over the way this has been drafted and the intent of the clauses in the bill. The committee report goes on to state—

In relation to the consideration of the bill, and if the bill in its current drafted form has sufficient regard to the institution of Parliament, two members of the committee—the Deputy Chair, Mr Peter Wellington MP, and Dr Alex Douglas MP—find the bill in its current draft form, may allow undue executive intrusion by the Government, into the separate Parliamentary branch of Government, and that this part of the bill should not be supported in its present form.

It is a dissenting report. I say bravo to the member for Gaven, Dr Alex Douglas, and bravo to the member for Nicklin, Mr Peter Wellington. They have shown that they are truly doing what the people elected them to do. They are not puppets of any party political machinery. They have not been sucked in by the little love-in that we have had between the ALP and the LNP. They are using their minds as God intended and voicing their very serious concerns as part of that committee process.

Under the heading, 'Independence of the Legislative Assembly', the report states—

Clause 7 may not have sufficient regard to the institution of Parliament as it may allow undue Executive intrusion into the separate parliamentary branch of government.

The report notes that Professor Carney has stated—

The Speaker makes decisions in regard to the parliamentary precinct, the parliament, questions on notice, the security of the parliament—a whole range of things that come up on a day-to-day basis. They come up in the middle of the night at times. Are we expecting this committee, in terms of buildings and the precinct, to take the decisions that the Speaker is going to be taking?

Once again, very legitimate concerns have been raised by a supposedly bipartisan committee.

There is no doubt that the system of government in Queensland is in desperate need of reform. When in power, both sides of the House were allowed to pass bad legislation, waste taxpayers' money and turn a blind eye to corruption. When as a state we are in \$85 billion plus of debt and have lost our AAA credit rating, I often wonder how much taxpayers' money has been wasted because of red tape and the corruption spread by this government. There is no doubt that the Queensland political process is broken, should be fixed and is in desperate need of reform. However, the plan for reform as laid out in this legislation is not a plan; it is a con job.

I agree wholeheartedly with Mr Speaker, who, in relation to this so-called reform, has stated that it is 'wrong in principle and dangerous in practice' and complete and utter nonsense. That is worth repeating. Mr Speaker has said that it is 'wrong in principle and dangerous in practice' and complete and utter nonsense. I agree also with Harry Evans, the very respected former Clerk of the Senate, who has some very important things to say about this legislation. He recently appeared on 4BC and spoke with Gary Hardgrave. He made these important comments—

The significant thing about these proposed changes is that there is to be a Committee of the Legislative Assembly, and it's to consider practically everything relating to the functioning of the parliament including the powers, rights et cetera and immunities of the parliament. But that committee is to consist of three government ministers and three opposition executive—read leaders—with the chair who is a government person having the casting vote. And, even more significantly, the Speaker only gets invited to join this committee when they are considering matters relating to the standing orders, not all those wider matters relating to the powers, immunities and rights of the parliament.

Warning bells should be going off about these comments from Harry Evans, especially the one stating, 'not all those wider matters relating to the powers, immunities and rights of this parliament'. Sometimes I think there are people in this place who do not understand fully the powers, rights and privileges of this place. He goes on—

This committee could be making very, very significant recommendations which would be virtually sure of being carried in the Assembly about the rights of parliament itself ... It will not only have an effective government majority through the casting vote of the chair but there will be no backbench representation at all.

Once again, Mr Evans is completely correct; there will be no backbench representation at all. Let us just think about how this place works. The executive reports to the backbench. It is worth saying that again: the executive reports to the backbench. We are the authority that the executive reports to. You would not get that by the amount of arrogance in the executive at the moment but it does; it reports to the backbench. The backbench is where the power of this parliament resides. Not all members of the executive realise that and you certainly would not get it from their demeanour. Harry Evans continued—

And the poor old Speaker, who is traditionally supposed to be the guardian of parliamentary rights and immunities, is relegated to the status of a second-class member.

This is a very respected member of the community and a very respected member of the parliamentary community within the whole of Australia. Mr Evans continued—

I think the problem is we've lost the distinction between government and parliament. People have got so used to the idea that government controls everything and so used to the idea of things being worked out between the leaders that the poor old backbench members don't get much of a look in anyway, but this will exclude them even further from thinking about their own institution.

As I said, within the text of this legislation there is a step towards tyranny. Mr Evans continued—

Well, we all know that party discipline in Australia is incredibly intense and that people simply don't vote against their party and certainly government backbenchers don't vote against their government at pain of political death.

He summed that up in one. He belled the cat on that one. He goes on—

This, as I say, carries that system to a new height in not even having backbench representation on this exceptionally important and powerful committee. I would have thought that there would be a backbench rebellion about this, if nothing else.

There are a few backbenchers who are pretty upset about it including this backbencher. We are prepared to speak out. We have not taken the political lobotomy or the psychometric test and we are not prepared to say how high when some multimillionaire or some union boss says jump. We think for ourselves and we think for the people who put us here. We follow their orders and we do what they want, not what a select and elite few of this community want. Harry Evans says—

... I would not have thought even in our old House of Reps, which is pretty well government controlled, I don't think that the backbench members of the House of Reps would allow this to happen. It certainly wouldn't happen in the Senate, of course.

So we have a group of backbenchers—it looks like both in the government and also in the LNP opposition—who have been muted politically. They have certainly lost their vocal chords. Mr Hardgrave said to Harry Evans—

If you go through some of the basics, I mean the power of the executive comes as a result of the parliament and the parliament's power comes as a result of the people. So what we really have here are the people being sidelined while the 17 people who form the executive are just doing whatever it is they want to do.

Mr Evans answered—

Well, yes and the leaders of the opposition and the government have a shared interest in making life easy for themselves. We see from time to time Premiers and leaders of opposition and their immediate executive coming together to agree on matters that are not necessarily in the interests of the parliament and certainly not in the interests of the backbench members. So to guard against that there ought to be majority backbench representation, I would say, on this sort of committee.

Mr Hardgrave then said—

Do you see anywhere else in the world any kind of parallel like this system?

Of course, we have had the Leader of the Opposition saying that this is the normal system. I would place more credence in the comments that Mr Evans makes than any member of this government—certainly any member of the opposition. Mr Evans said—

I do not know of any. No, I do not know of any.

I stand to be corrected, but I think Mr Evans is right. Mr Evans also said—

It takes executive control of parliament to a new height, and that is ultimately not in the interests of the population of the state because it excludes their backbench representatives from deliberations about the powers of the parliament itself, which is not healthy.

He continues on, but I think that members of this place have the gist of the conversation between Mr Evans and Mr Hardgrave. Any person who loves democracy and good governance in Queensland knows that the only way to properly reform parliament in Queensland is to re-establish the upper house, which was abolished in 1922. Any reform plan that is trotted out which lacks the re-establishment of the upper house is not a reform plan; it is a plan for further corruption and waste but only on a bigger scale than we have already seen.

The member for Callide and the member for Southern Downs deserve to be strongly condemned by their conservative supporters. Just like the underground coal gasification, restrictions on whistleblowers talking to the media and more secrecy in local government, they will vote again with Labor. They do not have the intestinal fortitude to argue for an upper house because they are scared away by its cost. I think someone said it will cost \$40 million to re-establish an upper house. How much money would an upper house have saved us in corruption and wastage? What about the \$500 million that was thrown away at Gympie and that total debacle there with the dam? In my own electorate I can find \$40 million worth of waste: a desalination plant at Agnes Water—\$30 million of state funding, \$10 million of local government funding on an unwanted, unneeded and wasteful project. So for the cost of the desalination plant at Agnes Water, which was not wanted, we could have had an upper house in this place right now scrutinising every piece of legislation that is forced through this place. It is a very poor day when the opposition fails to follow its own policy guidelines—and I have to say that when I was part of the LNP re-establishing an upper house was part of conservative policy. Where has that policy gone?

Speaker Mickel's warning should not be easily dismissed. There is a widely held belief on both sides of this place and also with the Independents that Speaker Mickel is one of the best Speakers that has held office in living memory. He has dramatically reformed the role of Speaker and, in doing so, he has established himself as a statesman among his peers. If the Labor Party wants to bring on some immediate reform, it should replace the Premier with Mickel, then follow that up by promoting an Independent to the role of Speaker, commit to putting a referendum to the people for the reintroduction of the Queensland upper house at the next election as well as the establishment of a royal commission into corruption and waste. It is a must.

Here is a little hint for the members of the LNP: when they see the member for Rockhampton praising them in this place they should check their pulse because it can only be a condolence motion or he is setting them up for a fall, which he has cleverly done.

This legislation is an expensive con job that the LNP has fallen for hook, line and sinker. The LNP has given up all its principles and betrayed the trust of its grassroots supporters. Former Speaker Lin Powell, proud member of the National Party, said—

Frankly I am appalled that the Opposition considers it a good move. From my quick glance, and so far it has been quick, it seems to emasculate the power of the Speaker and makes no provision for Independent members at all.

I'm afraid that the backbenchers on both sides seem to think that they will be protected by their leadership team. A false sense of security if ever there was one!

What most don't seem to realise is that without the protection of the Speaker they are all as vulnerable as independents to being ridden over roughshod by the Executive.

Why the Opposition embraces the recommendations I don't know. I do know that within the LNP organisation there is major disquiet.

I refer to what the member for Callide said. He is proposing an amendment to make sure that the Speaker is a member and chair of the Committee of the Legislative Assembly. Well, that is too little, too late. That is a very, very poor political tactic. They should be standing up opposing this. I will be calling for a division on this legislation. I will not be voting with the government. Then there will be another opportunity for the LNP to go over and merrily hold hands with Labor once again.

This legislation touches on a few good ideas maybe accidentally. Recommendation 43 of the Committee System Review Committee recommends that 'senior public servants (senior executive level), chief executive officers and statutory office holders be able to be directly questioned at estimates hearings'. Yes, that should have happened a long time ago. It happens in the Senate.

But ultimately this legislation will be used as an excuse not to re-establish the upper house, and that is the great danger of this report. Every time there is a call for the re-establishment of the upper house in Queensland—it will be like the HQCC. When you go to the health minister with a problem about someone who is about to die or who has died—and I am glad the health minister is in the chamber now—all he says is, 'I'll refer it on to the HQCC.' He abrogates his duty. He does not understand his duty as a minister and as a member of the executive of this government. He does not like reporting to the backbench and he merely fobs things off. Well, that sort of arrogance will only exist for a little while longer. There is a day of reckoning coming.

Mr Moorhead: When the Independents take over.


Mr MESSENGER: I take that interjection about when the Independents take over. At the moment the only hope the people of Queensland have is if the balance of power is held by the Independents, because the Independents could then become the de facto upper house. You would not see the sort of arrogance whereby a bill is introduced into the parliament and then debated a couple of days later and more than likely rammed through. There will be negotiations and proper scrutiny when the balance of power is held by the Independents.

If I ever needed reassurance that my decision to leave the LNP and become an Independent member of this place was the right course of action, this provides it. The LNP's reaction to this bill has strengthened my resolve. The Labor government has stroked the egos of LNP senior members—wined and dined them halfway around the world—to ensure they supported a con job and to ensure that the re-establishment of the upper house is extinguished. You expect this sort of behaviour from Labor—it is a continuation of this farcical system—but to have senior members of the official opposition condone it as they have disgusts me. They have sold out so cheaply their conservative principles and betrayed their conservative supporters.

In the brief time I have left I will quote from a lady who was a very, very senior member of the LNP. She summarises this legislation very succinctly—

It's going to turn parliamentarians into public servants. Parliament will become just another department of government.

And that is what this government has conned the opposition into accepting: parliamentarians will be turned into public servants and parliament will become just another government department with a bunch of yes-people employed in it.

 **Mr EMERSON** (Indooroopilly—LNP) (4.23 pm): I rise to speak to the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. The fundamental and sweeping reforms being considered today have the potential to provide significant improvements to this parliament. They aim to achieve better legislative outcomes and greater public understanding and scrutiny of parliament. They represent the largest overhaul of the state's parliamentary structure since the abolition of the upper house in 1922. Broadly, they propose a strengthening of the parliament's committee system. This system provides the only formal review mechanism of the government in the absence of that upper house. I have long supported a strengthening of that committee system. This is something that was advocated in the report of the Fitzgerald inquiry.

However, as public debate has continued about these reforms I have become increasingly concerned about a key aspect of these proposed changes and I have concluded that this change poses a threat to one of the most fundamental principles of parliamentary democracy—the separation of powers between the legislature, which passes the laws that govern us; the executive arm of government, which administers those laws; and the judiciary, which interprets those laws when necessary. This change involved the establishment of the new Committee of the Legislative Assembly. This will be an extremely powerful new committee which will oversee the administration of parliament. My concern is that this committee, as it is proposed, will diminish the traditional role of the Speaker and hand more power to the government's executive arm.

The CLA will be responsible for the way the parliament is run. It will take over many of the duties currently undertaken by the Speaker. The government has argued that the new committee involves sharing decision making rather than centralising decision making with the Speaker. But concerns have been raised about these changes challenging this fundamental principle of parliamentary democracy—the separation of powers. The biggest problem with this new committee is that it does not include the Speaker. Instead, it is up to the Premier, the Deputy Premier, the Leader of the House and their opposition counterparts.

It is important to note that the proposed reforms were drafted by a bipartisan committee last year. But, as initially envisaged, the CLA would also have considered disciplinary matters—matters that would have been referred to it by the Speaker. For that reason it would have been inappropriate for the Speaker to be on the committee. However, under changes made by the government, the CLA will no longer have that role, so that impediment no longer exists. What we are left with is a committee made up of the most senior representatives of the executive arm of government responsible for the way the parliamentary arm is run. At the moment we have a parliament run by the Speaker, independent and presumably impartial. But under the new system, parliament will be run by a government led and controlled committee. Under this new system, the executive arm of government will exercise far more control. The Speaker should be on the committee—and should be the chair.

The Speaker's absence from the committee has raised concerns from across the political, legal and professional spectrum. In an open letter to the Premier, a 23-strong group including a retired High Court judge, a former Premier and two former Queensland Labor Speakers criticised the absence of the Speaker from the CLA as an assault on Queensland's democracy. They urged the Premier to abandon or modify these reforms which they believe would create a dangerous precedent. Former Liberal Party leader Terry White, former coalition Premier Rob Borbidge, former Labor Speakers Jim Fouras and Mike

Reynolds, Amnesty International's David Muir and retired Australian High Court judge Ian Callinan were among the signatories to that letter. They described the change as 'an insult to the doctrine of the separation of powers' which removed one of the checks and balances of democratic societies. I note that the member for Sunnybank referred to this letter extensively in her earlier comments, so I think it is worthwhile to read out some parts of this letter. The letter reads—

The adoption of the proposal for a new structure, the Committee of the Legislative Assembly, to shift control and management of all aspects of the Queensland Parliament's administration to a committee divorced from the Speaker, would create a dangerous precedent for all our parliamentary democracies.

The Speaker's exclusion from this committee, and the inclusion of the executive's two most senior members, the premier and deputy premier, is an insult to the doctrine of the separation of powers.

The separation of powers and functions of the Parliament, executive government and the judiciary provides one of the fundamental checks and balances in any truly democratic society.

Current arrangements under the Parliamentary Service Act 1998 are based on a clear demarcation between the executive and Parliament; give authority to the Speaker for the overview of the Parliament and its precinct, and underline the principle that an independent Parliament is the basis of an effective parliamentary democracy.

The position of Speaker ensures, as much as can be, the independence of the Parliament. In the interests of our democratic system of government, it is essential that the Speaker be not only a member of this committee, but also its chair, assuming, as we think is not the case, such a committee is necessary or desirable.

Parliaments dominated by the executive have never served the people well. Effective control of parliamentary administration would pass from the Speaker to the Leader of Government Business—the proposed chair of the CLA.

We counsel against this assault on democracy in Queensland.

On any view, the Speaker should chair such a committee of the Legislative Assembly, if it is to be insisted on.

The current speaker, Labor's John Mickel, has also warned that the Westminster system of democracy is under attack by this change. The current Speaker said the proposals would undermine him and his successor's independence in the running of the parliament, handing over control to the government of the day. He said, 'It removes the Speaker from the role of running the parliament and gives it to the executive, which is a clear violation of the separation of powers.' Mr Mickel went on to say, 'It is unprecedented anywhere in the Westminster system and overturns centuries of practice. This is like having the government going to Queensland Chief Justice Paul de Jersey and saying it is now going to administer the courts.' The government's proposals represent a serious challenge to the most fundamental principle of parliamentary democracy. I urge the government to reconsider.



Mr GIBSON (Gympie—LNP) (4.30 pm): I rise to make a brief contribution to debate on the Parliament of Queensland (Reform and Modernisation) Amendment Bill. In doing so I point out that it was with great pleasure that for a very brief period I filled the role of Leader of Opposition Business and served on the CLA. It is not my intention to revisit the issues raised by the committee in much detail as many of them are reflected in the legislation before the House.

There are some points that I wish to make that I think are important. I note that the Leader of Government Business, as chair of the committee, stated in the foreword to the committee report—

The committee members who worked on this current review of our committee system were unanimous in their concerns that our present committee structure is under-resourced, does not have sufficient influence over the executive of government, does not receive sufficient attention in the parliament ...

She goes on to say a few other things. It is that comment with which I raise some concern. The recommendations have been raised by previous speakers. The member for Southern Downs addressed those very important points. We saw at the very beginning the influence of the executive over the establishment of these committees. The recommendation about the number of committees is one that I think is important and had bipartisan support.

As has been pointed out, the cost of an upper house is significant. Surely in adopting the bipartisan committee recommendations the government should have been willing to embrace the number of portfolio committees that was originally proposed as opposed to dictating what it is prepared to fund. That comes back to the very concern that we have heard from many—that is, the influence of the executive over the parliament.

I note that the Leader of Government Business in the House has indicated that the committee's recommendations were not clear when it came to the deliberate and casting vote not being held by the chair of the CLA. Personally, I feel that it would have been ideal for the chair not to have a deliberative vote. Then matters that could not be decided in a bipartisan way—and invariably they would be of a political nature—could appropriately be brought back into this chamber. This is where the politics are played out. We acknowledge the fact that the outcome most likely would be the same. Those of us in opposition recognise that the government has the numbers. Bringing a matter back to this House would not necessarily change the outcome—

A government member interjected.

Mr GIBSON: I take the interjection. The result would have been the same, but it would recognise the political nature of the matter. This is where, quite appropriately, we debate those political matters. The ideology may be different, we may approach things in different ways, but this is the open and transparent approach to take.

It is very disappointing that the government has exercised its influence over the committee and indicated that it is its view that the chair should have a casting vote. I take some solace from the speech of the Leader of Government Business where she said that she will be raising it with the Premier again. I acknowledge the Premier is undertaking important duties in Malaysia.

I genuinely hope that the amendment to this piece of legislation is accepted so we can genuinely move forward. There is a desperate need for these reforms to be done right the first time. It is very rare to be doing this. It is a great privilege to be in the parliament at this time. I believe, as we have heard from many members on both sides of the House, that these reforms are significant. It is very rare that one is able to say in advance that one was part of history. But I do believe those of us in this parliament are part of history and part of the changes that will be made going forward. We need to ensure that the structure is set going forward.

Notwithstanding the desire for the committee chair not to hold a casting vote, the recommendations enable the Speaker to take a position on the committee. We have heard much about this from those who were involved in the discussions during the committee's consultation phase. That is not something to be dismissed outright. The amendments that will be moved are worthy of consideration. I note the crown law advice. Crown law has not always got it right. It is just advice. There is a genuine view that with three government members and three opposition members that the Speaker could hold an independent place on the committee.

The current person we have as Speaker, Mr John Mickel, has done an outstanding job. In my time in this House he has performed those duties in an incredible way. However, we cannot structure anything around an individual. We must always look at the role not the individual. It is important that we have the role robust enough so that it lasts for 50, 100, 150 or 200 years and we get it right. That being the case, the parliament is always the master of its own destiny. Should future parliaments wish to make changes they should be able to do so without any restrictions due to what we have discussed today, although one would hope they look back at the sentiment and the debate that is occurring now.

I place on the record my concerns that at the very beginning of this process we are seeing the executive influence the structure of the committee system by its resourcing and its impost of the deliberative and casting vote. Very clearly that was not in the recommendations of the committee. I do believe that if we are going to get these significant reforms off on the right foot then the executive should support the bipartisan recommendations of the committee and not impose changes.



Mr MOORHEAD (Waterford—ALP) (4.38 pm): I rise to support the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. I have made a contribution in response to the committee report as I was a member of that committee. In that contribution I went through in some detail my position on that report and the amendments that have been introduced in this bill.

Fundamentally, that report is about changing the political culture in this state. For too long we have had a winner takes all process which has meant that the party with the majority in this chamber has controlled both the executive and the legislature. What this report does and what the reforms in this bill do is empower backbenchers to participate in a legislative scrutiny process that engages with the public and convinces the Queensland public that they have a role to play in scrutinising legislation.

Fundamentally, this system will not work unless the people of Queensland value their right to participate in this committee process. As I said in my previous speech, when I went to New Zealand the one thing that struck me more than anything was the fundamental importance the New Zealand population places on the committee process and its right to participate in legislative scrutiny. As the stakeholder groups in New Zealand explained to the members of the committee, should a committee or the parliament deny the people of New Zealand the right to make a submission there would be howls of outrage that they had missed out on something to which they were entitled. That is the culture that we need to create in this state. We have to recognise that all of the institutional arrangements we can discuss and debate in this place will make very little difference unless we can convince people that the legislative scrutiny process is something that is relevant to them in their everyday life and is something, indeed, to which they are entitled.

These reforms are part of a package of integrity and accountability reforms that have come through since the 2009 *Integrity and accountability in Queensland* discussion paper. We have seen right to information reforms, we have seen information privacy reforms, we have seen changes to public sector ethics proposals and we have seen this committee reform. This is an important reform and, as a member of that committee, I can attest to the hours of hard work and deliberation that went on to put this package together.

This bill and these reforms empower the parliament. They give members of the backbench the opportunity to develop expertise in particular policy areas; to invite public comment on legislation, both government and private members' bills, before the House; to take on responsibility for the scrutiny of legislation for fundamental legislative principles; and to conduct estimates and to look at those public accounts to ensure accountability. Never before has one group of backbenchers been able to have this range of powers in such a portfolio specific understanding and a chance to participate in government. The current committee process simply does not provide that. The new committee process will do that.

The new committee process will mean a greater role for backbenchers. It will mean much more work for backbenchers, and that is something that we should all be grateful for. However, this system will only work if backbenchers are prepared to step up and do their bit. Ministers have to be both members of parliament and full-time government officials running the state. Often government backbenchers have not had those same responsibilities. From now on, backbenchers from both sides of the parliament will have both the job of representing their electorates and the job of working on behalf of the people of Queensland in ensuring legislative scrutiny and scrutiny of government action.

Importantly, we are seeing an opening up of participation in the committee process that does not rely on executive power. Under these reforms we will see a chair of the Parliamentary Crime and Misconduct Committee be someone other than a government member. That is a starting point to instil in people a greater faith that the committee process is not about politics but about greater scrutiny. The Parliamentary Crime and Misconduct Committee is a committee that oversights the CMC—a very powerful body in this state and a body that must remain above politics. Despite the attempts of some to make some fairly base attacks on the CMC, it has done that job very well.

To date I have refrained from participation in the debate around the independence of the Speaker in these reforms. I listened carefully to the contribution from the Leader of the Opposition and I think he made some fairly sensible comments about this issue. The mere existence of this debate has unfortunately called into question the Speaker's role and has not contributed much to the public debate about these reforms. The question about the Speaker's role on the Committee of the Legislative Assembly is probably one of the most insignificant in this entire package of reforms. To have that as the centrepiece of the debate has fundamentally missed the point of these reforms and fundamentally, in my view, misunderstands the nature of the separation of powers. The doctrine of the separation of powers is about the whole of the parliament as a legislative arm having control of the legislative principles, and in our Westminster system it is also about the legislature having an accountability role for the executive.

The independence of the Speaker is about the Speaker's role in running the proceedings of parliament. The independence of the Speaker does not depend on the cracks in the concrete on the paths, on who sets up the gardens or who runs the office sweep. I do not think that is what the Speaker in his contribution was discussing. The Speaker is a neighbouring member of parliament to my electorate and someone who is a good friend, and I do not think this debate has been conducted to the lofty standards I think it should have been.

When we talk about the independence of parliament, it is not about whether the Speaker is a member of a committee or whether the Speaker is in control of parliamentary works. The question is about us as a parliament. We are the parliament, not the Speaker. The Speaker is one of 89 members in this parliament. This bill empowers all 89 of us to act collectively. The reason we have this Committee of the Legislative Assembly is that it is a committee that represents the make-up of the House and in reality provides people who can speak for the vast majority of members in this place.

The suggestion by some LNP speakers, other than the Leader of the Opposition, I must say, that they will protect the independence of the Speaker by putting the Speaker on a committee with six other MPs who are not misses the point entirely. That does not give the Speaker any more or less power; it gives them a right of participation. The whole principle behind the Committee of the Legislative Assembly is that the parliament is all of the members here, that this is a committee representing us as members of parliament and that this is a committee that involves the opposition. At the moment the opposition has no say—no say at all. At the moment, only one member of this parliament gets a say. This reform is about saying that the parliament should be run by parliamentarians for parliamentarians, and that is what the reform is about—nothing more, nothing less. The Speaker will continue to have the independence upheld and respected by standing orders, they will continue to be able to independently chair this parliament and they will continue to hold the great respect in which Speakers and the current Speaker are held.

If members of the LNP were serious about saying that this was some sort of attack on the Westminster system, they should not take up their spots on the CLA. The reason they support this unashamedly is that this gives them a say for the first time. I am a great student of Queensland's political history. How much say did Tom Burns have as opposition leader in this place when Joh Bjelke-Petersen was Premier? Absolutely none. How much say did Terry White have when he was here? None. The reality was that the Premier of the time would not recognise shadow ministers. For the entire period of his premiership Joh Bjelke-Petersen did not recognise anyone in this chamber other than the Leader of the Opposition. He just refused to—no shadow ministers, no shadow parliamentary

secretaries, no leaders of opposition business. There was no recognition of the opposition whatsoever. This Committee of the Legislative Assembly empowers the opposition more than ever before, and that is the greatest democratic check that we can put in place—a democratic check that says that the procedures of parliament should be predominantly above politics and should be for parliamentarians to determine together.

We can debate the substantive decisions of this place, but we should all have as our base principle our support for democratic processes. That is why the opposition has just as many representatives on the CLA as has the government. In my view, whether the Speaker is on the committee or whether the Speaker is not is entirely inconsequential. In fact, this bill puts four members of the political party from which the government is drawn on that committee and three members who are not, whereas the principle behind it was initially to have opposition members equal input into that process. So I ask members to please not get distracted by this furphy about the Committee of the Legislative Assembly and who is on it. That is not the point. If members have a problem with the fundamental principle of the CLA, they should remove the whole idea and go back to the process that exists now where one person has a say. That is it. Whether the Speaker is on the committee or not is simply not the issue; the issue is whether we have a committee or not and whether the responsibility for running this place should be in the hands of a committee representing us as parliament or whether it should be in the hands of one person.

The member for Burnett spent much of his contribution criticising this bill for denying backbench participation. As a backbencher, I have to say that this bill provides more participation than we have ever seen in this place and more participation than is offered in many other parliaments—

Mr Schwarten: Even when they had an upper house.

Mr MOORHEAD: Particularly without an upper house. I take that interjection. The upper house is simply putting another bunch of politicians in a separate place to have a second review of what the first bunch of politicians did. We are saying in this bill that the politicians who are elected to represent electorates in this parliament should have to do some hard work—should get out of the hammock and get out there and consult the public about legislative proposals, debate them and have a detailed discussion in a way that engages the public. How many people are logging on to the parliamentary internet broadcast to watch second reading debates in this place? I would think not very many. This bill says that backbenchers, as members of this committee, have to get out there, engage the public and give them a direct say and respond to their concerns.

The bill also gives backbenchers more power to question the executive than ever before. It is not going to stop the issue—as it has existed since Labor took control of this place in the early 20th century and when the National Party did in 1957—that for a majority of the 20th century and for the first 10 years of this century the party that has been in government has also had control of the Legislative Assembly. That is a fundamental point that we need to change through culture and we can only change it by public participation. Institutional structures will not fix that.

As to the question of Independents having the balance of power, we can see what has happened in the federal parliament. Frankly, if I were an Independent that is the last thing I would want. With the greatest of respect, Independents are in the position where they can say whatever they like at any time because they never have a chance of forming government. When Independents have the balance of power, they are then called upon to make a decision and to take responsibility for their vote. The member for Gladstone knows that. She has been in that position. Rob Oakeshott, Tony Windsor and Bob Katter are finding that out right now and from 1 July the Greens in the Senate will find that that they will have to take responsibility for their position. This is a first for them.

We should not forget that the Greens voted down the emissions trading scheme put up by the Rudd government and then went to the Australian people and blamed Labor for not having an ETS. They got away with that, because people have let them avoid that responsibility. I think the balance of power will shine a harsh spotlight on Independents and minor parties. If they get into that position, I hope they take that responsibility upon themselves. I think the member for Burnett should be very careful about what he wishes for, because if he gets his wish some of the crazy and loony submissions that have come up over time would then be his responsibility to implement.

I think that the member for Indooroopilly in his response confused the issue of whether the Speaker should control the parliamentary precinct and our independence as a parliament of 89 members. Changing the membership of the committee and putting the Speaker on the CLA does not change whether the executive controls the parliament or the parliament controls the executive. That is still a bigger issue of culture that we need to address as part of these reforms. At least the member for Gympie got it right: however we structure the CLA, whatever the Speaker may rule now, it will always be a matter for this House to decide. At the end of the day, we as the parliament have the ability to make the call and that is our job—to have 89 of us come together and ask, 'Do we agree with the Speaker's ruling? Do we agree with the decisions of the CLA?' Whatever the structure of the CLA, it is a good thing to promote that participation by government and non-government members in the parliamentary

process, but the political reality is that this chamber will continue to make the hard calls. It will continue to bear the political brunt and it is up to the government to be responsible to use that power wisely. I commend the bill to the House.



Mr McLINDON (Beaudesert—TQP) (4.55 pm): I wish to make a contribution to the debate of the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. It has been very interesting to see the merry-go-round of the pros and cons of this, I suppose you could refer to it as, legislation. But it tinkers at the edges and it fails to systemically change the core root of the problem in Queensland politics. The reality is that almost 90 years ago a terrible injustice was done to this great state of Queensland and that was the forced abolition of the upper house against the people's will. The referendum in 1917 overwhelmingly supported that the upper house stay, even though it had its flaws.

As we know, back then the members of the upper house were appointed. Back then—and, obviously, the Labor Party has not changed its colours very much over the decades—the Labor Party went against the will of the people and appointed its own suicide squad. Then, of course, to ensure that the conservative side of politics did not reinstate the upper house, in 1934 they doubly entrenched the position to make sure that, if the upper house was reinstated in Queensland, that it would have to be done by referendum. The member for Waterford rightly suggests that no-one wants extra politicians. I would have to agree with him on that. I think in some respects we are overgoverned and in greater respects we are governed inefficiently.

Hence the model that The Queensland Party will be proposing is that the upper house should be implemented by appointing a number of mayors to that position. The mayors are already elected and are on the payroll. We know that the Local Government Act has completely undermined the roles of mayors and councillors. They have become figureheads and councils have become nothing less than part of the state government's bureaucracy and they are dictated to by the state government. We are paying 550 councillors across Queensland in excess of \$250 million to so-called represent their areas, which they cannot represent anymore. So in any given council term, that is in excess of \$1 billion that ratepayers are paying for a false sense of representation, which was undermined dramatically by the enactment of the Local Government Act in 2009.

It is interesting to note that the Premier in her second reading speech stated—

It was clear from the feedback that Queenslanders wanted greater oversight of the government and examination of legislation by the parliament.

But this bill merely uses the existing players on the field to judge themselves. Recently, particularly over the past 12 months, we have seen a morphing of the ALP and the LNP. So maybe this legislation could certainly receive bipartisan support. In fact, I suggest that before the election the ALP and the LNP should get it over and done with and show their true colours and merge. The LNP, which espouses to be the side of politics that upholds the Westminster tradition, has completely undermined this institution. There are three political parties in this House of which only two parties have their leaders in this House: The Queensland Party and the Labor Party. The LNP has complete disregard for the Westminster system. Can members imagine the outcry if the ALP got Jim Soorley to run against Campbell Newman. We would then have two former lord mayors of the Brisbane City Council running against each other. What would be the reason for the institution of parliament?

This is what the LNP has done. It is a complete and utter contempt of democracy and the Westminster tradition. I cannot believe that the side of politics that upholds the Westminster tradition has completely undermined it in one fell swoop. Opposition members tinker around the edges and say that they support the Committee of the Legislative Assembly. Some do; some do not. I am not sure of their position. They are probably all outside on their mobile phones calling the LNP candidate for Ashgrove. I say 'LNP candidate for Ashgrove' because Campbell Newman is nothing more and nothing less. He is not part of this institution. He has not been elected by the people. He has not respected the democratic process. In fact, he has told the public that there are 32 useless LNP members sitting in this parliament. I tried to say that 12 months ago and I just got a \$12,000 contract to sign for my electoral allowance as a result. The very people who gave me that \$12,000 penalty, who asked me to sign on the dotted line for my electoral allowance from taxpayers' money, are the very people who rolled the heads of the former Leader of the Opposition and Deputy Leader of the Opposition. It is an absolute joke. It is a merry-go-round.

There is no conservative streak in the LNP anymore. It is upsetting for those who think it is a conservative party. We have seen what it has done. Opposition members are already alluding to the asset sell-off, the privatisation. They are not worried about rural and regional farmers and the coal seam gas moratorium or the Brisbane City Council Act. When the crossbenchers call for a division, they prove time and time again that they are no different from the ALP. In fact, I am beginning to respect the way the ALP operates more and more every day I walk into this place, because at least I know where the ALP stands. LNP members are jumping around on hot coals, waiting for the phone call to come back from the LNP candidate for Ashgrove to let them know whether it is a yea or nay. Then the LNP candidate for Ashgrove decides to create his own policy that he has to backflip on a week later, saying,

'I had better consult with the party room because 32 against one is not good odds.' There is this ridiculous dynamic of musical chairs, crossdressing—you name it, they cannot tame it. It is absolutely ridiculous and undermines the Westminster system.

Then the member for Indooroopilly has the audacity to say that elements of this legislation are an assault on democracy. At least a small portion of democracy exists under the current regime. Look at what the LNP is doing in opposition? Can members imagine what it would do in government? I was in the party room when they said that they were glad the asset sales were happening on the ALP's watch because they would do the same. I was in those rooms and I can attest to that. There is very, very little difference in the security of the assets that our generations have built over time that we the shareholders, the taxpayers, actually own. The government is there to oversee it, not to sell it. There is very little difference.

This Committee of the Legislative Assembly is a weak attempt to say that they are going to form another committee, streamline other committees, give it a new branding, kick the Speaker out and become a law unto themselves. At the end of the day, the committees are four and three—government and non-government members. We know that. The magic number in relation to 89 is 45. What we are saying is that 61 of the 89 seats are in South-East Queensland. Real reform needs to be contained in this piece of legislation. Two-thirds of the seats are in South-East Queensland and one-third are in rural and regional Queensland. The Queensland Party's model is to get 30 mayors: 10 from South-East Queensland with one vote, one value; and the remaining 63 mayors would have 20 votes. Those communities would get more, and I will tell members the reason. In South-East Queensland there would be 10 mayors; in rural and regional Queensland there would be 20 mayors. The ratio would be one to two in the upper house and it would be the reverse in the lower house: it would be two to one. Until we have that cross-ratio balance we will not be bringing legislation into this House unless the whole of Queensland is satisfied that it is good legislation.

Mr Hinchliffe: So you are devaluing the representation of your own constituents?

Mr McLINDON: Not at all.

Mr Hinchliffe: Isn't Beaudesert in South-East Queensland?


Mr McLINDON: You would not be devaluing the representation because the mayors are figureheads who are glorified chairpeople now. In my five years on the Logan City Council there was only one time when the vote was six all and the mayor had a casting vote. Outside of that, the mayor oversees a four-year corporate plan and is the face of the city. It is as simple as that. The councils do the hard work and the mayor adjudicates at a once-a-month meeting in council. There is nothing more important than for a mayor to be sitting in the upper house representing their community at a second checkpoint, at a board of review which is absolutely essential. We could become the most accountable state rather than currently the least accountable state and be an example to every other state in Australia. The upper houses in the other states are also flawed. Once one party gains control of the lower and upper house, what is the point of the upper house? This is an innovative model that has independence and puts the power back into the hands of people at the grassroots level. We need a decentralisation of the power and wealth in this state. It is the only way we are going to get common sense into this place.

I support the member for Gladstone's foreshadowed amendments. I think in dealing with the legislation we have to make do with what we have got. I am sure we will try to minimise it. Once again, what is the point? This has become the George Street theatre. We have become puppets in this show that even the public do not want to watch anymore. They are over it because the score is 51-32. Why would a person keep going back to a football match when the score is 51-32? The opposition should go to the Bahamas for three years. In fact, Queensland would be better off for it and it would save a few tax dollars. In fact, they would probably be more effective. It has become an absolute joke.

I think the time has come when we have to say that this is just tinkering around the edges. There has been a huge injustice over the past 90 years. It is the same old, same old. The committees are four-three; the score now is 51-32. Absolutely nothing changes. It is a farce. Until we genuinely want to relinquish some of the power, hand it back to the people and distribute it evenly across Queensland we will continue to come up with these shortfalls. The cost of our model will be \$10 million a year every year. The \$1.2 billion Tugun desalination plant would fund an upper house for 21 years. That is just one issue. Without that checkpoint, without that speed camera, it is Rafferty's rules: you can drive as fast as you want.

Our model provides that only bills divided on would go to the upper house. We know that 90 per cent of the bills go through. That 10 per cent that does get divided on would go to the upper house. Members can bet their bottom dollar that any legislation that comes into the lower house will be carefully scrutinised before it enters the House in the knowledge that it could be stopped in the upper house. It would be an ideal situation if the upper house never had to sit, but there would be a watchdog there ready to make sure that every single Queenslander in every community has the maximum potential input into legislation. Until such a model is introduced into the House we will continue to get what we have always got. Let us not tinker around the edges.

Time and time again the LNP has failed to be a point of difference to the ALP. I think it is an absolute insult—I cannot say it too many times between now and the election—to the Westminster system to have 32 members in the parliament whose leader is not elected. What both sides of politics have done over the three major changes of government since 1922 is an absolute disgrace. That in itself is a problem. We have had 57 years of government by the Labor Party, 29 years under the conservatives and now 21 years with two very marginal hung parliaments. We have effectively had three changes of government in 90 years. It is an absolute joke. It is a winner-takes-all approach. It is ridiculous. We know that it is corrupt. We all know that people on both sides have been wasting their time every time a bill comes before the House. We know the score. Why do they not get the bureaucrats to walk in here with legislation that is signed and sealed and say, 'There is the score', and go off to the Bahamas? It is as simple as that. We are wasting our time. We are wasting Queenslanders' time. They have very little faith in the system and they have every reason to.

 **Dr DOUGLAS** (Gaven—LNP) (5.07 pm): The future is what you make it. When that 'you' is a government, if there is to be a better future for us all then to achieve that lofty ambition the road to the destination needs to be a mixture of best practice, consensus amongst stakeholders, integrity and affordability. It is almost a given that these are all needed in equal measure and that they are essential for any legislative amendment that affects a community that already feels disconnected from the process of governance. This bill has lofty ambitions. It is a significant change from the previous practice and it is a step into the unknown.

I held a dissenting view at the most recent Scrutiny of Legislation Committee meeting and it is reported in *Legislation Alert No. 5 of 2011*. I have stated that, after much reflection on my personal research, representations from a variety of people, discussions and a very close critique of the bill here today, the bill in its current drafted form may allow undue executive intrusion by the government into the separate parliamentary branch of government and this part of the bill should not be supported in its present form.

I know that this will disappoint some and I know that most people are very enthusiastic about the proposed changes. I actually welcome a lot of what has been said. It is no reflection on the review committee, the CLA as it is now constituted or any other group. I specifically am concerned that this is enabling legislation that does not reflect template legislation from any other legislature in any other Westminster type of government. I accept that this bill does not directly lead to the changes that the present Speaker, former Speakers and others have referred to, but critically it does enable those changes to occur and, by definition, we cannot necessarily get to one without the other. This being the case, there is no check and balance and my position is both firm and informed.

In contrast to the statement of the Leader of the House, I believe the Solicitor-General's report and his memorandum of advice supports my view. He stated—

The proposed laws do not conform with the Westminster convention that the Speaker performs the administrative role of head of the parliamentary services.

I ignored all the noise regarding the committee reporting outside its brief, after hearing all those reports and weighing up all the merits and negatives. I quote again from the Solicitor-General's report. He stated—

... the primary role of the Speaker is to preside over the House to maintain order and ensure its effective functioning.

Not only should the Speaker be a member of the CLA; I feel the Speaker should be the chair and that this bill diminishes that likelihood. I agree with the amendment submitted by the Leader of the Opposition.

Like most previous speakers, both on this bill and the response to the original recommendations, I am supportive of much of the bill. The only major exception is the issue I have raised. I very keenly anticipate the changes that have the capacity to both revolutionise the legislative agenda and energise the parliament. These are good aspirations. Through a variety of committees, other members and I have closely scrutinised the changes. I do think there is a lot of suck-it-and-see in this new structure. That is probably good, but the portfolio committees are going to be hard work for members if they approach their task in a half-hearted manner and either do not use the support given to them correctly or do not use it at all. It will become a rubber stamp in those circumstances and if members do not choose to do the research, scrutiny and careful consideration for themselves. For many members, this may not be what they thought they were signing on for as parliamentarians. Clearly, it is now going to be a big part of their role since the consideration of the details of bills will occur prior to the bill being debated in the parliament.

The word 'roadmap' was used many times by the Premier. She used it at least a few times in the most recent speech, her second reading speech, and it has been used in public statements. The roadmap for these preliminary consideration in detail approaches is not written and, whilst we are all seeking to copy some of those, including the New Zealand experience, we should accept that Queensland might have its own unique flavour that will develop over time. The issue of the portfolio committees has been discussed in detail and I accept the need to decide how many there should be. It may be that different portfolio committees might pursue slightly different options. In a sensible, early review of the process, there could be a sharing of information as to what works and what does not. One

can only hope that we can very quickly respond to change and sustain those models that both work and that we collectively achieve positive outcomes. If not, process will rule the day and process will succeed. Under those circumstances, nothing much may come of this and what we would have expected from a better system of review, with scrutiny and finetuning, may not be achieved in the legislative process if we allow process to succeed over outcome.

As an exiting member of the Scrutiny of Legislation Committee, I know what a major role that committee had in assessing every bill that came before it. I believe that many may not understand exactly what is involved in assessing bills. It is a very relevant process and it is a very important process. It is also one where mistakes can lead to dreadful outcomes. I might add that, in the absence of a bill of rights, many of the committees will be saved the awful fate of days spent debating finer points that may have no answer. Other parliaments have seen committees suffer from paralysis and inertia in that situation. I ask all members that the debate over the issue of the bill of rights be delayed for at least one or two parliamentary terms to allow these new systems to be bedded down and to get going.

This leads to the issue of calling public servants as witnesses and asking a few questions of them in accordance with the provisions of the standing orders. It follows that public servants may be called as advisers. Similarly, members of the public, either in person or via written submissions, will be able to raise concerns with members of a committee regarding legislation. If the New Zealand experience is anything to go by—and I saw this personally in close detail last year—the process is a mixture of organisation, time, forbearance, expense, anxiety and unpredictability. I am a GP and that is what every consultation with a patient is like. Personally I like it, but it is not everyone's cup of tea. This is more of a complaint type of approach. I would urge everyone to focus on the process of addressing those complaints and not hide from them.

Obviously, public servants will feel things such as antipathy, revulsion, anxiety, anticipation, fear and maybe a desire to not be included. For those who no longer have tenure and can no longer be fearless in their advice to governments of all persuasions, this can be a potentially dangerous process. Such staff are definitely in a less powerful position and systems need to be made safe to ensure fairness to them. There might have to be a mechanism of redress if their rights are not respected. We need to inform them of the outcomes that we need to achieve. I believe the outstanding example from recent times is that of Dr John Scott, former deputy director-general and former head of the RACGP examination committee. He gave fearless answers to questions and a minister fell and has now been convicted. We cannot expect all public servants to do what he did at a budget estimates process, but his is the example of what we are seeking staff to do.

In response, we must collectively defend them from the government that they represent. Doctors do this because the community expects and demands it and it saves lives. It works. I do not think it is fair to demand that standard of all people, particularly if we are introducing a new system, but it is certainly one to aspire to. A significant part of the new committee process is to conduct budget estimates inquiries. Those discussions will be more relevant, the members asking questions will be better informed and it will be probably a better process for all. Certainly, it will be one that the public will feel involved with. The outcomes should be better. The investigation of public works and accounts matters should be considered almost an ongoing continuous matter in each of the committees. As such, there is a greater likelihood of efficiency and practical outcomes being achieved.

I think the committees have been summarised very well by various members, including the member for Toowoomba South, who discussed them in detail. The ethics committee may be more challenging and challenged than many may perceive. I fear that what has not been said about the committee structure—and I heard what the member for Waterford said—is that with an overarching CLA and no opposition chairs on the portfolio committees there may be a potential for executive government to defeat the parliamentary process by always taking the easier path, which may well have unforeseen consequences. I raise this as a special issue that may come around. I believe it may have to be reviewed intermittently. Certainly it has been a problem in other legislatures that have introduced similar changes.

As I have said, I remain concerned about the role of the Speaker. I accept that the bill does not include a detailed legislative step, but it creates uncertainty. Certainly that word needs to be raised. Therefore, we need to revert to supporting certainty. In principle, amongst other roles, the Speaker is the minister of state parliament. My real issue is that of continuity, which was certainly raised by the Solicitor-General. Continuity can be easily more understood by looking at the guaranteed position of power of supply. It is something that one takes for granted and fails to understand when all others have left the building. For example, the Clerk represents the staff, but the Speaker is like the independent chairman of the board. The Premier is the chairman of the people. Their roles are not the same. For a better outcome, we need to get each to stick to their task and represent forcefully their consistency.

When continuity is not present, critical gaps become apparent. For example, say a lightning strike destroys the roof, the Premier is away, the Deputy Premier is sick, the Clerk's wife is having a baby and it is the Speaker to whom we expect to turn. Whilst members may think that is trivial, those sorts of things happen. More sensitively, as our Independents well know, in a hung parliament they will most often liaise with the Speaker to ensure continuity of governing. We weaken the 400-year-old tradition of

the Speaker and the Westminster style of democracy at our own peril. We have moved on from threatening the Speaker that his head could be lopped off. The current Speaker has shown himself to be very fair and has shown that those sorts of things are very much issues of the past. I would have to say that he has demonstrated that one plus one can equal three. That is a pretty good result for the public.

I accept also the arguments of the Solicitor-General with regard to the normal definitions of what continuity and impartiality really mean with regard to the Speaker. However, continuity is far more than just what the Solicitor-General has said. That being the case, I am possibly the incoming chair of the PCMC which, under the new system, is going to adopt the New Zealand model of an opposition chair. I applaud this and I think it is a great step. I think the principle is correct—

An honourable member: Being the chair?

Dr DOUGLAS: No, I think the principle of the opposition being the chair of those committees is a good idea. I saw it work in New Zealand and I believe that it works very well and gets results. I have stated on the record that I believe that all chairs should be opposition members where they wish or that the committee be able to choose a chair who is a government member.

The PCMC is to be retained as it is: with seven members and an objective of ensuring the highest standard of parliamentary scrutiny of the executive, the operation of parliament and the conduct of members. I congratulate the soon-to-be-exiting chair, the member for Keppel, on a sterling job. I can only hope that I will be a worthy replacement for him. I have a strong belief in honesty, fairness, procedural fairness, openness where appropriate, redress and reporting information factually and in a timely fashion. Complaints and the process of dealing with them are my life's work. I do hope that I can be of some help. And for those who were wondering about my bona fides, I will ensure that the PCMC sticks to its knitting and does it well, as I believe the member for Keppel has done. It will remain relevant and outcome driven and will maintain strong morale.

There are big changes ahead, and some very significant changes have been raised about the overall direction. This is only the second step before some much greater change. It does not impede an incoming government nor block any mandate that it may have been granted by the public by virtue of the electoral process and a majority to pursue their policy objective. This process will make the legislative steps a bit more relevant, practical and more likely to succeed. The process might add synergy to the process and deliver a better result. What it must not do is promote process over outcome on the pretence of being more modern, more reformist and being seen to be progressive rather than actually being so.

There are plenty of new, first-time steps being taken by the Queensland state parliament at present. I am concerned that, at a time when the role and the very existence of state governments are being actively considered, there may be a rush to become more relevant when it might have sought to be more representative and add value to the process of governance. In the LNP we have a leader apparent—and this has certainly been raised—who is not a member of parliament. Also we have changes where the very Speaker's role has been potentially diminished by the Labor government, which is the government of the day. The Westminster system has a series of conventions that have been achieved over time by a greater amount of careful consideration by many people who have gone before us and certainly those who are currently with us.

Ms Spence: And one of those conventions is not having a leader who is not a member of parliament.

Dr DOUGLAS: I have nearly finished, and I thought the speech of the Leader of the House was excellent. This is just a slightly different view. I am uncertain whether we have all considered how prudent parliaments over previous years have been. To tread carefully is always good advice, especially where angels fear to tread. In view of the issues raised, might it be better to hold over consideration in detail until we all reach consensus on this, including the public?



Mrs CUNNINGHAM (Gladstone—Ind) (5.23 pm): I rise to speak to the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. This is one of those bills that has raised not only a great deal of debate but also a great deal of genuine concern. These are fundamental changes to the process under which this parliament operates. It must be acknowledged that change is difficult. I think all of us who have been here for a number of years look at the changes to the committee system optimistically but also with some uncertainty, not knowing how they will actually operate in reality. One would hope that the end result is an improvement to the democratic process. However, if it is poorly administered or poorly structured, there is a real risk that that advancement will not be achieved.

Many of my concerns in relation to these matters were outlined in my speech during the debate of the committee report in early March. However, I wish to address a number of additional matters. On the Thursday of the last sitting week I circulated amendments in my name to give all members of this parliament an opportunity to gain an understanding of what I propose in my amendments, and I table a copy of the explanatory notes.

Tabled paper: Parliament of Queensland (Reform and Modernisation) Amendment Bill, explanatory notes to Mrs Cunningham's amendments [\[4403\]](#).

While we will deal with these amendments in detail in committee, effectively they reintroduce the Speaker to the Committee of the Legislative Assembly and, indeed, place him or her as the chair of that committee. I remain staunchly of the view that that is an appropriate direction for that committee to take. It recognises the practical and the theoretical role of the Speaker in this chamber and it also answers the very practical issues of the day-to-day administration of this place, and I will deal with that in a few minutes time. The amendments also deal with the constitution of a quorum, the ability of the committee to institute its own inquiries and the reporting mechanisms or obligations of committees to the parliament to be instituted under this bill. However, as I said, it is appropriate that they be dealt with at the committee stage.

The Leader of the House tabled advice from the Solicitor-General in relation to this bill. Of all the bills that I can recall debating in this parliament, this bill has been—and I stand to be corrected—one of the most, if not the most, debated bills in the media. I cannot remember any other bill about which members of this chamber have written letters to the papers and to other members. There have been letters from the Leader of the House and the member for Rockhampton substantiating, qualifying or justifying their positions. We have seen former Speaker Jim Fouras and others weigh into the debate. I cannot recall too many bills—and there have been some very controversial bills—in relation to which that has occurred. I believe that is a salient reminder that this bill will make fundamental changes to the operation of this chamber—not that change is wrong, but it needs to be very carefully undertaken.

I note that the Solicitor-General advises that the proposed laws do not conform with the Westminster convention that the Speaker performs the administrative role of the head of the Parliamentary Service; however, this does not give rise to any legal consequences. It goes on—

We have not examined the existing standing orders or rules of the Assembly to identify any breaches.

The report goes on to say—

We assume that if the standing orders and rules are inconsistent with the proposal, that parliament will ensure the orders and rules are changed when the proposed laws commence operation. Otherwise we do not consider that the proposed laws breach any other law, doctrine or rule.

The member for Burnett and the member for Beaudesert—and the member for Beaudesert spoke more recently in this debate—spoke about the numbers in this chamber. I do not have the confidence that any inconsistencies or concerns that members in this chamber may have will be addressed because the government at this point has the numbers. I do not think the Solicitor-General can settle or have a settlement in his or her mind that inconsistencies or concerns will be adequately adopted. Yes, they will be considered by this chamber. Before I get an interjection to say that this House will make the decision, it will. The decision is a pro forma decision when the government puts up the proposed model.

The Solicitor-General also acknowledges that in Australia our Speaker's role does not follow the two fundamental Westminster conventions—and that is impartiality and continuity. The current Speaker and one or two other Speakers have absented themselves from all interaction with their party—I can think of this current Speaker and one Speaker from the National Party, Neil Turner. They were very circumspect in their dealings with their own party once they became Speaker. They endeavoured in great measure to be independent and to rule as independently as possible in this chamber. But we do not follow the convention of cutting all ties with the party that the Speaker has been affiliated with, nor do we follow the convention that the Speaker is uncontested at the next election to allow for continuity. The Speakership changes when the government changes and, indeed, it can change when the same party is re-elected, as has been evidenced. The Solicitor-General also says—

... the Service Bill will remove the Speaker's roles with respect to staff of the parliamentary service, the Speaker's power to make rules, and the Speaker's control and direction of the Clerk of the Parliament.

Clearly the fact that the Speaker is not the chairperson of the CLA, or even a member, is contrary to Westminster convention. He goes on, and I will complete the quote—

However, this of itself does not create any legal consequences.

I acknowledge that. But it is outside the convention. So we are taking a different direction to that which other similar parliaments have taken. In my speech in the previous debate on the committee's report, I commented that even the two major parliamentary processes that were used as the foundation stone for these amendments had the Speaker on their Committee of the Legislative Assembly. That was overlooked or omitted or not commented on by some in that debate. But the fact is that we have not followed the Committee of the Legislative Assembly model that was used to underpin this change because the model in those two jurisdictions had the Speaker as the chair of the Committee of the Legislative Assembly.

I would like to refer to the Scrutiny of Legislation Committee. Since my time in this chamber, the Scrutiny of Legislation Committee on the whole has reported well and independently on some controversial bills. I remember when I was on the committee and there was a very controversial bill that the committee did not report on because of a staffing issue. It is a regret that I continue to hold that we did not comment on that bill. But, generally, the Scrutiny of Legislation Committee has provided us with an amazing resource in terms of the fundamental principles for legislation before this chamber.

The Scrutiny of Legislation Committee refers to the Hon. John Mickel's submission to the committee. I would like to read it into *Hansard*. It states—

I ask the committee to consider how it is being drawn into a defective and deceptive process of validating illegitimately conceived aspects of the Bill in question. The committee has been asked in effect to give credence and authority to legislation that in part has been improperly conceived and does not adhere to fundamental legislative principles. If the Bill were to receive the committee's imprimatur, it would be seen by the Parliament as being properly conceived in terms of policy objectives, as being the subject of an appropriate level of consultation and also as having sufficient regard for fundamental legislative principles. In truth, however, the Bill does not withstand scrutiny on any of these grounds.

I ask the committee to consider the important role it can play in acting as a check and a balance on what clearly are legislative proposals arising from the unauthorised actions of a Parliamentary committee. Those Review Committee's recommendations which unambiguously fall outside the committee's terms of reference can be seen, and ought to be seen, as the work and product of a "rogue" committee. The Scrutiny of Legislation Committee has an obligation to the Parliament to hold this committee to account, and to not allow those recommendations that are not within the committee's terms of reference to form the basis of legislative proposals to be submitted via the Scrutiny of Legislation Committee to the Parliament for approval.

Those issues that the Hon. John Mickel refer to are those matters specifically relating to the Speaker's role in the parliament. The committee system that was referred to this committee was the structure of the standing committees—including the Scrutiny of Legislation Committee and the Integrity, Ethics and Parliamentary Privileges Committee—not the role of the Speaker. To that extent, I support the Speaker's comments.

I also acknowledge that it is stated in the Scrutiny of Legislation Committee report that 'the Deputy Chair, Mr Peter Wellington MP, and Dr Alex Douglas MP—find the bill in its current draft form, may allow undue executive intrusion by the Government'. I believe that normally those comments would be conveyed in a dissenting report. I guess this is a novel way to record those two members' objections to the bill, but they are there and I believe as a parliament we should remember that.

The Scrutiny of Legislation Committee also expresses concern about unclear drafting, that the roles and responsibilities of the Committee of the Legislative Assembly 'may not be drafted in a sufficiently clear and precise way'. I believe it is important for us to recall that legislation that comes to us needs to be clear so that not only we can understand it as legislators but also members of the community have a clear understanding of the implications of laws that are passed. Often many of the laws are underpinned by regulation. We all know here because we have all experienced this that often the teeth of legislation are in the regulations, and we get a biff around the head in our electorates because of something that has been called by a government employee 'the law', but when you drill down you find that it is a regulation and it is in detail that we have not seen. So the legislation does have to have sufficient clarity for people to get a clear understanding of the intent and the impact of legislation.

The Scrutiny of Legislation Committee also calls into question in clause 7 whether the bill has sufficient regard to the institution of parliament as it may 'allow undue executive intrusion into the separate parliamentary branch of government'. Whilst I acknowledge that the Solicitor-General has said that there are three branches of government—the legislature, the executive and the judiciary—he has acknowledged that there is overlap and it is not clear-cut. However, we need to, as much as we can, provide clear guidelines and clear lines in the sand or adhere to those clear lines to keep as great a separation as possible. I do believe that the committee in its current form will allow a never before seen intrusion into the administration of this parliament by the executive.

Mr Moorhead interjected.

Mrs CUNNINGHAM: I take that interjection. We have three government members, we have three opposition members and a casting vote by the government member. That is an overriding ability to influence.

Mr Moorhead: Where are the Independents then?

Mrs CUNNINGHAM: There are no Independents on that committee, and I acknowledge that. I believe that the make-up of the committee does not properly reflect the make-up of this parliament, and that will come up in debate in the clauses.

The Scrutiny of Legislation Committee makes a significant comment on this bill as a whole. Former Speaker Reynolds commented—

The Speaker makes decisions in regard to the parliamentary precinct, the parliament, questions on notice, the security of the parliament—a whole range of things that come up on a day-to-day basis. They come up in the middle of the night at times. Are we expecting this committee, in terms of buildings and the precinct, to take the decisions that the Speaker is going to be taking?

I think that is a very practical reflection on this piece of legislation. At the moment and for a long time in the past the Speaker handled those things that arose out of the blue. He or she—there has not been a female Speaker yet—has often been locally based, living either downstairs or in an electorate close by. Speaker Reynolds was from up north. It must be acknowledged that when time is the significant limiting factor and the matter is emergent there needs to be the ability to get a response quickly. I am concerned that if that responsibility is devolved to the Clerk, whoever that Clerk may be, and if the Clerk's decision prospectively does not accord with that of the Committee of the Legislative

Assembly made up of elected members, where will that leave that employed person? Will they be left carrying the can for whatever the repercussions of that decision are? These are the practical matters that are unclear in the bill.

Ms Spence interjected.

Mrs CUNNINGHAM: But it changes the structure. This is the first bill we are dealing with. We have to deal with the principle because this is the first bill.

Ms Spence interjected.


Mr DEPUTY SPEAKER (Mr Hoolihan): Order! Leader of the House! Member for Gladstone, would you please direct your comments through the chair and discontinue the discussion across the chamber.

Mrs CUNNINGHAM: The fact is that this is the first bill relating to significant changes to the way this parliament operates. So those questions must be asked when debating this bill. If they are going to be dealt with in a subsequent bill, the notion must be clear as to how those very practical matters will be dealt with because they are part and parcel of the decision making and the changes that this bill will introduce.

I am disappointed that there is not an Independent member on the Committee of the Legislative Assembly. I know that there have been assurances from the Leader of Government Business and the Leader of the Opposition that the Independents will be considered. I have no confidence in that because that does not occur now concerning a broad spectrum of issues. I will make some more comments on that when I introduce my amendments.

The committees, as they are proposed, will mean a quantum change in the way the legislation is dealt with. Some of those committees will have a very great workload and will be busy. Like many members here, I am certainly not afraid of hard work, but the work that each committee is required to fulfil must be achievable. With an expectation that is greater than that under the current system, those committees will risk not being able to fulfil that high expectation and obligation.

I remain concerned about the absence of the Speaker on the Committee of the Legislative Assembly. I will be opposing those parts of the bill where he or she is excluded. I also have amendments to put to this parliament. On that basis, I will not be supporting the bulk of this legislation.

 **Ms MALE** (Pine Rivers—ALP) (5.43 pm): I rise this afternoon to support the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. As I stated when we debated the motion earlier this year, I was privileged to be a member of the Committee System Review Committee and it was an opportunity to shake up the way the parliamentary committee system works. I enjoyed working with opposition and Independent members of the bipartisan committee, and found our consensus approach to decision making ensured that a best practice model could be recommended that had support across the entire parliament. This bill will establish the recommended new committees, including the Committee of the Legislative Assembly.

During the consultation people said to us quite clearly that they did not feel that in a unicameral parliament enough time and effort was spent on scrutinising legislation that comes before the House. The new portfolio committees will enable members of the public to make submissions on the legislative program. The committees will be able to call senior public servants as witnesses and question them about the delivery of services and the operation of their departments. They will also be able to provide assistance to portfolio committees when legislative alternatives are being considered.

Most importantly, committees will have additional time during the sitting weeks and indeed in the parliament when their reports are presented to debate the issues that they have been considering. Members of committees will now have the opportunity to become deeply involved in specific areas of government which will lead to an expertise in their portfolio area. With this expertise they will be able to more effectively scrutinise the legislative process, the fundamental legislative principles and the capital works that affect their portfolio.

As I have previously said, no government holds the complete expertise on all issues and by allowing the wider community the opportunity to see legislation before it is presented to the House we should ultimately see better legislation, less negative impacts and greater ownership of the outcomes. In essence, what it means is that democracy in Queensland is being opened up and that is a good thing.

The portfolio committees will also take over the scrutiny of the budgets of the departments within their area of responsibility through a more thorough and open estimates process. I have sat on many estimates committees over my 10 years in this place, and I have often felt frustrated by the stringent rules that have applied to the question and answer process. Firstly, it was difficult for both sides to get the information they sought or wished to convey.

Watching a New Zealand estimates committee was eye opening. The ease of questioning and the ability for questions to flow one after another and to ask senior bureaucrats questions as well all made for an effective and efficient system. I am pleased to see the portfolio committees take over the responsibility for estimates and I look forward to these committees taking on the spirit of the reforms that our committee have recommended.

I would urge all committee chairs and members of the new committees to take up the opportunity to receive training in how the new system will work, particularly by looking at the New Zealand model. As has been said, this is an historic chance for our new committees to step up to the mark, open up the committee system to the Public Service and the wider community, and we will see better legislation, better communication and better outcomes for the people of Queensland.

As the Leader of the House indicated in her contribution today, the new system as proposed will open up the committee system to other members of parliament who are not on particular committees. They will be able to attend the meetings and put in submissions and generally become much more involved in the legislative process, whether they are a member of the committee or not. This is a profound set of reforms that has been well researched by the bipartisan committee and was agreed upon unanimously.

It is at this point that I find it decidedly odd that members of the Liberal National Party who were on that committee suddenly find themselves wanting to backflip on their once deeply held views. I talk specifically about the Committee of the Legislative Assembly and the issue of transferring the responsibility of the parliamentary precinct from the Speaker to the CLA. If it was a good idea at the committee report level to believe that these changes should take place, then a little bit of pressure from the Speaker and the press should not change these deeply held views.


Sometimes as parliamentarians we have to make tough decisions to ensure the best outcome for our fellow Queenslanders. We do not just squib it because we get a few bad press reports. It would seem from the contributions of the members for Callide and Toowoomba South that that it is exactly what they want to do. If they wanted to change their opinion because they felt either that the recommendation would not work or could be adjusted down the track after we see how everything else operates or for some valid reason, I could understand it, but not just because a few people are booing the recommendations.

Then there has been this nonsense by a variety of members on the other side about the separation of powers, the independence of the Speaker being impacted upon and the like. I would again respectfully suggest they read the memorandum of advice from the Solicitor-General as circulated by the Leader of the House this morning. Even if they did not get past the first two pages they should have had their concerns answered. In particular, point 2 on page 2 states—

The proposal is not in breach of the doctrine of the separation of powers. Rather it is an acceptable variation that does not weaken or diminish the ability of Parliament to perform its primary role...

On page 3 the Solicitor-General states that the proposal to establish the Committee of the Legislative Assembly, and for such committee not to include the Speaker as a member, reflects a recommendation of a committee of the parliament itself. And on this point, a committee made up of government, opposition and Independent members came to a unanimous decision on this matter. This is surely the most positive example of the parliament being run by the parliament for the parliament. The CLA is highly reflective of that.

I think the changes recommended by our committee were all valid and I am pleased to see that most of them have been accepted. I am also sure that, as we see the rollout of the new committee system, it will be an opportunity for other changes to be made if needed. This is healthy. I am sure that all of the original members, as well as many other interested spectators outside of the parliament, will ensure that any deficiencies in the new system will be raised and debated and changed accordingly if necessary. I am expecting that the new system will significantly enhance the legislative process. I commend the bill to the House.

 **Mr FOLEY** (Maryborough—Ind) (5.49 pm): I rise to participate in the debate on the Parliament of Queensland (Reform and Modernisation) Amendment Bill. The one thing that most members do seem to agree on in this debate is that when it comes to elections it has become a regime of winner takes all. Parliamentary reform is sorely needed and long overdue in this parliament. Being a unicameral parliament, we need further checks and balances, over and above the normal scenario of only having a lower house model, to ensure that the government of the day is kept accountable and that appropriate scrutiny is applied. Sadly, this has not been the case. From the bad old days under Sir Joh, when there were no committees and no budget estimates process, to today we have seen some progress, but it clearly has not been enough. In Queensland the government of the day can use its numbers to pass any legislation at any time of the day or night and in any time frame, and both the Beattie and Bligh Labor governments have routinely and ruthlessly used their numbers in this House to subjugate and jettison the views of Queenslanders by guillotining debate—debates at times that have been very crucial—with a stifled yawn whilst paying lip-service to democracy.

The most obvious solution to this problem, outside of restoring the upper house, is to beef up the committee system. Since Mike Ahern as government whip initiated the introduction of the estimates process and then as Premier created the then Public Accounts and Public Works Committee and since the Goss government in the 1990s reformed the committee system, we have really had little progress. Where are the Independents on the CLA? This parliament is not owned by political parties; it is owned by the people of Queensland. But what we have is a situation whereby the two major parties, in the

winner-takes-all environment, simply have the control. That is amply demonstrated by the fact that no Independents have been asked to be part of this process. Amongst the Independents in the House tonight are two who have actually held the balance of power in Queensland and have the experience of knowing what that stressful situation is like, yet neither of these two has been invited to be part of this process. I think that is just a scandalous insult to the experience and integrity of the members to whom I refer.

I am also pleased to see this bill overhauling the estimates committee system. The current process is somewhat of a farce. Instead of government members asking useless dorothy dixers and wasting time and shadow ministers making motherhood statements for the six o'clock news, estimates should be a forum in which all members can probe government and the Public Service about expenditure and the appropriateness of the spending of taxpayers' money. Even though the Premier is not here, I ask her through the Leader of the House whether members who are not members of a particular estimates committee are able to participate in that committee's proceedings as participating members, similar to the Australian Senate model. For example, I might like to ask questions of the Minister for Main Roads regarding an issue in my electorate. I have already received assurances that various members can appear and ask questions at various committee hearings, but I would like to see whether it goes as far as the federal Senate model.

The bill also reforms the normal committee system, and that is very welcome and a great step forward. Like many members of this parliament I have visited the New Zealand parliament, which is oft quoted in this place as being the bastion of good practice when it comes to committee systems. Certainly, I believe that some of the things they do in New Zealand are far ahead of what we are doing here and are very appropriate. My concern is not so much about the reform of the committee system but about the very obvious power grab that is veiled by this bill. The bill obviously creates a number of portfolio standing committees that will have the power to inquire into anything within their scope or jurisdiction, including relevant legislation. As I said, I wholeheartedly support this—with the exception of the Committee of the Legislative Assembly, which I will speak on more in a moment.

My other disappointment, in common with many members, is that the government has the chair and therefore the casting vote in all but one committee. We are creating these committees in the absence of a house of review to provide accountability and scrutiny in all areas of government, and if the government has the numbers then to me that defeats the whole purpose of the process. I would again ask for the response of the Leader of the House on that point. An option would be to give Independent members the casting vote on committees—at least some representation—and give the government and opposition equal numbers of casting votes for the remainder.

I now want to address the elephant in the room, and that is the proposed Committee of the Legislative Assembly, or CoLA, which sounds like Coca-Cola but without the fizz. As we all know, this proposal will transfer the running and the responsibility of this parliament from the Speaker to the government of the day. I and other Independent members believe that that is absolutely unacceptable. Gary Hardgrave on his *Drive* program on 4BC invited Jim Fouras and Mike Reynolds, the former Labor members for Ashgrove and Townsville and former Speakers, on to his program. They made some very salient and compelling points as to why the status quo should remain. I believe that every Labor and LNP member who is going to vote for this bill should listen to the audio or read the transcript of that interview.

To the opposition I say: wake up, guys! You are being conned. Wake up, sleepy heads! This is a grab for power that is going to sideline you. I notice that we have even heard some contrary debate from the opposition amongst its own ranks as to the misgivings its members may have on this bill. This is nothing more than a power grab by Labor. We have this committee being set up which will bulldoze the Speaker, sideline his influence and give the authority for running the parliament blatantly to the executive, which is totally against the separation of powers. Or is the LNP in fact being crafty and punting on 'Texas Ranger' Campbell Newman riding into town with six guns blazing and beating 'Anna Oakley' to the draw and becoming the new law in town? We already have opposition leadership by bluetooth or remote control. Perhaps the Leader of the Opposition, the member for Callide—that Wile E Coyote of conservative politics—is sitting on the upstairs balcony overlooking the shoot-out at OK Corral, knowing that if 'Texas Ranger' Newman rides into town they will inherit the lopsided control of the CoLA, the Committee of the Legislative Assembly.

Because the separation of powers clearly sets out the role of the parliament, the executive and the judiciary in the Westminster system of governance, if we hand the authority of the parliament to the executive we are clearly contravening the doctrine of the separation of powers. But let us all remember that this is the people's parliament. It is not the government's parliament or the opposition's parliament; it is the people's parliament, and that is the way it should remain. In his radio interview Mr Reynolds went on to point out that no Westminster democracy in the world operates its parliament like this and in fact agreed that Queensland's parliament would become the laughing-stock of the Westminster world if these changes were implemented. I take this opportunity to congratulate the current Speaker, as many

members have done, for taking the brave stand that he has taken against his own party on this and I put on the record my disgust at the nasty attacks that have been made by the member for Rockhampton under parliamentary privilege on both Mr Fouras and Mr Mickel.

I also want to place on record my disappointment that question time was not included as part of this review, because question time as it currently operates is a complete joke. If we are going to have serious parliamentary reform we should do away with this practice of members standing up and saying, 'My question without notice,' which clearly in the government's case is a question that has been written by the very minister it is directed to and makes a laughing-stock of this parliament. The view of the general public of the parliament is quite dim as a result. We have lost its respect by behaving like buffoons in this House.

In conclusion, I want to comment on the reduction in the time allotted to members other than the leader or their nominee to talk on bills. I support this and believe that if opposition members did not waste time on quite prescriptive and narrow bills talking about all sorts of irrelevant things in an utterly repetitive manner and simply filibustering we could spend more time debating controversial bills. The Australian Senate allocates time per sitting week for non-controversial legislation where only the shadow minister and minister speak to a bill. That process allows the Senate to get through legislation quickly and to concentrate on the bills that really need to be debated.

I believe that this legislation has been brought into the House far too quickly. It needs far more significant debate, as people are only now starting to realise the impacts of the law of unintended consequences—where some reform was to be undertaken but, obviously, some things have emerged that are of great concern to people. So I will join with the other Independents and speak in the consideration in detail stage about these issues.



Mrs PRATT (Nanango—Ind) (6.00 pm): I rise to speak to the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. As all members would know, I have been in this place for five terms and in those five terms I would have to say honestly that there have not been many proud moments. I have watched the behaviour of both sides of the House. I have debated bills and seen members on both sides of the House profess to oppose a bill verbally and then support it through their actions. At times I have seen members from the government pass on information to the Independents that they wanted presented in the House because they were afraid to present it to the House themselves. It just goes on and on. So there have not been a lot of times when I can honestly say that I have been proud to be a member of this place.

But I was very proud to be a member of this committee, because I believe that this parliament needs reform. Everyone keeps saying that this is a House of the people. It is not a House of the people; it is a House of two political parties and sometimes they conspire to make sure that nobody else gets a say. Over the past 13 or 14 years the Independents have had to fight for their spots. They have had to fight to ask their questions. It is an ongoing battle and we do not mind fighting that fight. But let us be honest: this is not the people's House.

The legislation that is put forward today is probably not perfect. In fact, it is not perfect. We know that it is not perfect, because nine people on one committee cannot bring forward perfect legislation. That is why you need lots of time to ensure that the legislation conveys the intent of the committee and that the public and every other person who may have an interest in it, whether they be lawyers or anybody else who wants to have a say, can have a say. That is what the committee is offering for future legislation, but I have to ask: why are we not offering that for this legislation? This is the most important legislation. This is the legislation that starts the process of reform. Surely, this legislation must be the most important legislation to get right. If we do not get it right, history will regard this parliament as being made up of a pack of fools. This parliament will be regarded as being made up of a lot of people who could not put aside their party political affiliations to do one thing right and to do something that they would be proud of. I believe that is what we should be trying to do. But I am afraid that this parliament is resorting to what it was prior to this debate, and will probably continue to be after this debate. These changes require a fundamental change in people's personalities and a change in the culture of the party system.

The committee went to New Zealand and looked at the parliament over there and not once—not once—did I get the feeling that party politics played a major role. The major role of that parliament was to ensure that the legislation was the best that that government could put forward. The New Zealand parliament believed that the way to get the best legislation was to take time—six months. Yes, bring in the bill and send it to a committee. That committee then got the view of the general public about the legislation—the lawyers, the doctors if it was a bill relating to medical issues, the hairdressers, the CWAs; whomever. Everybody and every small community organisation if they so chose could put in a submission or appear before the committee. Everybody got the chance to have a say on the legislation. That process enabled lawyers, for instance, to say, 'We know what you intend to do but how you have worded it will not make it happen and this bill will disenfranchise some people.' All such groups had a say and by the time that legislation came back into the House it was not amended but there were

suggested amendments to it and the entire parliament—it was not bipartisan—was on side or not, as the case may be. The members of that parliament worked for the best legislation, not for their party political ideals.

I believe that this legislation is poorly drafted. It does not convey in its entirety what I believe the committee was trying to convey. I do not expect that it will—there will be more bills to come—but this first bill has to be the right bill. I can say that the legislation is not drafted well because I have heard many members query parts of the bill in such a way that shows that they are not clear on it and they are not comfortable with passing it. This most important legislation should be very clear. There should be no doubt about what is going to occur in the future.

It has been said that backbenchers will have more input, and they will. They will be able to go to the committees and put forward their community's points of view. Under this proposed system, they will possibly have more time than the current system ever gave them. I believe very strongly that that will be the case if—if it is allowed it occur. That comes down to people's will in this place. They have to have the will to change. Unfortunately, I do not have the confidence that that will happen. I have seen what has happened today and I do not have the confidence that people will have that will.

As I said, the nine people who were on that committee made those recommendations. Nine people are not going to be right and we need time. Because so much concern has been raised about the legislation, I would like to see the legislation pulled back, reworded properly and reintroduced in a better format so that we get it right. Yes, there are time limits in the House, but even today as I listened to the speeches I counted the member for Callide repeat himself eight times. I am not particularly picking on the member for Callide—on a number of occasions other members also repeated themselves on a particular point—but the member for Callide set the record, because I tallied them. But that is the member's style and he is allowed to do that in this place. I note—and I will bring this up now—that that is one thing about this chamber. We are allowed to have an opinion and we are allowed to oppose each other's opinion, but the performance that the member for Rockhampton and the member for Burnett subjected us to I felt was disgraceful. It is very sad that people try to intimidate others in that way so that they do not actually stick to their point of view.

I will be supporting almost all of this bill. I was a member of the Committee System Review Committee and the nine members of the committee were unanimous in all things. Many concerns have been raised. Members have changed their opinion due to the fact that they have been pressured by other speakers.

Mr Wellington: They claim they have been pressured.

Mrs PRATT: They claim they have been pressured by other speakers in the House. They claim there have been other things that make it possible for them to change their minds. I am changing my mind in relation to the role of the Speaker. If I overstep the mark in my comments I would like the Deputy Speaker to pull me up. I know that there are certain things one is not allowed to say in the chamber. In saying that, I was very proud of how the committee worked. We researched and delved into everything very deeply. I am very grateful for all of the information that came to us. We based what we chose to do on fact in relation to everything except one issue, which was not part of the committee's brief, and that was to do with the Speaker. I have to say that, to my shame, perhaps I did not ask enough questions in relation to that. I relied on people with greater knowledge and, as a result, I agreed.

I will just jump off the subject a little here, if members do not mind. I have never got involved in personal relationships in any way, shape or form in this chamber. I have never made it my job to become friends with anybody. The reason I do not do that is that I believe it compromises you to be close to people. I need to be able to say things in a way that is true to what I believe. If you become friends with people you tend to modify what you are going to say at times. Overall I have kept myself to myself. In saying that, since I came out of the committee I have listened to a lot of things and watched a lot of things. I did in fact ask the Leader of the House if there was any history with regard to some members of the House and the Speaker. I was assured that there was not and I take her word on that. Over time there were letters to the paper, there were letters to my office and there were remarks made in the chamber which made me start to feel a little uncomfortable and that perhaps there was some sort of history here. That made me doubt my position on the role of the Speaker. In the last recess I had time to delve, to think, to study and to research, and it is because of that that I no longer support that part of the bill. I look forward to the amendment from the member for Gladstone and I will be supporting it.

I said at the start of my contribution that I have had very few moments of pride in this place. The people out in the wider community do not have a lot of pride in this chamber at all. If we as a House can have a hand in making the parliament work more efficiently, making it a chamber that the people can be very proud of, then I can say that I will be proud of this legislation—that is if it is carried through in the way in which we the committee believed it would be and if it does indeed give the people more say and truly reflects what is best for Queensland and not best for party politics.

This is a momentous day. It is an historic day. It will go down in history as either the greatest reform of a parliament or the biggest shemozzle. Let us hope it goes down as the greatest reform because that is what the people of Queensland need. They need people in this place who are

statesmen. They need people who are not self-serving or duplicitous, people who will actually represent the Queensland that I love and am proud to be part of. When I do leave this place I want to be able to say that I was part of making one of the greatest reforms to a parliament that was floundering, that was just warming leather, that was just making legislation like it was some sort of competition. I remember when Peter Beattie was in here it would be reported in the paper that we had passed 89—I am just grabbing that figure out of the air—bits of legislation the previous year, we have passed 102 this year and therefore we are working a lot harder. It has nothing to do with working harder; it is more to do with working smarter. If we only put 10 pieces of legislation through and they are the best 10 pieces of legislation this parliament has ever seen then we have done a very good job.

So let us get the priorities right. Make this the best legislation that this parliament will ever see, make the changes and follow them through in a way that the people will be proud of because that is what I want to be when I leave this chamber.



Mr ELMES (Noosa—LNP) (6.16 pm): I rise to speak on the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. The bill before us most likely will be the most important to be debated in my time in this place. As a government ages, simultaneously it becomes tired. Usually, at successive elections it loses seats and so its critical mass declines. The field from which to select the leadership team shrinks. Usually also, those losses of representatives are of the youngest and brightest—the future of the regeneration of the government but also those most vulnerable to change in their marginal seats. Too often these are the oncers. As the future, they are enthusiastic, idealistic and uninhibited. Their loss to their party and to government is corrosive for the incumbent and sad for the welfare of the community. The quality of the parliament diminishes, and that is tragic, but when the executive imposes itself on the parliament, as proposed in this bill, that is of greater concern.

As a result of its reduction in size and talent, the government progressively exhibits one-dimensional thinking as its herd shrinks in size, ages and deteriorates together as one. There are no new ideas. The leadership becomes bereft. There are no new initiatives. There is only a tampering with existing legislation, even resorting to legislating executive control of all aspects of the parliament as this bill seeks to impose. Tampering with other legislation is all too often at the behest of an already too influential but ascending in power Public Service driven by its own self-interest and its own self-funded growth through a combination of bloated regulation and the instincts of self-preservation and power. The tail wags the dog progressively more vigorously as the government of the day becomes more and more vulnerable as the decline gathers pace.

There are other telltale signs of this inevitable decline. The government becomes overly sensitive to criticism. Its solution is to retreat into a fortress mentality and to seek to exert greater and greater control over anything, anyone or any organisation that poses any sort of threat. The decline of this government is marked by the introduction of this bill and the dishonest way in which it has been lately portrayed.

For all of its attacks on the opposition during the successive guises of this Labor government, I venture to say that none is more serious than those encapsulated in the bill before the House, for this is an attack on the fundamental principles of our Westminster model of government. My response is not about the government of the day, nor is it about the opposition of the day, nor is it about the Speaker of the day. I must say for the benefit of the Labor members present that, wherever I go, the current Speaker is held in the very, very highest regard.

Mr Kilburn: And he is elected.

Mr ELMES: And he is elected, as he should be. It is about the independence of that role. In the mother of all parliaments, at Westminster, there were 650 members elected in 2010. It is possible to appoint from that number a Speaker who can be independent of his political party and who can be seen to have independence in the role of the Speaker. That independence of the role is an imperative within the suite of essentials for good democracy.

Key amongst those principles is the separation of powers. The foremost authority of this doctrine, Professor MJC Vile, in his book *Constitutionalism and the Separation of Powers*, maintains that it is essential for the establishment and maintenance of political liberty that the government be divided into three branches or departments—the legislature, the executive and the judiciary—and, further, that each function be confined to that function and not encroach on the function of another and that the membership of each is distinct and not shared or overlapping. That is the essence of what is wrong with this bill. The executive will encroach upon and have the power to subjugate the role of the legislature.

Of great concern to me is the allegation that the bill has arisen from the review committee process, but the content has clearly gone beyond the committee's terms of reference. Therefore, the notion that the integrity and accountability public consultation process has led to these changes is a falsehood. The changes proposed were not canvassed with the community. The broad question asked by that consultation was: how can Queensland's integrity and accountability process be strengthened? The discussion paper included the following: democratic government, including the doctrine of the separation of powers, is a keystone to any integrity framework. This bill delivers the precise opposite

outcome to the alleged intent of the integrity and accountability public consultation process. Therefore, this bill is an issue of concern. It is of concern to the former clerk of the federal Senate, Harry Evans, who prefaced his remarks by saying, 'Nothing that goes on in Queensland surprises us.'

What is the key change? There is to be a new Committee of the Legislative Assembly comprised of three government ministers and three leaders drawn from the opposition. A government member will chair it and will have a casting vote. The committee will consider almost everything relating to the functioning of the parliament. Who is missing from this committee? All the backbenchers are missing, that is who. They are disenfranchised. The government of the day will carry any change through the parliament that this committee puts up and the backbenchers will have no say in the deliberations about the power of the parliament itself. I recall the presentation of the member for Waterford a short time ago. He stood proudly in his place and said that we are 89 members in this place and we 89 members have the power to impose our will on the parliament. I would love to be here on the day that the member for Waterford or any of the Labor Party backbenchers cross the floor to vote against something that senior members of their party ask them to vote for. Who else is missing? The Speaker is missing. The traditional guardian of parliamentary rights and privileges is to wait in the anteroom until summoned by the all-powerful trio if required. That is demeaning and, in my view, it is deliberately so.

What else is missing? Integrity and accountability! On Friday, 6 May 2011 the front page of the *Noosa Journal* carried the banner headline, 'High voltage outrage'. The story rails against the sham masquerading as public consultation on the proposed Powerlink Eerwah Vale high voltage power line. The story is an all too familiar identifier of the contempt that this Bligh Labor government has exhibited in its public consultation process. It ignored 31,000 submissions on behalf of Noosa to the Local Government Reform Commission. It ignored all public concern over the Traveston Crossing Dam. In this bill we have another example of its disdain for consultation. There was a furore when the public perceived that it was essential to have a former Labor minister provide access to government if any business was to be done. To distract attention from that controversy, the Premier introduced the integrity and accountability discussion. Allegedly, this bill is an outcome of that process. The explanatory notes allege—

The discussion paper consultation highlighted the importance of Parliament possessing and maintaining a high standard of scrutiny over the legislative process.

The consultation did not mandate the executive or a small clique to maintain this high level of scrutiny. It wanted the parliament to undertake that work. This parody is not what the consultation process either sought or endorsed, but it is typical of how the Bligh Labor government distorts both the truth and honest debate. Its quest to dominate and to silence critics and the opposition alike is insatiable. It is a hunger that is no longer able to be satisfied. It is such stuff that led John Dalberg-Acton to observe, 'Power corrupts, and absolute power corrupts absolutely'.

In highlighting my concern on the bill, I am in the very best of company. I join Harry Evans, the former clerk of the federal parliament; Ian Callinan, a retired judge of the High Court of Australia; and a host of former members of this House, Speakers and academics. I am also supported in my thinking by the Scrutiny of Legislation Committee. The way to address my concern is to increase the membership of this Committee of the Legislative Assembly by seven and to make the Speaker the chair. If that amendment is not made, what is at risk is that the parliament will become a rubber stamp that is at the beck and call of a minute group of the elected. The parliament is different from the government. The function of government is different from the function of parliament. The government of the day comes into this place and presents both its legislative agenda and its work for public scrutiny. It is held to account in this place by the opposition. Any action that diminishes that integrity and accountability dilutes our parliamentary process and its Westminster traditions even further.

I raise one other point before I conclude, which is how the new committee system will function and, more particularly, its financial position. The explanatory notes state—

The Bill does not directly result in additional expenditure and as a result the Bill will not initially require allocation of significant additional funds for its implementation.

It goes on to say, and this is some way in the future—


Any additional funding for committees will be considered in light of Queensland's budgetary situation.

I suggest that the budgetary situation in Queensland today is such that we could not feed a budgerigar for a week. I am concerned about the building process that we will need to go through in order to provide committee rooms for the various committees and the provision of adequate funding for those committees, which is going to be far greater than required by the present committee system. The parliament will have to look at those issues. A failure to adequately fund the new committee system, which the LNP supports, will dilute its effectiveness and will dilute the reforms to this parliament.

Debate, on motion of Mr Elmes, adjourned.

PERSONAL EXPLANATION

Comments by Member for Burnett

 **Hon. JC SPENCE** (Sunnybank—ALP) (6.28 pm), by leave: Today the member for Burnett tabled certain allegations from Mr Nuttall, which he is referring to the CMC. As has been proven on more than one occasion, Mr Nuttall is incapable of telling the truth and appears willing to besmirch other individuals in order to gain notoriety.

Among his unfounded allegations, he raises the fact that I have had fundraisers at the McGuire's hotels as evidence that they have had a voice around the cabinet table. The insinuation alleged in this allegation unfairly damages the name of one of our great Queensland families. The McGuire family are personal friends of mine and I am sorry that they have been used by this deluded man in this fashion. I know the family has friends from both sides of politics and in all walks of life. They are not the only business people who have had fundraisers for me, nor have they received any inappropriate concessions from a Labor government. Quite the contrary. I cite the increased taxes on poker machine revenue and tough smoking regulations as decisions that imposed greater burdens on the hotel industry.

I feel very fortunate to have friends like the McGuire family. Not only are they successful business people, but also they are generous community leaders who assist many worthwhile causes and for generations have taken a leadership role on industry matters. They have attributes that a character like Mr Nuttall could never hope to understand or appreciate.

Sitting suspended from 6.30 pm to 7.30 pm.

WORK HEALTH AND SAFETY BILL

Message from Governor

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.29 pm): I present a message from His Excellency the Acting Governor.

Mr Deputy Speaker (Mr Wendt) read the following message—

MESSAGE

WORK HEALTH AND SAFETY BILL 2011

Constitution of Queensland 2001, section 68


I, PAUL DE JERSEY, Acting Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to provide comprehensively for work health and safety, to provide for a new definition of asbestos in particular legislation and for a work health and safety levy, to amend other legislation as a consequence, and to amend the *Workers' Compensation and Rehabilitation Act 2003* for particular purposes.

ACTING GOVERNOR

Tabled paper: Message, dated 10 May 2011, from His Excellency the Acting Governor recommending the Work Health and Safety Bill [\[4404\]](#).

First Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.30 pm): I present a bill for an act to provide comprehensively for work health and safety, to provide for a new definition of asbestos in particular legislation and for a work health and safety levy, to amend other legislation as a consequence, and to amend the *Workers' Compensation and Rehabilitation Act 2003* for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Tabled paper: Work Health and Safety Bill [\[4405\]](#).

Tabled paper: Work Health and Safety Bill, explanatory notes [\[4406\]](#).

Second Reading



Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.30 pm): I move—

That the bill be now read a second time.

The introduction of the Work Health and Safety Bill marks an historic moment in the history of work health and safety legislation, both in Queensland and Australia. Two years after the Council of Australian Governments agreed to the reform of work health and safety laws, the bill before the House provides for work health and safety legislation that will form part of a system of nationally consistent laws. Importantly, these changes will not see any reduction in health and safety standards, including the current Queensland standards for electrical safety, dangerous goods, hazardous chemicals and major hazard facilities.

The bill will put an end to the disparate and inconsistent health and safety laws across jurisdictions and cut red tape and barriers to productivity gains. It will assist in making Queensland and Australian workplaces safer, and provide certainty and consistency for employers and workers. The bill will save the Queensland economy more than \$30 million a year.

Harmonised laws will make it easier for business to operate over state boundaries, while giving workers greater input into how their workplaces operate with regards to safety. The cost of enforcing compliance with workplace health and safety laws will also be cut for government.

Currently, all states and territories have responsibility for making and enforcing their own health and safety laws. These multiple OHS regimes can result in workers and others being exposed to inconsistent safety standards across jurisdictions and industry sectors, cause confusion, complexity and duplication for businesses and lead to duplication and inefficiencies for governments in the provision of policy, regulatory and support services. The changes to occupational health and safety legislation will most definitely not be at the expense of the safety of Australian workers.

Model legislation will ensure that all types of workers are protected from workplace health and safety risks because the duties of care will extend beyond the employer-employee relationships that currently exist in most occupational health and safety laws. Rather than adhering to separate workplace health and safety regulations, multi-state businesses will be able to develop and implement an effective single prevention strategy across Australia.

The model Work Health and Safety Act compares favourably with Queensland's Workplace Health and Safety Act 1995 in terms of overall approach. It places obligations on persons conducting a 'business or undertaking', which is consistent with the Workplace Health and Safety Act 1995. It also has equivalent obligations on specific upstream duty holders such as designers, manufacturers, importers, suppliers and installers/erectors of plant. Key differences from the Workplace Health and Safety Act 1995 include a broader definition of 'worker', which includes labour hire, contractors and subcontractors, the imposition of an onus of proof on the regulator to prove an offence and tougher penalties for breaches against the act.

The increased maximum penalties reflect a combination of factors, including recommendations from the national review to strengthen the deterrent effect of the penalties and to extend the ability of the courts to impose more meaningful penalties where appropriate, as well as emphasising to the community the seriousness of the offences under this legislation.

The Work Health and Safety Bill has been drafted to give a high degree of consistency with the model Work Health and Safety Act. This includes matters such as establishing the local regulator and designating the appropriate courts and external review bodies. However, there are some variations to the model Work Health and Safety Act to address fundamental legislative principles and Queensland drafting protocols. While the bill is intended to deliver a higher degree of regulatory harmonisation across Australian states and territories, it is also important to give sufficient regard to the rights and liberties of individuals in Queensland.

The bill amends the Electrical Safety Act 2002 in relation to electrical safety obligations, offences, enforceable undertakings, inspector powers, reviews of decisions and legal proceedings to align with the provisions of the model Work Health and Safety Act. Existing parts of the Electrical Safety Act covering electrical licensing, the Commissioner for Electrical Safety, Electrical Safety Board and board committees, are retained unamended. Importantly, the broad coverage afforded by the Electrical Safety Act in relation to networks, workplaces and domestic dwellings will be maintained.

Model laws effectively cover existing requirements in the dangerous goods legislation and, as a result, regulation of dangerous goods and major hazards facilities will be under the Work Health and Safety Bill and the Dangerous Goods Safety Management Act 2001 will be repealed. While hazardous chemicals and major hazards facilities will no longer be regulated under the Dangerous Goods Safety Management Act 2001, there will be no reduction in standards as the national model Work Health and Safety Regulation and Code of Practice give effect to the existing national standards which are currently legislated for in Queensland.

The regulation of general work health and safety matters, hazardous chemicals and major hazards facilities under a single Work Health and Safety Act will align Queensland with other jurisdictions and will reduce confusion for employers and workers on the required standards that need to be met.

The bill also makes a technical amendment to the definition of asbestos. Like other Australian jurisdictions, Queensland gave effect to the definition of asbestos contained in the National Code of Practice for the control and management of asbestos in the workplace. The current definition inadvertently picks up non-asbestos containing materials. This has created problems for the Australian Customs Service, which is required to enforce the prohibition on the import of asbestos containing materials. The proposed amendment has been agreed for implementation by all Australian jurisdictions.

I turn to another feature of the bill, that in relation to the building and construction fee that operates in this state. The model Work Health and Safety Act does not contain provisions that impose a building and construction work fee as per the requirements under part 9 of the Workplace Health and Safety Regulation 2008. The building and construction work fee contributes to compliance and awareness activities including increasing the number of dedicated construction inspectors in Queensland. As a result, the bill provides for the transfer of the building and construction fee from the Workplace Health and Safety Regulation 2008 to the Building and Construction Industry (Portable Long Service Leave) Act 1991 to maintain this important component of the overall funding for Workplace Health and Safety Queensland activities.

In addition, the bill amends the Workers' Compensation and Rehabilitation Act 2003 to implement a recommendation of the *Report of the Structural Review of Institutional and Working Arrangements in Queensland's Workers' Compensation Scheme* to mandate a review of the workers' compensation scheme every five years. Further miscellaneous amendments include preserving the entitlement of private sector employees to accrue sick, annual and long service leave while on workers' compensation benefits and strengthening insurance and data collection arrangements in the construction industry.

Overall, the provisions in this bill will lead to enhanced safety protections for Australian employees and greater certainty for employers in relation to the application of work health and safety laws throughout Australia. The bill before us is part of a quantum shift in workplace health and safety in this country.

I commend the bill to the House.

Debate, on motion of Mr McArdle, adjourned.

SAFETY IN RECREATIONAL WATER ACTIVITIES BILL

First Reading



Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.38 pm): I present a bill for an act about health and safety in recreational water activities provided in the conduct of a business or undertaking. I present the explanatory notes, and I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Tabled paper: Safety in Recreational Water Activities Bill [4407].

Tabled paper: Safety in Recreational Water Activities Bill, explanatory notes [4408].

Second Reading



Hon. CR DICK (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.38 pm): I move—

That the bill be now read a second time.

The introduction of the Safety in Recreational Water Activities Bill indicates the importance of recreational diving and snorkelling to Queensland's tourism industry. The Australian recreational diving market has been estimated to contribute \$1.4 billion into the economy each year. For overseas and interstate visitors, recreational water activities, especially recreational diving and snorkelling, are a major feature of holidays in Queensland.

Queensland is a stopover for 93 per cent of international divers coming to Australia and an estimated 40 per cent of domestic dive holidays. Of the estimated two million scuba dives conducted in Australia in 2005, about 1.2 million occurred in Queensland. This is in addition to an estimated 2.3 million Queensland snorkel dives. However, these activities are not without risk. Between 2002 and 2006, there was an average of 10 scuba related and 12.4 snorkel related fatalities per year in Australia.

Queensland is the only Australian state or territory that comprehensively regulates the recreational diving and snorkelling industry under occupational health and safety laws. Currently, recreational diving and snorkelling are regulated under the Workplace Health and Safety Act 1995. The recreational diving and snorkelling industry recognises the importance of retaining current Queensland regulations to prevent fatalities in recreational diving and snorkelling. So, too, does the Queensland government.

The Queensland regulations and code of practice were developed collaboratively with the industry and establish a 'level playing field' for dive operators. Importantly, they reassure the community and tourists that Queensland has appropriate standards that are enforced.

It is important to refer at this point to the Work Health and Safety Bill, which I introduced into this parliament today. That bill marks a new era in work health and safety legislation, both in Queensland and in Australia. The WHS Bill will repeal the Workplace Health and Safety Act 1995, under which recreational water activities are regulated, as part of the process of national reform of work health and safety legislation.

During the harmonisation of occupational health and safety laws across Australia, states and territories, coordinated by Safe Work Australia, decided by a majority of jurisdictions that the national model Work Health and Safety Act would not regulate recreational diving and snorkelling.

While recognising the benefits of introducing the national Work Health and Safety laws, the Bligh Labor government was not prepared for this vital part of our tourism sector to be left unregulated. With the industry's support, the government decided to prepare stand-alone legislation, the Safety in Recreational Water Activities Bill, so Queensland can maintain its high standards of safety in recreational diving and snorkelling.

The Safety in Recreational Water Activities Bill safeguards the health and safety of people participating in recreational water activities. It imposes a duty on a person conducting a business or undertaking providing recreational water activities to ensure, so far as is reasonably practicable, that the health and safety of persons taking part in these activities is not affected by the way in which the person conducts their business or undertaking.

In addition, the Safety in Recreational Water Activities Bill will be supported by regulations and a code of practice for recreational diving and snorkelling. They replicate the existing Queensland regulations and code of practice for recreational diving and snorkelling without imposing any further requirements on the industry.

The Safety in Recreational Water Activities Bill mirrors key provisions of the Work Health and Safety Bill applying to safety duties, penalties, compliance, enforcement and legal proceedings. Importantly, the two pieces of legislation will operate in tandem, with the Safety in Recreational Water Activities Bill imposing duties on business operators to persons for whom they provide organised recreational water activities.

In short, the water activities bill will maintain the status quo, enabling the dive industry to uphold its world-class safety record and enhancing Queensland's reputation for safe water activities. It is proposed that the Safety in Recreational Water Activities Bill commence at the same time as the Work Health and Safety Bill to ensure the continuity of standards for the industry.

Now I turn to some of the specifics. The Safety in Recreational Water Activities Bill includes the following key elements:

- a primary duty of care requiring persons conducting a business or undertaking to, so far as is reasonably practicable, ensure the health and safety of the people for whom the activities are provided;
- a requirement for officers of companies conducting a business or undertaking to exercise 'due diligence' to ensure compliance with the Safety in Recreational Water Activities Bill in providing recreational water activities;
- a requirement for workers of the person conducting a business or undertaking to ensure the health and safety of people for whom recreational water activities are provided; and
- reporting requirements for 'notifiable incidents' such as the serious illness, injury or death of persons and dangerous incidents arising out of the business or undertaking.

Other relevant parts of the Work Health and Safety Bill are included by reference. For example, the workplace health and safety inspectors who currently monitor and enforce compliance with dive standards will continue to do so by reference in section 33 of the bill.

With in excess of a million people undertaking organised recreational diving and snorkelling activities each year, it makes sense to have laws that reduce the risks faced by divers and snorkellers. It is important to ensure that we retain our standards for safety in recreational diving and snorkelling in Queensland which would otherwise cease on the proclamation of the new Work Health and Safety Bill. I commend the bill to the House.


Debate, on motion of Mr McArdle, adjourned.

PARLIAMENT OF QUEENSLAND (REFORM AND MODERNISATION) AMENDMENT BILL

Second Reading

Resumed from p. 1280, on motion of Ms Bligh—

That the bill be now read a second time.

 **Hon. RE SCHWARTEN** (Rockhampton—ALP) (7.44 pm): I first want to respond to a couple of comments made by the Independents here this afternoon regarding my response to an attack upon my character in this place this morning by the member for Burnett. The member for Burnett did not suggest but he stated, on the basis of information given to him by a convicted criminal, that I was corrupt. Yet I have been labelled now as being 'disgraceful' for responding to that in kind. I find that quite unusual, especially coming from the member for Nanango, who had to be brought before this parliament for tipping milk all over the front of the place and who dares to stand up here and lecture me about the standards of this parliament.

I am not corrupt and I do not take kindly to someone using coward's castle in an attempt to besmirch me. I was 13 years a minister of this government and I would challenge anybody at any stage to ever point a finger of scorn my way for any form of dishonesty. If the member for Burnett wants to come into this place and misuse the privilege of this place—

Mr DEPUTY SPEAKER (Mr Wendt): Order! Member for Rockhampton, I would ask you to come to the contents of the bill.

Mr SCHWARTEN: I am responding to the latitude that was allowed to Independent members here to criticise me for my behaviour today.

Mr DEPUTY SPEAKER: I was not in the chamber previously, but I would ask you to tie it up quickly.

Mr SCHWARTEN: That was allowed in here today. Under parliamentary privilege I was attacked here this afternoon by two Independents—the member for Maryborough and the member for Nanango—who described my conduct as 'disgraceful'. If anybody wants to call me corrupt then so be it. Step out of the chamber and say it and we will deal with it in the courts. However, I will now move on to the bill.

Mr DEPUTY SPEAKER: Thank you.

Mr SCHWARTEN: I rise to support the bill and the all-party committee report—a motion passed by this parliament and supported by the Labor caucus. I note that the Leader of the House has tabled advice from crown law which refutes the position taken by the Speaker, a former High Court judge, a couple of disgraced former Speakers, some misguided academics, a former Premier who tried to obliterate the CJC and entered into an improper MOU with elements of the Police Union, and a gaggle of tory luvvies who would not recognise separation of powers as it floated past them in their brandy.

Mr Seeney: Oh, come on! I was a help to you.

Mr SCHWARTEN: No, I am not talking about you. I am going to say nice things about you. I think you are a good bloke.

Mr DEPUTY SPEAKER: Order! The member for Rockhampton will direct his comments through the chair.

Mr SCHWARTEN: Yes. I take the interjection because I think the honourable member's contribution this morning was of quality, and that cannot be said about most people who followed him from that side of the parliament. He is somebody who actually did apply himself to the business of reform of this parliament and, for the most part, has stuck to that conviction. So I have no beef with the member for Callide on this issue at all.

I was, however, surprised to see the names of two Liberals—David Watson and Terry White—who I thought were a bit more progressive and not the forelock tuggers pining for the past that the others are. But obviously someone sold them a pup and has now made them look quite foolish in light of the legal advice provided by the Crown Solicitor.

This legislation does not change the role of the Speaker in any shape or form, save for changing his role on the Standing Orders Committee so that he becomes a member, not a chair. None of the Speaker's role in adjudicating in this House has changed, and it is high time that those who suggest otherwise provided evidence rather than unintelligent one-liners about the Constitution and the separation of powers which have now been corrected unequivocally by the Crown Solicitor in an advice that is one of the strongest legal views I have ever read. This of course contradicts the nonsense by Ian Callinan QC, and we should be grateful that he did not take such a slipshod view of the High Court.

The legislation provides for the most accountable committee system ever introduced into this parliament, and as such it is a shame to see Terry White, who principally tore up the coalition agreement over the lack of parliamentary accountability of Bjelke-Petersen, being misled into a position of opposing this.

It will give the oversight of legislation unprecedented scrutiny and give the estimates process real grunt. It gives a parliamentary system of promotion where due recognition will go to those who choose parliamentary careers during their time here. It recognises that the committee chairs will be the senior members of our parliament and be instrumental in the delivery of parliamentary democracy.

The reforms proposed here will put this parliament at the forefront of parliamentary accountability in Australia and will put us ahead of or equal to any Westminster system. It is truly sad to see the agenda skewed by self-interest and that ill-informed editorials have appeared in the *Courier-Mail* especially when their chief political correspondent Steve Wardill nailed these reforms as being sensible and progressive.

I suspect one of the academics who has proven he knows nothing about how this parliament functions wrote the editorial which named me adversely. All I can say is, 'Pity help the poor kids who study under this lazy, biased and poorly read professor.' I did of course ask for a right of reply, but that is not allowed by the *Courier-Mail*. The *Courier-Mail* only has one view which must prevail and that belongs to the academic who writes for them. One can only wonder what he charged. Personally, after his efforts on this subject, I would not pay him with monopoly money.

No doubt there will be some unease in government departments over these reforms to estimates which will see senior public servants directly questioned. But having practised that format before the 12 estimates committees I fronted I believe this is the correct direction to take. It is fair that they bear a level of direct responsibility and direct accountability to this parliament. To do that you need direct questions.

No minister worth their salt should be frightened of this process. I have no doubt, however, that ministers, public servants, shadow ministers, committee chairs and committee members are going to be challenged by this new process. One has the forlorn hope that the media recognises this and makes some allowance for this in critiquing this round. It is far more important that this whole enhancement of scrutiny gets a proper run in that regard. Of course some people are going to make mistakes—shadow ministers, ministers, committee chairs and so on.

I just want to answer the issue raised by the Independent concerning this going through another form of scrutiny. On the CLA we made the decision that we wanted this estimates up and running this year so we cannot have this run through another process. We want this estimates to be the most accountable estimates to have ever hit this parliament. I am more experienced in going through estimates than any member in this parliament.

As mentioned before, the Speaker is to continue a role on the Standing Orders Committee. The doomsayers would have us believe that somehow the Speaker sets the standing orders. That proves how detached from reality they actually are. No Speaker has ever set the standing orders unilaterally in the history of this state. Moreover, no standing order has ever been written without the support of the executive and, in many cases, the opposition.

I can point to a case where Speaker Reynolds wanted to change a standing order. He advised me that he was going to do this whilst I was the Leader of the House. His idea sunk without trace as neither the government nor the opposition supported it. Similarly, this Speaker indicated he wished to overturn the dress standards for men and make other changes and again those changes were rolled in the Standing Orders Committee. Let us not have any more nauseating hypocrisy here.

The fact is that the Standing Orders Committee did not meet in this place for over a decade at one stage. Speaker Warner stood up and said, 'I'm here to do the bidding of government under Bjelke-Petersen.' It has met infrequently over the years. I think while I was the Leader of the House it met twice. Let us not have any more of the nonsense that somehow or other the independent Speaker influences the standing orders of this parliament. It is not factual. It is not reasonable. It has no historical basis in any parliament anywhere in the world. Standing orders are a creature of the government of the day, as we heard in an excellent representation from Evan Moorhead. We have moved on from the Bjelke-Petersen days.

On the issue of standing and sessional orders I would like to see a brief time set aside where members are able to table grievances from their constituents as I have here from one of mine. I took up a case on behalf of my constituent Mr Trent Lauga who had his car modified. What did I find? The company concerned responded to me initially. I then sent it back to Mr Lauga. He and his father-in-law gave me statutory declarations. I have written back to that firm. The only recourse I have as a member of parliament is to actually ask for this document to be incorporated in *Hansard* so that I have the opportunity to stand up for my constituent in this regard. I seek leave to have it incorporated in *Hansard*.

Mr DEPUTY SPEAKER (Mr Wendt): Unfortunately, member for Rockhampton you have to have the Speaker's approval prior to seeking incorporation.

Mr SCHWARTEN: I thought that would be the case. I did that to make that point.

Mr DEPUTY SPEAKER: You can table it but you cannot incorporate it.

Mr SCHWARTEN: I will table it but it is not privileged as a result of that. Therein lies the issue. That is the exact reason I did this.

Tabled paper: Email correspondence from Rockhampton electorate office, dated 10 May 2011, in relation to a constituent's vehicle modifications [\[4409\]](#).

Mr DEPUTY SPEAKER: It is privileged by being tabled.

Mr SCHWARTEN: It has the privilege of this parliament—good. My view is that we should have a section of the parliament's time devoted to this every week so a member can stand up and air those grievances. This company has treated me with contempt as a member of this parliament taking up something on behalf of my constituent. It would not take long. We do not want people getting up and making speeches about it. This whole thing has taken me about a minute if I had not been interrupted, which is perfectly reasonable for the Deputy Speaker to do.

The second bill has been referred to here today, therefore I feel obliged to speak to it. I know there was some confusion in the committee as a result of this. Let me say that I was not surprised when one of Queensland's most unaccountable journalists did me over in the *Sunday Mail* over accommodation in this place. This is someone who is cheerless, hapless, friendless and known in the business as 'Lyn' Patrick. I wear as a badge of honour anything that man may say about me. All I can say is that he is more to be pitied than scorned.

The reality is that I had spoken to the Premier when I stood down from the ministry about clearing out 13 years of paraphernalia from my office. I had two ministerial offices to get through and basically all I got was a couple of weeks. I asked for a couple of weeks because I was not coming down here all the time to do it. What did I get? A headline saying that I refused to move.

I want to point out that that is not a decision of the Speaker. That is a decision that the party in government takes about allocating rooms. When people have misrepresented my views about what I said about the Speaker's accommodation I am most offended. Quite frankly, I do not care where the Speaker has accommodation. I certainly agree with Mr Springborg when he said today that the Speaker is entitled to as good accommodation as he can get.

The whole issue is being missed here. My view is that we should not have accommodation here at all. I am about \$100,000 out of pocket being a minister for 13 years and as a result of coming down here with no daily allowance and as a result of no Speaker in my time ever advocating on my behalf. That is why I support the CLA. That is why I support a committee of this parliament rather than an appointee of the government of the day advocating on behalf of members of parliament. The only person who has ever done it was Speaker Turner and he actually advocated for the wrong thing as far as I am concerned. He advocated that we keep those premises over there. As we struggle now to find proper accommodation for the new committee system the most obvious thing to do is to give to us what every other public servant in Queensland gets—that is a correct daily allowance—so that we can live somewhere else.

You cannot tell me that a unilateral Speaker making decisions on behalf of members of this parliament is ever going to advocate that. That has never happened in 13 years and, yes, I was a proponent of an all-party CLA which suggests to me that you could only get this done by bipartisan approval. That is what this is about. It is not getting square with the Speaker. It is not undermining the Speaker. It is nothing of the kind. As the crown law advice that we received today says—the best advice this government can get—there is nothing illegal and there is nothing improper in what we are suggesting. I am simply saying that it is time to cut the painter between the Speaker running the parliament and the Speaker running the precinct, because we are never going to get an executive that has its mind on fixing this place. If this place was under the Department of Public Works, as Government House and Old Government House are, it would be up for certain standards.

The executive of the day, whomsoever that may be, controls the budget of what happens. Speakers have got by over the years with bits and pieces here and there, but in the 20 years I have been here there has not been one new committee room. I do not know whether any Speaker has advocated for it but do know that as the public works minister I advocated for all of the stonework here, and I do not hear anybody saying that that somehow undermined the independence of the Speaker.

As I said, this is not about personalities. Some people have taken it that way, and so be it. I understand that self-interest is a powerful motivator. But I am not self-interested here. I am on my way out, and after 20 years here I want to see some difference. I want to actually see a committee system that I know I could handle in any circumstance. I want to see that legislation does not come back and get amended time and time again. When I did the Housing Act it was just unbelievable the number of amendments that we ended up having to make. The Leader of the House and I have had carriage of a lot of legislation. We had experience and we brought that to that table.

I am sick and tired of having to defend my position against an assertion that has been unfairly made that this is somehow some vendetta. This is nothing of the kind. This is actually about looking at a parliament in terms of what we want to see in future generations. When all of those young people now become members of parliament and they are my age, what are they going to reflect upon? Hopefully not the 20 years that I have had here in which we have seen the budget controlled by the executive through a nominated Speaker—and that is what has happened—who does not take to task the government of the day. I saw it happen with Neil Turner. I have seen it happen with every other Speaker since. As for those former Speakers—one of whom was before the CJC—trying to undermine me with their credibility, I am happy to bring that on, as I am indeed happy to have anybody in this parliament take me on on this issue. This is not about self-interest.

We as Queenslanders proved in 1922 that we could take this parliament to a different place. They did not all agree with it, but now there are people who want to take us back to 1922. I want to take us to 2052 and see what happens then. But I know the framework of having a Speaker who unchallenged runs this place and who is not frightened, as the Bjelke-Petersen Speakers were, to speak their mind. There is no evidence whatsoever of any Speaker in my time that has ever been kowtowed by the government of the day—not one of them, and I saw them from both sides. And this Speaker regularly warns cabinet ministers. I do not think that has been brought into it, but I am tired of the nauseating hypocrisy by people who would defend fox hunting on the same basis of symbolism.

Let us move forward. Let us not look back. Let us look to a time when the building of this place is a bipartisan arrangement and when it is agreed with the general population that we need to have members of parliament well resourced and properly established in this place and that that has bipartisan support, and that is what the CLA brings for the first time in the history of the parliament. I support the bill. As I said, I support the motion that went through the Labor Party caucus and I support the all-party committee report.



Mr WELLINGTON (Nicklin—Ind) (8.03 pm): It gives me a great deal of pleasure to rise to participate in the debate of the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. Following on from the contribution of the member for Rockhampton, I certainly do understand, and it has been made very clear time and time again, why there is a degree of urgency in trying to get the new committee system up and running, to manage the estimates committee hearings that are scheduled for not that far away. I understand that the budget is not that far away, either. So I do understand the urgency and certainly look forward to the new portfolio standing committees' involvement in considering proposed new changes to the laws in Queensland, be they proposed changes from the government, the opposition, the Independents, the crossbenches or wherever.


I certainly look forward to the opportunity for members of the public to make submissions about proposed changes to acts. I look forward to the opportunity for the new committees to call public servants to the respective committees to make submissions and comment. That certainly is a forward step that we all support 100 per cent. I look forward to my next private member's bill being referred to one of these committees where I will be able to hopefully better engage with the government, the opposition and other members on that committee to try to garner support for whatever that proposed change may be. That certainly is a great initiative and I think all Queenslanders support that 100 per cent. I certainly support the review of the management of the estimates hearings process. I have no doubt that the proposed new model will be a much better way of holding the relevant minister, the department and the government to account on where the money is proposed to be spent in the range of departments that will be under scrutiny.

Many members have referred to the Solicitor-General's advice. I certainly have read that advice together with many of the other submissions that the Scrutiny of Legislation Committee received. Some of those were very detailed, and I have made a couple of comments in relation to some reservations I have relating to the Scrutiny of Legislation Committee report that was tabled this morning by our chairman. I do not walk away from those reservations I have. If members have not had a chance to read those detailed submissions made by many people, I would urge them to take the chance to read those submissions.

In relation to the Committee of the Legislative Assembly, I listened intently to the member for Rockhampton and his argument for the committee. I believe that the Speaker should be on that committee and I believe that the Speaker should be the chair of that committee. I heard what the member for Rockhampton said. I understand where he is coming from, but I have a view that is different from his in that I believe that the Speaker, whoever the Speaker may be, should be on that committee and should be the chair of that committee.

I will be supporting my Independent colleague the member for Gladstone in her amendments and look forward to the matter proceeding to the committee stage. I also look forward to the Premier responding to the range of questions that the Scrutiny of Legislation Committee raised in its report seeking clarification and advice.

In the future when bills are referred to the respective committees we will be able to see further refinement of bills and their proposed changes to the laws in Queensland as a result of the various committees asking probing questions, getting advice from the various departmental officers and hopefully the government amending and refining its proposed bills. There is no doubt in my mind that this will be a forward step for improving laws for Queensland and it may reduce possible challenges in the courts. I look forward to the bill proceeding to the consideration in detail stage.

 **Hon. DM WELLS** (Murrumba—ALP) (8.08 pm): This is a doubly historic occasion. Not only are we transforming the committee system in the Queensland parliament but we are doing it in competition with the handing down of the federal budget. It is a great honour to be providing the only meaningful alternative viewing to the handing down of the federal budget tonight. I would like to congratulate the people who have made the choice to watch us live on the internet. I hope they both have a pleasant evening.

The bill has in its title the word 'reform', but this is not so much a reform as a Copernican shift. Honourable members would be aware that the astronomer Copernicus established that the belief that the earth had the sun revolving around it was incorrect and that, in fact, the earth revolved around the sun. This legislation is a Copernican shift. In the past and until now, legislation passed by this House had been a document drafted by the executive in respect of which private members may have been consulted. From now on, legislation passed by this House will be a document drafted by the executive in conjunction with private members. Legislation will in the future be in a much more meaningful sense a document of the parliament and honourable members will be able to describe themselves in a much more meaningful sense as legislators than they have heretofore.

If we look at the way we do it at the moment, what happens is that a bill gets drafted in the Parliamentary Counsel's office on the basis of instructions provided by the line minister. That bill is then presented in the House. It goes through its first reading, it lies on the table of the House for typically a week or so, honourable members get a chance to think about what they might say and then, during their speech in the second reading debate, they indicate what they might be able to contribute if only anybody was ever going to take them seriously. Then in the consideration in detail stage they move amendments that might have been useful if the executive arm of government had been aware of them six months before. Then what happens is that some really useful, constructive amendment comes randomly to the attention of the House and the minister says to himself or herself, 'This is not entirely a bad idea' and then says to the officers, 'This is not entirely a bad idea. Why did we not think of that?' They say, 'We just didn't think of it, Minister, but we can make it a subject for consideration in future reviews of the act.' The minister says, 'Right. We'll oppose the amendment' and that is what happens, because there is not the time and there is not the leisure and there is not the opportunity for the kind of consideration that is needed in order to incorporate the amendment into the legislation.

That is what happens in all parliaments of Australia at the moment. That is not what is going to happen after the passage of these reforms. After the passage of these reforms, the legislation will be introduced and it will have its first reading. Then it will be sent to the committees and the committees will have the opportunity at that stage to consider the legislation. But not only will they have the opportunity to consider the legislation, they will have the opportunity to interview public servants in respect of the relevant department. They will have the opportunity to hear from members of the public, including organised groups within the public who might have a useful suggestion to make. They can take and they can hear evidence. They will be able to call for papers, persons and things. They will be able to do all of those sorts of things that parliamentary committees can do, but do them at the right time so that they will be able to make the suggestions that they wish to make—the constructive ideas that they might otherwise have had under the old system but too late—in a timely way. The legislative process will be dramatically improved as a result.

Instead of the legislation being something that represents essentially the thoughts of the public servants who prepared it on the basis of the inspiration provided to them by the minister who asked them to prepare it, it is going to be a document that will incorporate the best constructive thoughts of all members of the parliament. It is a Copernican shift and it is a shift that is going to improve the quality of the legislation.

Honourable members will all know who I am talking about when I mention that constituent of theirs who buttonholes them when they are dashing from their office to their car to try to get on time to a meeting and who says to them, 'Now, just while I've got you,' and then tells you a long story about a particular issue. All honourable members know the constituent I am talking about, do they not?

Honourable members interjected.

Mr WELLS: I take honourable members' interjections. There are many such people, but for the first time those people are going to have a voice that will echo in this House. For the first time those people will find themselves talking to somebody who can actually do something about it, because those little speeches that we get from our constituents often we know are very useful, but this legislation is going to provide the vehicle by which their ideas can be put into the melting pot, which becomes the legislation. So this legislation empowers not only honourable members but also members of the public to an extent that had not previously been the case.

When I came here a long time ago and sat on those green benches over there I looked across the chamber and I saw Bjelke-Petersen, Russ Hinze and—who will I pick next—perhaps—

An honourable member: Leisha Harvey.

An honourable member: Don Lane.

Mr WELLS: Thanks for all of those suggestions. I was thinking of Brian Austin, who was Leader of the House at the time. I was new and vigorous. Now I am much older and equally vigorous. I was keen to get into a bit of committee work and I said, 'What's going?' They said, 'You could be on the refreshment rooms committee, or you could be on the Parliamentary Library committee, or the House committee, but that is really hard to get on.' I said, 'But is there anything that has any reference to the external world?' They said, 'There is the subordinate legislation committee.' So I put myself down on the subordinate legislation committee and there I had the intoxicating feeling of being involved in the process of subordinate legislation. We had enormous sanctions available to us. We could write letters to ministers who dared to allow their departments to insert Henry VIII clauses into pieces of legislation. Of course, we used this terrific power incredibly sparingly. Can members imagine the committee, dominated by people like Beryce Nelson, allowing the power to cause a minister to have to waste time signing off a letter saying, 'No thanks' to be sent too often? That was never going to happen, but that is how it was back then before the dawn.

After the advent of Mike Ahern, we started to see a little bit of progress, because a number of us with a talent for imposture had set ourselves up as a public accounts committee in exile. At that point the big issue was the lack of a public accounts committee. The media was all in favour of having a public accounts committee. So several of us went to a national conference of public accounts committees where, from both sides of the political fence, we were welcomed with open arms by those handing out the credentialling at the conference, because we dared to assert, though we came from Queensland, that governments ought to be open to that kind of scrutiny. Mike Ahern was responsive to that kind of idea. Then with the advent of the Goss government a whole lot of new committees, including the estimates committees, came in, which included the kind of portfolio committees that we are now familiar with. So did the Fitzgerald inspired committees—the Electoral and Administrative Review Committee and the parliamentary CJC committee—come into existence.

But though that was progress and it was all good progress and it was all progress that involved honourable members to a much greater extent than had occurred previously, it is but a moon-cast shadow of the bright rays of sunshine that we will see after this legislation comes into place, because honourable members will be able to play a much more meaningful role and they will be able to represent their constituents much more meaningfully than they ever did before.


I feel it incumbent upon me to remark upon the amendment that the honourable the Leader of the Opposition has foreshadowed in the House. The Leader of the Opposition, with his customary wit and panache, has foreshadowed an amendment which is directly opposed to what he signed up for a little while ago. While I started out by referring to Copernicus and making an astronomical analogy, I think in order to fully explain the activity of the honourable the Leader of the Opposition one has to go not to astronomy but to theology. I think what has happened here is not a Copernican shift so much as a road-to-Damascus conversion. Honourable members of course will know how St Paul, on his way to Damascus, looked up in the sky and the heavens opened and a voice called out, 'Saul, Saul, why are you persecuting me?' God called him Saul at that point because he did not change his name to Paul until after his conversion. And so he had his conversion. I think the Leader of the Opposition had a road-to-Damascus conversion, but I do not think it was the Holy Spirit; rather it was the ghost of Rob Borbidge that converted him. I think the sentiments of the Leader of the Opposition, however plausible his arguments might be, are probably inspired by something less holy than that which motivated St Paul.

May I say that I listened with great interest to the several essays produced by honourable members on the other side of the House on the separation of powers and I really enjoyed their contributions on that subject. If I may paraphrase the great Dr Johnson, who wrote the first English dictionary, to hear honourable members of the National Party talking about the separation of powers is a bit like watching a dog walking on its hind legs; the impressive thing is not that it does it well but that it does it at all. I commend the bill to the House.

Debate, on motion of Ms Spence, adjourned.

PERSONAL EXPLANATION

Comments by Member for Nanango

 **Hon. RE SCHWARTEN** (Rockhampton—ALP) (8.22 pm), by leave: I rise to make a personal explanation. In my contribution to debate on the bill I made remarks about the member for Nanango. I have now been given the wisdom of her advice. Basically paraphrased, what she actually said was that I was as bad as the member for Burnett. While I do take issue with that, I nevertheless do take her point that she actually did not accuse me of being corrupt or endorsing the views of the member for Burnett and I thank her for her frankness.

MOTION

Order of Business



Hon. JC SPENCE (Sunnybank—ALP) (Leader of the House) (8.23 pm), by leave, without notice:
I move—

That government business order of the day No. 1 be postponed.

Question put—That the motion be agreed to.

Motion agreed to.

FORENSIC DISABILITY BILL

Second Reading

Resumed from 7 April (see p. 1139), on motion of Mr Pitt—

That the bill be now read a second time.



Ms DAVIS (Aspley—LNP) (8.23 pm): In rising to speak to the Forensic Disability Bill, I would like to commend the underlying principles of the legislation. The differentiation between mental illness and intellectual or cognitive disability is an important one and, particularly in the context of forensic orders, can require a similar differentiation of responses. However, just as this principle underlying the bill is the reason we will support the legislation, it is the practical implications for people under both categories that are also cause for our reservations about the bill.

This bill does not create a system for dealing with all forensic clients with intellectual and cognitive disability; it creates a small isolated response that will help a small proportion of those who need it. It is a first step, a small step, but it is also an exclusionary step in some respects. Intellectual or cognitive disability can take a number of forms, present with a range of severities and affect behaviour in a multitude of ways. Acquired brain injuries can thrust impairment on people at an advanced age while life-long degenerative or neurological conditions can complicate development from an early age.

In a stark differentiation from mental illness, however, there is generally no cure for cognitive and intellectual disabilities. There is a better quality of life. There is support that can help to regulate behaviour or assistance that can help people learn socially accepted norms. Much of this support is based on habituation and requires intensive support, in some cases over extended periods. In the cases of severe disability, intensive support over a period of a few years does not ensure behavioural compliance in future decades. It is a complicated field and there are as many variations as there are people with intellectual and cognitive disabilities.

There are a couple of contradictions in this legislation. The timing is a notable one. After dragging its feet on the Carter report for years and years, there is great haste by the government to get this legislation through parliament. Introduced on 7 April, during the last sittings of parliament, the bill has not been left to sit before the House for very long. In consulting with a number of experts, practitioners and advocates in the sector, it has also been evident that they were not given the courtesy of consultation for very long either, if at all. There have been concerning reports of different groups within the sector receiving two or three pages of the bill—just those parts designated to relate to them. Apparently giving them the entire bill might expose it to too many faults. This is very sad, not least because these are the people who dedicate their lives and work to looking after people with intellectual and cognitive disabilities or mental illness. Their opinions and inputs are invaluable.

This legislation was born out of the Carter report. This government does not have a great record on its implementation of the Carter recommendations. Justice Carter recommended in his 2006 report that the implementation of the report's proposals be executed as soon as possible and in accordance with a phased process of the kind suggested in the report and that, since the core legislative proposal is necessarily tied to the implementation process, the development of the total reform be executed within a period of two years. Here we are five years later, in the midst of a six-year implementation, still unable to be convinced that the spirit or the letter of the Carter recommendations have been fully understood by those opposite.

There is a steadily mounting capital cost through consecutive budgets and there are buildings being constructed at Wacol, but it would seem that this legislation has been drafted to fill those buildings. Legislation should be made with the impact on people in mind, not tailored to suit a piece of capital expenditure. In his 2006 report, *Challenging behaviour and disability: a targeted response*, Justice Carter highlighted the need for differentiation between mental illness and disability conditions. The Mental Health Court, in respect of those members of the cohort who are the subject of investigation by the court in relation to fitness to plead and unsoundness-of-mind issues, is seriously concerned at the lack of capacity in Disability Services Queensland to appropriately house such persons who have intellectual disability but not a mental illness. While this legislation deals with that need, it has not been

undertaken with the urgency that Justice Carter stressed five years ago when he said that DSQ should as soon as possible be in a position to respond to the requirements of the Mental Health Court, which has the jurisdiction to make a forensic order only in respect of a person with an intellectual disability who has committed an indictable offence. The present power of the court is limited to order that that person be detained in a mental health service, which, objectively, and in the mind of the court, is a totally unacceptable outcome.

Recommendation 22 of the Carter report stated that, subject to the approval of the honourable Minister for Health, consideration be given to amendment of the Mental Health Act 2000 in relation to the Mental Health Court's power in making a forensic order in respect of a person with intellectual disability to order that the person be detained other than in a mental health service.

Under a previous minister for disability services, the Hon. Warren Pitt, the government response was to support this recommendation. In proposing to make an amendment to the forensic order provisions of the Mental Health Act 2000, the response to the recommendation five years ago promised to draft amendments to the Mental Health Act 2000 in 2009-10 and to enact it as purpose-designed Disability Services facilities when forensic secure care became available. Even with providing themselves with a reasonably generous time frame to implement the recommendation, it is still a long time coming. As Justice Carter stated—

The provision of appropriate accommodation for such persons is urgent. Not only will that course assist judicial decision making it will also ensure the availability to that person of the service regime recommended by the report namely comprehensive assessment, the development of an individualised positive behaviour support plan and intervention strategies developed to ensure as far as possible the personal development of the individual.

The Carter report examined evidence that found that the purpose of forensic orders was to manage a medical problem and provide supervision and treatment until the person was no longer a threat to the community. Court precedent had shown that a forensic order for mental health complicated the issue for people with disabilities as there was not a medical regimen that could treat and cure them. Again, the difference between the behavioural nature of intellectual and cognitive disability and the medical nature of mental illness was highlighted. Intellectual and cognitive impairments are not always stand-alone conditions. There are a number of reasons for co-morbidity. Firstly, people with a disability will suffer from other conditions, including mental illness, just as will people without a disability. The added isolation, emotional burden and other psychological pressures that can be added to a person's life as a result of a disability can also increase the prevalence of mental illness. A reverse equation also works. Intellectual and cognitive disabilities that are caused by behaviours such as substance abuse are more common in people with a mental illness than those without. It is estimated that one-quarter of all people with mild intellectual disability, that is, in the IQ range of 50 to 69, will have a psychiatric diagnosis. In some cases the argument can fall into the realm of chicken and egg, but it is indisputable that co-morbid conditions account for a significant proportion of the cohort. Through this an important factor to remember is that in these circumstances there is the psychiatric condition that can be treated under mental health and there is the disability that requires support. The treatment will not be a single response.

The definitions are a troubling aspect of the bill with the potential inclusions and exclusions they involve. Under the Disability Services Act, a disability is defined as a person's condition that is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those which results in a substantial reduction in the person's capacity for communication, social interaction, learning, mobility, self-care or management and which requires support. The definition is clarified by clauses that state the impairment may result from an acquired brain injury and is or is likely to be permanent. This may or may not be of a chronic episodic nature. Under the legislation this definition is referred to as the parameter for a cognitive disability definition. That is where it really gets a little complicated. The Disability Services Act recognises combinations of impairment and reduced capacity as a fundamental aspect of the definition. Importantly, it also includes the term 'psychiatric impairment'. In effect, the bill before us today is saying that a person with a cognitive disability as defined under the Disability Services Act can have a psychiatric impairment or a co-morbid psychiatric condition, except that they cannot be included under the provisions of the bill because of dual diagnosis. It is sloppy, it is confused and it complicates a fairly straightforward matter.

As defined under this bill a cognitive impairment is attributable to a cognitive impairment as defined under the Disability Services Act. In practical terms, a cognitive impairment is a condition where confusion, processing difficulties or memory problems, for example, impede the normal or pre-existing IQ of a person. This can result from acquired brain injuries, neurological conditions or other causes such as the effects of medications or substances. This is a broad definition. It could include dyslexia or dementia. The severity of the impairment is not measured and neither is the level of support required. On the other hand, there is a definition for intellectual impairment. Under this definition, which does not relate back to the Disability Services Act, the condition behind the intellectual disability must originate before the age of 18 and cause significant limitations in intellectual functioning and adaptive behaviour. An intellectual disability can take many forms, including learning and developmental disorders. Under the schedule in the bill, a standardised intelligence test defines the parameters of eligibility. Two

standard deviations below the population average in terms of intellectual functioning, combined with significant limitations in adaptive behaviour, provide what realistically will otherwise be termed as people with an IQ between 50 and 70.

Therefore, the bill cannot provide an easily interpreted or consistent definition to encompass people with cognitive disability and people with intellectual disability. Not for the only time in this bill, people are to be judged by their label rather than by their behaviour and needs. With all of those exclusions, the bill will cover people in the limited IQ range who have committed indictable offences, who are given forensic disability orders—if there happens to be a vacancy—and who exhibit severely challenging behaviour. Challenging behaviour is of concern for a number of reasons. Firstly, there is the issue of the safety of the community. Behaviour that disturbs the community, interferes with the wellbeing of others and contravenes the laws of the community cannot be excused. Obviously, there is the consideration of the individual who may be a risk to their own wellbeing. Wherever possible, the rehabilitation of individuals is a priority and must be weighed in conjunction with the wellbeing of the community. As Justice Carter said in his report, challenging behaviour needs to be addressed in a way that enhances the prospect of a person's personal development and enhances that individual's opportunity to establish a quality of life. The welfare of the family and carers also needs to be factored into consideration. Those people dedicate their time, often without any breaks or respite, to caring for loved ones. The distress of challenging behaviour is not only from the behaviour itself but also from the emotional trauma it can inflict.

The next area of concern is the most often overlooked, that is, the safety and protection of those people who work in the disability and health sectors. Our legislation needs to ensure the best possible conditions for those workers who dedicate their efforts to helping people with severe disabilities in what is a difficult but rewarding job. The legislation should be protective of their interests, but should not burden them with endless bureaucracy and hurdles to undertaking their work.

In terms of the IQ requirement, dealing with those who have what is classified as mild retardation, which is between 50 and 70 on the IQ scale, also leaves questions as to what happens to those people who are more severely impaired, such as those who are suffering moderate to major retardation, who are in trouble in terms of the criminal justice system, who are not suffering from a mental illness and who are too impaired to qualify for this system. There is also the question of people with higher IQs but lower functionality as can be exhibited by some people with autism spectrum disorders. Those people can lack the adaptive ability and social normalisation that can create severely challenging behaviour, yet their IQ may prevent them from eligibility for a service that could greatly benefit them. Again it appears that they are leftovers who will be handed to the mental health system for a response not deemed good enough for others. These are people who need effective responses to their problems; they are not cases for the too-hard basket.

The ideal way for this legislation to operate would be to look at the needs of the people with severely challenging behaviour who come before the criminal justice system and provide the support for them that meets their needs, not the labels that are put on them. The essence of our concerns with this legislation is that it seems that the government grabbed on to the recommendation from the Carter report, restated the principle, made some basic movements towards implementation and then declared that this was the problem solved. It is a bill that takes the first step and then sits down. It takes a valuable principle, commends it, then does no more about it. It is a simplistic response, albeit a positive one.

The provisions of this bill will hopefully help people, limited as it is to helping just 10 people at any given time. Realistically, it will be helping the same 10 people for a rather extended period of time. Unfortunately, this creates an immediate shortage of places because, as the government itself knows, there is already a 160 per cent demand for those places created by this bill. With a potential waiting list already for this facility of 16 suitable candidates, it is somewhat puzzling that only 10 places were catered for.

The information we obtained from the department in a briefing indicated there are currently about 600 people on forensic orders in the mental health system. Of these, about 45 have an intellectual or cognitive disability, with 16 of these being in secure detention, and this is not a static figure. There have been more than 70 orders issued in the last nine years for people who would suit this facility. This gets to the crux of the problem: the reason legislation should not be tailored to a capital facility and the reason this legislation will ultimately not achieve a fraction of what it should.

The provisions within this bill mean that a certificate must be issued which states there is a vacancy at the facility before an order can be made. I question how that procedure will work if the facility is full before it opens, with an immediate waiting list. What will happen to the six people who cannot fit into the facility in the first place? How will their needs be addressed in a mental health facility without that being to their detriment if it is so critical that 10 of their peers find places so urgently? What happens to the next person who comes before the criminal justice system who would benefit from a forensic order—disability? Will they spend one or maybe two years in a mental health facility in the hope that someone will be moved on from the forensic disability facility? Will there be pressure on the facility to

discharge its clients without the necessary ongoing support in order to meet the needs of new clients? The question in short is: will there be a focus on doing just a little bit for as many people as possible or focusing all efforts on just a handful?

The orders will not be short term. By its nature, the disability will require intensive and long-term support. I was advised by the department that the average stay for people in purpose designed facilities is between 3½ and 4½ years. There is a built-in review under this legislation at five years detention. There is no quick turnaround. With a backlog of six people from day one and potentially five to 10 new clients a year, there will be demand for this service. But the service is already full and will be for the best part of five years. By the time there is a vacancy there could be a waiting list of 20 or 30 people, two or three times the capacity of the facility. Sadly, most of these people will have been left in mental health facilities in an environment deemed inappropriate for them and which this legislation is supposed to fix. A client who is transferred out of the facility because of mental health issues arising may never be returned to the program. Those who might best be served by the facility may be automatically excluded from ever using it because of dual diagnosis.

There is also a question of responsibility once a forensic disability patient or client is deemed to be rehabilitated. Rehabilitation is much easier to maintain when it is surrounded by intensive, 24-hour-a-day, seven-day-a-week support. While I appreciate that this bill sets out limited community treatments and transition to the community, I would like to know that there will be funding and resources to back up the reintegration of these people into the community. The isolation, anxiety and pursuant mental illnesses and relapse that could follow if there are not sufficient supports within the community would render this system redundant. The issue of community supports raises another question, the flip side: what supports will be made available to keep people at risk out of the criminal justice system?

This bill deals with people who are charged with indictable offences. They are already unable to abide by social expectations and legal requirements. There is a lack of in-community support at this stage and earlier which could divert these people from crime and antisocial behaviour. There is not enough concentration by this government on the habilitation of people with disabilities before they undertake the extreme action which sees them in front of the courts.

The magnitude of the offence needed to gain the attention of facilities under this legislation also exposes the missing support of potentially indicative behaviour. If a person with an intellectual or cognitive disability is disassociated from their responsibilities and begins to fall into trouble through the court system, it cannot be presumed that their first offence will be an indictable and serious offence, yet there is no action by the government on the opportunity this legislation presents to implement some form of support for people who may be on the ever-increasing spiral. If a person with an intellectual or cognitive disability commits a simple offence, they can go to prison or, in the best scenario, a mental health facility.

As the minister is aware, there are people with intellectual or cognitive disabilities who are in our prison system because of multiple simple offences. However, neither prison nor a mental health facility is going to stop their behaviour or rehabilitate them or help them avoid further forays into the system. The only way they can get support within the system is to commit serious crimes. The waste of lives and opportunities by not providing early-stage support is distressing. The cost to the community and individuals who suffer from later crimes is concerning. The placement of offenders while they are waiting for a forensic order requires clarification by the minister as well.

Even if there were vacancies within the facility, there is the likelihood that the detainee or client would face a lengthy wait for a hearing in the Mental Health Court. While nine months to two years is not an unusual period, there seems to be little in the way of catering for the needs of inmates with intellectual and cognitive disabilities. Currently, the 16 people who would qualify for the 10 available places in the forensic disability facility are scattered across the state. There are some at The Park, some at Prince Charles Hospital and others closer to their own communities around the state. This creates another issue. Removing a person from their community may be necessary for the detention and support of that person during the forensic order, but in which community does the limited community treatment occur: in the community near the facility or a community with which they are familiar but which does not necessarily possess the services? This kind of issue is particularly pertinent for Indigenous offenders, who would be removed from their community, families and culture and who face different reintegration facilities. Yet this is a group of people who are overrepresented in both the cognitive intellectual impairment and the criminal detention statistics.

The Forensic Disability Service is an important development in the support and rehabilitation of offenders with severely challenging behaviour, but it unequivocally has to provide the best possible outcome for everybody it caters for. This applies when it comes to the support during the detention, the wellbeing of the patient in consideration of restraint uses, the number of places likely to be needed, the reintegration into the community and the need to stop recidivism. This bill does make an important step, but it would be better served if it offered more support and less bureaucracy, if it provided more wide ranging and non-exclusive care.

My colleague the shadow minister for health will talk more about the mental health implications in the bill caused by the amendments to the Mental Health Act. However, we do hold a concern that mental health will be a dumping ground for overcrowding and a waiting room for the facility. This would serve neither the individuals nor the mental health system well.

In his report, Justice Carter differentiated between patients with dual diagnosis and those with no mental illness. In doing so, he was not dismissing the needs of the many people exhibiting psychiatric co-morbidity but was rather calling for a separation of the system from those with no mental illness. The failure to cater for people with co-morbidity in this legislation is of concern and I believe contradicts the intent of the report.

To return to Justice Carter's words, he called for a coordinated and cooperative working relationship between DSQ, Disability Services Queensland, and QH, Queensland Health, to the extent that a comprehensive multidisciplinary assessment of the person requires both general health and psychiatric assessments. I am not convinced that the cooperation referred to by Justice Carter is emphasised in the bill. At times it is more of an overpowering relationship, where Disability Services has the authority to force waiting, undersupplied and underresourced patients into the mental health system.

Contrastingly, the environment created in the forensic disability unit can be inclined away from the medical. There is a need for a complementary and a cooperative approach, and this is the only way to reach the most effective and lasting outcomes. Unfortunately, I do not think that this is the aim of the legislation.

There is a need for mental health and disability services to work together, not to engage in territorial disputes. If a person with a disability requires help and the disability is the cause of their need for assistance, there should be no hesitation on the part of Disability Services to provide that assistance. If a person with a dual diagnosis requires both agencies, surely there should be a cooperative response, not a divvying up of administrative and funding responsibilities.

On this side of the House, we have undertaken a range of consultation—and have often been surprised that limited or no previous consultation had been undertaken by the government in relation to this legislation. We do support the intent of this legislation, but there are a number of opportunities to improve it that this government has missed. It is not an area that should be compromised.

We are not alone in holding these reservations. In their submissions, some groups have expressed their concerns that the legislation would be used to 'warehouse' people indefinitely, while others have recognised the haste with which this legislation was cobbled together despite the slow implementation of the Carter report. These are very genuine concerns.

As Queensland Advocacy Inc. outlined, 'It would be disappointing to discover in a few years time that the so-called "solution" had an adverse affect on the individuals who are detained in the forensic service.' It recognises that 'for those who remain on a forensic order in the mental health system, nothing will have changed'. And, as they state, 'It is unacceptable for any individuals without a single diagnosis of mental illness subject to a forensic order to continue to be detained in an authorised mental health service.'

These organisations have valuable insight into the needs of people with intellectual and cognitive disabilities and have valuable and constructive suggestions such as the use of community orders. If a person is able to get the support and help they need in an authorised and qualified organisation, why can a forensic order not be applied within that organisation? At least it would provide specific, relevant and targeted responses instead of leaving them in mental health facilities—to the frustration of all parties—where they cannot be treated simply because it is the closest fit from the government's point of view.

The allocation of just 10 places is of general concern, agreed by all to be deficient, particularly when they could be options for facilities or arrangements in other regional centres according to demand. Indigenous areas, where there can be higher rates of impairment among offenders and a high rate of offending, are notably absent from any planning. Most of all though is the recurring argument that what is needed is in-community services.


There needs to be recognition by this government that supports needs to be given to divert people from falling into the behaviour which can see them detained and which helps needs to be available to ensure the transition back to the community of those who do become forensic clients is successful. Had there been a lengthier community consultation, I am sure the government would have garnered some of the valuable, practical and effective solutions that practitioners, advocates and specialists in the sectors are more than willing to give. Had the bill been before the House for a longer period of time, it would have been an opportunity to move amendments to tailor the implementation around the well-principled foundations.

There is provision in this bill for the director to produce policies and procedures, but there is little definition either in terms of scope or time frames. What will be the expectation of when these policies should be produced? Will there be any control over policies and procedures affecting people who are

not in the forensic disability unit who probably should be? As the Scrutiny of Legislation Committee stated, the powers given to the director are broad but undefined. Like so much else in this bill, it is a good idea—but the implementation is the let-down.

Sadly, after dragging its feet for five years on the Carter report, with the facility about to open at Wacol, the government is in too much of a hurry to tick a box and move on. The journey will be much, much longer and harder for those people affected by this attitude.

The point of this opportunity was to create a system to help people with disabilities. In that respect, it has failed. No-one with a forensic order disability should be detained in a mental health facility. This fails to prevent that. It is, however, a start. If it is also the end of the matter, that is an insult to the people with disabilities who will continue to spend their days in mental health facilities.

 **Mr McARDLE** (Caloundra—LNP) (8.55 pm): I rise to make a contribution to the Forensic Disability Bill before the House and note that it establishes the Forensic Disability Service and further amends the Mental Health Act to provide what is termed a forensic order disability. At this point the only order the Mental Health Court can make is a forensic order which covers a person who is alleged to have committed an indictable offence and the court considers the person is of unsound mind or is unfit for trial and which places him in a state of involuntary detention for care, support and protection.

The bill before the House now provides that a person who similarly is of unsound mind or unfit for trial as a consequence of an intellectual disability can be issued with a forensic order—disability and that person can be placed in involuntary detention and be provided with care, support and protection but in a purpose-built facility at Wacol and not in an authorised mental health service.

The criteria to obtain such an order is as follows: first, there must be an allegation of an indictable offence; second, the person must be suffering from an intellectual disability which provides that he is of unsound mind or unfit for trial; and, third, he must not have a dual diagnosis of mental incapacity or mental illness. The combination of these three elements principally will lead to his detention in what is termed a medium-secure detention facility, as I said, to be located at Wacol. This facility will provide for up to 10 people, and I will come back to that issue shortly.

It is important to understand a brief history of the bill, which derives from two reports—one from Brendan Butler SC, who in chapter 5 of his report in 2006 discusses the Mental Health Act and, in referring to people with an intellectual disability, he states—

Detention in high security facilities for people with mental illnesses can be highly detrimental for people with an intellectual disability, placing the person, other patients and staff at risk.

The second is a report of 2006 by Justice Carter, who at recommendation 22 states—

That ... consideration be given to the amendment of the Mental Health Act 2000 in relation to the Mental Health Court's power in making a forensic order in respect of the person with an intellectual disability to order that the person be detained other than in a mental health service.

These two reports, but predominantly the Carter report, have led to the bill before the House.

Critically, the aim of the bill is to primarily focus the Forensic Disability Service to provide evidence based services that maximise the person's quality of life, reduce the risk of reoffending and increase opportunities for community participation and reintegration, while at the same time ensuring the safety of the community. The last words here are critical, because we need to clearly understand that we are talking of people who have committed indictable offences. It is important to reflect that indictable offences include rape, grievous bodily harm, indecent treatment of a child under 12 years of age, taking a child under the age of 12 for immoral purposes, and incest. Let us never forget that we are talking about people who are alleged to have committed very, very serious criminal offences.

It must be clearly understood that people who are placed under the terms of a forensic order—disability are facing charges or are alleged to have committed such serious crimes. The Mental Health Court has not had what we would call overwhelming success as there have been a number of people released who have caused or committed other crimes upon their release. As I said, it must be stressed that those who fall into the category of qualifying under this bill have committed very serious crimes and it would be naive if we took this matter other than with a very high degree of careful consideration.

The second point is that a person can only qualify if they suffer from an intellectual disability. It is quite clear in the bill that a person who suffers from a diagnosed mental illness and an intellectual disability cannot qualify for an order referred to in this bill. In addition, it is only applicable to those who have an IQ of between 50 and 69 inclusive. There is potentially the situation that a person who is diagnosed with an intellectual disability at the start but then develops a diagnosed mental illness will not qualify under the terms of this bill.

I refer to a publication entitled *Management guidelines: developmental disability—version 2, 2005*. The document states—

Psychiatric disorders in people with intellectual disability are two to three times more common than in the general population. There are many reasons for the higher prevalence of psychiatric disorder in some people with intellectual and developmental disability, including neurodevelopmental abnormalities, genetic factors, high rates of epilepsy and other comorbid conditions, personality development, cognitive impairment, limited capacity to cope with stress and adverse social circumstances.

It then states—

There are few specialist psychiatric services for people with intellectual disability within Australia. Medical and mental health professionals receive little if any training in the assessment and management of psychiatric disorders in people with intellectual disability. Psychiatric disorders in people with intellectual disability are often not diagnosed or are misdiagnosed and therefore not appropriately treated.

I want to refer to the findings of Coroner John Lock in the inquest into the death of John Douglas Simpson-Willson to highlight the difficulties in diagnosis in relation to people who have a mental illness or disability. At page 8, paragraphs 37-39, the coroner states—

37. The material before the MHC revealed that Daniel Pattel had seen many psychiatrists over many years but that it had been difficult for these psychiatrists and other health professionals to determine the extent to which Daniel suffered from a mental illness, Asperger's Syndrome and/or a personality disorder. A precise diagnosis had generally been uncertain and a matter of some debate, remaining so even as late as the hearing of evidence before the MHC.
38. Daniel Pattel's condition was complicated by a form of organic brain injury. At age 17, Daniel was diagnosed with hydrocephalus and he had two operations to place in shunts.
39. Early on in his life Daniel had been diagnosed as suffering from Asperger's syndrome. Asperger's syndrome is regarded as a pervasive developmental disorder, sometimes considered to be an Autism spectrum disorder. It is characterised by an inability to understand how to interact socially. Typical features of Asperger's syndrome may include clumsy and uncoordinated motor movements, social impairment with extreme egocentricity, limited interests and unusual preoccupations, repetitive routines or rituals, speech and language peculiarities, and non-verbal communication problems. Individuals with Asperger's syndrome can be at a greater risk of developing psychotic symptoms.

Then at paragraph 40 the coroner makes this comment—

40. Some brain disorders can lead to psychotic symptoms and Asperger's syndrome may be misdiagnosed as schizophrenia, particularly in children.

The point I am making is that the diagnosis of a mental illness or disability is very complicated. The experts themselves cannot agree as to what is a mental illness. We are delving here into the realms of quite complicated psychiatry on both a mental disability issue and a mental illness issue.

We know that in the Wacol facility 10 beds will be provided but there are 16 people who may have qualified for admission to those beds. If after further assessment 16 people are deemed to be able to obtain the relevant order that will come into place as a consequence of this bill and are entitled to be transferred to Wacol, where will the other six clients reside in the meantime? Where are they placed? Will this also mean the start of a waiting list? If we have 10 beds but 16 or 14 qualify, do we then have a waiting list for the balance of four or the balance of six?

In addition, are these people who are now currently in a mental health facility, perhaps The Park, segregated from other clients? Are they kept separate from clients who are suffering a mental illness? In addition, can the minister elaborate as to whether funding for treatment for clients awaiting placement in Wacol will be available from his department and not from Queensland Health whilst they remain in The Park before transfer to Wacol? That is, if there are six patients left over after 10 are transferred to Wacol, does the cost for the treatment of those six patients come out of the Queensland Health budget or the Disabilities budget?

The second point is this: if a person is referred to the Mental Health Court and that person has to wait for an assessment as to whether he or she should or should not stand trial—and I understand that the waiting period for that could be between eight and 22 months—where is that person housed? Is there an interim assessment that could be carried out to establish whether they have a disability as the sole cause of their placement in a facility? Is there an interim order that can be made to ensure those people obtain relevant treatment before a final determination is made or will the person be kept in the mainstream population of a mental health facility or prison? My point is that if a person has to wait at least eight months before an assessment is made it is quite possible that that person could develop a mental illness because they did not receive treatment or they are not in the right facility to receive treatment for their disability.

In addition, is the minister able to point to any evidence based assessment that shows that 10 beds is the number required now in this state? How was the 10-bed figure determined? By what criteria was that determined to be what is required? Also, is the minister able to indicate by best evidence what the growth in bed numbers will be required to be in the next three, four to five years? What are the budget implications in relation to that growth—not just in bed numbers but also in relation to provision of services by qualified experts?

I note that in the report of the Mental Health Court 2010-11 there were 173 matters caught in the backlog. Again, the question becomes: what happens if a person enters the Mental Health Court system solely with a disability but before appearing before the court develops a mental illness? In those circumstances I assume the person will simply not qualify for placement in Wacol, even though they have not been before the Mental Health Court. In those circumstances, the early treatment of that disability is postponed, even though he or she would have been eligible for placement in Wacol.

The backlog for the Mental Health Court could be a major problem in obtaining treatment in the proper facility. Further, if it is determined that a person in Wacol cannot be allowed back into the community but only has a disability, will that person at some point in time be placed into a mental health


facility? So if a person has been determined to have a disability and is placed in Wacol but some years down the track there is no way this person can be released back into the community, and given the few beds that we do have, is it a possibility that that person could then be placed in a mental health facility?

In the inquest I referred to earlier the Coroner refers to a Ms Pauline Davies, the General Manager of Service Delivery in DSQ. She refers to two MOUs, one between Queensland Health and DSQ and the other between DSQ and DCS. The Coroner states that both MOUs had expired and the relevant departments were in the process of discussing renewing them. I would have thought that the MOU between DSQ and Queensland Health would have been in part directed to what would occur in Wacol and also The Park. I am simply asking: has that MOU between Queensland Health and DSQ now been fully renegotiated and, if so, what are the provisions within the MOU for services to be provided by DSQ for patients in The Park or in Wacol? Paragraph 95 of the document reads as follows—

Ms Davies agreed it was not the current policy for services or supports to be provided to DSQ clients in prison.

Could the minister also indicate whether or not the MOU exists? Is it still the current policy that services or supports to DSQ clients, albeit in prison, are no longer provided? Is that the case if a client who has a disability in Wacol is placed back into The Park? The reason is this: at the briefing today we were advised that people in The Park if they came from Wacol would continue to receive treatment for their disability whilst they remained in The Park. I want to make certain that the recording of a Coroner only relates to prison and not to people in the mental health facility at The Park.

The shadow minister has given an in-depth and cogent contribution to the second reading debate here today. She made it quite clear that the opposition will be supporting the bill but raises the spectre that this is a first toe in the water. There is significant work that needs to be undertaken. There are real concerns with the bed numbers to be provided. There needs to be an outline as to the growth of bed numbers. There also needs to be answers as to what happens to various people who may go to The Park or are in The Park and then move back into Wacol or vice versa. As the shadow minister said, it is a good start, but it is only a start. Can the minister elaborate as to future developments that he foresees with regard to the Wacol facility and whether there will be other facilities opened across the state? One would envisage people travelling from all over the state having to visit their relatives in Wacol and there would be a necessity as time goes by for more of such services and facilities to be opened.

 **Ms van LITSENBURG** (Redcliffe—ALP) (9.13 pm): I rise to support the Forensic Disability Bill 2011. The main purpose of this bill is to provide for the involuntary detention, care, support and protection of forensic disability clients. The proposed Forensic Disability Service is for adults with an intellectual or cognitive disability who have been charged with a serious offence, referred to the Mental Health Court, found by the Mental Health Court to be of unsound mind or unfit for trial and placed on a forensic order which states that they must be detained in a secure facility. In these circumstances it is important that there is the correct balance of managing risk and protecting community safety while also focusing on the rehabilitation of those detained to the service. This bill achieves that balance.

For a start, this bill does not depart from the measures for managing risk central to the Mental Health Act. The Mental Health Court will continue to make decisions about forensic orders taking into account the seriousness of the offence, the person's treatment needs and the protection of the community. The Mental Health Review Tribunal must not revoke a forensic order or place a forensic disability client on limited community treatment if the client represents an unacceptable risk to his or her safety or the safety of a member of the public on account of their offending behaviour due to their intellectual or cognitive disability.

The Attorney-General will continue to be a party to the Mental Health Review Tribunal proceedings, including appeals to the Mental Health Court. In this capacity, the Attorney-General has a role to protect the interests of the public. The service has been purpose built to the standards of a medium secure facility and the security provisions in the bill are commensurate with a medium secure authorised mental health service. The model of care prescribed in the bill also acknowledges the particular risks associated with the care and treatment of this cohort. Therapeutic programs will be tailored and targeted to reduce risk arising from offending behaviour and any other behaviours of concern.

Habilitation and rehabilitation programs will target risky behaviours by improving social, communication and relationship skills. Ultimately, the model of care in the service and programs offered which are specifically designed for people with intellectual or cognitive disability will allow for the better management of risk for people subject to forensic orders. However, if needed, the bill provides for a variety of interventions to reduce the risks a client's behaviour may pose to themselves or others. For example, the bill authorises staff of the service in limited circumstances and as an option of last resort to use regulated means to manage behaviour, including by authorising medication for behaviour control or restraint or seclusion if required to ensure the safety of a person or others in the Forensic Disability Service.

It is also important that victims of offences allegedly committed by people on forensic orders are not forgotten. I want to draw particular attention to how the bill and the Mental Health Act support victims of offences allegedly committed by people on forensic orders. Both the bill and the Mental Health Act

provide that, when making a decision under each respective act about forensic disability clients or forensic patients, the needs of the victim of the alleged offence to which the forensic order relates must be taken into account. This provision makes the needs of victims a paramount consideration in the operation of the Forensic Disability Service and authorised mental health services. For example, in practice this would mean that a senior practitioner in a forensic service will consider the location of a victim when determining whether and where to authorise limited community treatment for a client.


The legislation also makes provision for the Mental Health Court and the Mental Health Review Tribunal to take statements of victims or other interested persons into account in their decision making. The Mental Health Act establishes a scheme whereby the tribunal may issue a victim of an offence by an individual on a forensic order a forensic information order enabling the victim, the parent or the guardian to receive prescribed information about the patient. This scheme has been amended to include notification of a transfer of the person on the Forensic Disability Service in the list of information a victim may be notified of.

The bill applies the relevant provisions of the Mental Health Act to enable this scheme to also apply under the forensic disability legislation. The provisions relating to forensic information orders in the Mental Health Act, as applied by the bill, will ensure that victims have continued access to relevant information when a person with an intellectual or cognitive disability is diverted from the criminal justice system and detained in the Forensic Disability Service for care and support.

The Queensland Health Victim Support Service will continue to liaise with victims in relation to forensic information orders. The Queensland Health Victim Support Service is a specialist state-wide service established to promote victim and community confidence in forensic patient management. It was a key recommendation of the Butler report, which arose out of his 2006 review of the Mental Health Act. The bill provides for the appropriate sharing of information between the Director of Forensic Disability and the director of mental health as per the agreement to enable information under the forensic information order concerning a forensic disability client to be provided by the Queensland Health Victim Support Service. The Mental Health Act also provides that the Mental Health Court and the Mental Health Review Tribunal may make non-contact orders, preventing a person whose forensic order has been revoked from contacting a victim of their alleged offence.

This bill has been designed to manage client safety, staff safety and community safety. The Bligh government is committed to ensuring that victims of offences allegedly committed by people in a Forensic Disability Service have the right to justice and some control over the service's requirement to ensure that they continue to feel safe in the future.

I would like to thank the minister for including all stakeholders in this legislation to gain the best outcome for all parties. Forensic issues are only a small part of the total disability services offered by the Queensland government, but they are a vital piece in the total service that ensures that all people with disabilities are catered for safely and that community members are also safe. I commend this bill to the House.

 **Dr DOUGLAS** (Gaven—LNP) (9.22 pm): This bill at its core is a good legislative step. It results from the Carter inquiry, which followed on from the Butler inquiry, and the report of the eminent former judge Bill Carter titled *Challenging behaviour and disability: a targeted response*. This legislation comes from recommendation 22, which addresses that subfraction of offenders requiring detention who, having negotiated the right to be covered under the Mental Health Act, will now have the right to be detained in a place other than that authorised as a mental health facility. Critically, that enables those with an intellectual cognitive handicap the ability to be managed as not being mentally ill.

Strangely, in a modern world many parents and special-needs individuals are both seeking the right for people with special needs to integrate into the normal world and simultaneously to access all of those potential supports that are being allocated, even though many may disagree with the quantum benefit thereof to those diagnosed as suffering a mental illness. No longer is it entirely advantageous to be intellectually challenged; it is seen to be better, for benefit and access to support, to be indeed mentally ill as well. This bill partially rights that wrong. That is a positive step. The negative must be that there are only 10 beds when there are probably 16 patients who are dependent already and maybe there are many more waiting for beds. So in other words, there may be unmet need. It appears that that may be the case.

Honourable members, intellectually handicapped patients, formerly known as retarded, or mainstream severe learning difficulty patients have many challenges in life. They have an offence pattern that is very different from that of everyone else in the routine offender group. It is very uncommon for them to commit major offences. Sex offences are the norm in this group and the rest of the offences are basically petty offences. Many of their offences relate to a lack of understanding; a lack of resources, including money; and a lack of family and community support. Undoubtedly, there are exceptions to all of those statements, and they are certainly Martin Bryant in Tasmania and those involved in the Snowtown murders in South Australia, and there are a selected few others.

I would like to thank the minister's staff for the briefing. They have reassured us that this is a therapeutic community group, chosen after careful consideration. It is a graduated entry and it is choosing those to be best advantaged by such an approach. This approach is being built on a scientific basis, overseen by Professor Karen Nankervis and Professor Greg O'Brien, on the successful UK model with some sideways views of the New Zealand model. There is a capacity to revert to the first order forensic—that is, the forensic order mental health step—to facilitate treatment in a mental health facility should that be necessary. The orders are to be reviewed every six months and there is the capacity for administrative review by medical staff in between. That is a very welcome change. The restriction of access also includes the fact that there is a three-unit set-up at Wacol. Unfortunately, such a facility is available only in Brisbane. As one who has spent a great deal of time in corrective services, I can say that there is a custodial approach in that safety, risk and exclusion are the primary concerns as part of this process.

The diagnosis of mental illness remains somewhat blurred and, unfortunately, that is a difficulty in this bill, for it is a clinical diagnosis and there are many players in that process. There has been an attempt to utilise the process, led by Professor Greg O'Brien, and that is to be commended. But unfortunately, psychiatrist specialists are not always going to be there and people are going to be deemed to be mentally ill at times when in fact that may not be the case. Certainly, psychotropic drugs are the major currency of trade within prisons. Too many who are prescribed them are not those who are necessarily taking that medication, nor may they have a mental illness. That may occur in these circumstances, but people are routinely prescribed that medication and strong analgesics. Routinely, it is thought that five times as many people within a prison population will be taking those types of medication as opposed to a normal population.

In some of these cases there has been the intercurrent mental illness and other influencing, non-intellectually handicapped patients involved in those offences, either directing or partially participating in them. As I say, this bill allows for that second order forensic detention order, and that is a very welcome step. Within a corrective services facility an intellectually handicapped person is very much at the bottom of the pecking order. They are the victims of exploitation, whether that is sexual or as packhorses, or they are the victims of major physical abuse. The tragedy is the company that they will occasionally crave, since one institution that feeds, clothes and manages oneself is really no different from another by virtue of changing the name of that place. How wrong they are: prisons are not charitable institutions and they are certainly not conducive to the good health of these types of offenders.

While the rough formula is of eight per cent of mentally ill people in prison being tolerated within the standard 600-person corrective services facility—and that is within open detention facilities—trouble soon follows when the number rises above that eight per cent level. The reason given for that is that these people do not follow the rules, they do not respect those prison enforcers and they are seeking company and friendship from a group who want neither their company nor their friendship. For a group whose lives have often been too bereft of love, care, friendship and compassion, to have all the opposite when it all goes wrong can make life very sad, lonely and intolerable. Unfortunately, those people are overrepresented in those who take their lives, both subsequent to being in custodial care and, sadly, whilst in custodial care.

This bill has all the right aspirations and goals. The minister correctly focuses his department's energies on habilitations and rehabilitation. What this group needs in living quarters, rather than seclusion or exclusion, is inclusion. For rehabilitation just repeat that statement again. To make that happen one needs counsellors, social workers and a variety of support staff. Corrective Services staff are getting that extra training, we have been told, and a modification of the methods of control, although they are focusing on custodial care, and that has to be commended as a good step. I doubt there will be a rush of those pursuing the Alan Bond type defence to ensure a different ride into a custodial environment such as this, but there will always be the exceptions and some will challenge many formal assessments of issues such as IQ tests to verify that. We are being reassured that these things are being looked at.

Compliance from offenders is not always the norm. We will always need to be vigilant to ensure that only those who are both suitable candidates and who can be safely housed in such a facility will actually be housed in that manner that is suitable to them. While many might think this is common sense, not always is it sensible action and nor is it common. Twenty-two per cent of our society are disabled. For much too long we have all ignored their rights and desires for a fulfilling life and a meaningful job. At present they in broad terms remain excluded from those key parts of life that many who are able-bodied take for granted. They are far too often restricted to a life where they have a fixed income limited to the vagaries of the federal Treasury's assessment of this very needy sector as a single group via the welfare budget. They are denied entry to meaningful jobs because of a lack of understanding of what this group have to offer rather than what disadvantage they will cause. In life, irrespective of the number of ramps that we build and many minimal changes, we have too few incentives for employing large numbers of these disabled adults. This is not criticism; this is reality. I like many expressed my great shame when the federal government had an historic one-off opportunity

during the GFC and stimulation response and chose not to invest in these people—basically human capital—especially in the disabled area, and their long delayed requirements in infrastructure as they chose weaker options, for example the BER, pink batts and single cash handouts. This was at a time when many people, such as Mark Henley and the people who ran the Clubhouse model, were actually trying to rehabilitate disabled people after they had come out of both these facilities and also mental health facilities to try to get their lives going and get them employed. They are certainly to be encouraged.

People suffer mental illness in fits and starts. It does intend to go on all their lives. Certainly people who have long-term intellectual capacity will need long-term support. The aim is to try to get them employed and that is what this program fortunately focuses on. In other words, the forensic mental health orders lead on to practical alternatives for people with disabilities. The minister's statement today in parliament of a 480 per cent improvement in facilities for the disabled means nothing because it referred to either an extremely low base due to Labor's penny pinching or, worse still, it includes many things deemed to be applicable to the disabled when, in fact, that is not the case. That percentage improvement may not be at that level.

Honourable members, we have record numbers of homeless people, record increases in major psychotic illnesses in young people and especially the travesty of the removal of monies for their care from them via the Health budget. The impact is that far too many of them are basically, on discharge from hospitals, having no monies following them from the acute care facility. In fact, this unfortunately follows from the forensic health orders as well. Most of the time they do not even get admitted. In fact, that is what is possibly going to happen here as they travel in a waiting list. They are basically given an appointment with community care psychiatric services at a fixed time in the future. They cannot even afford the cost of getting a taxi to those services. Shelter, wherever it is offered, together with food, is gratefully accepted. It is no wonder that we will have such people entering custodial environments and certainly on mental health orders and possibly in future on these secondary orders as well because they are gaining access to facilitate those kinds of services. Has anyone in the department or ministerial advisory staff ever thought that this legislative change may have just been a little bit too superficial, just a little bit too minor and maybe just a little bit too precious? For those who think that I just talk the talk and I do not walk it myself, literally five years ago I explained the difficulties of employing a wheelchair bound former electoral staffer. Unfortunately, there were people who thought that such a staffer should not be working in the parliamentary facility. Nonetheless, I think we have moved on a little bit since then.

To build a facility for 10 patients when obviously there is a much greater need, particularly at Wacol, may be a little contemptuous and the reaction of a government that is fearful of public derision. To continue housing mentally ill patients in our corrective service facilities and those sorts of destinations is not just weak, it is dangerous, and it is merely reflecting our inability to build housing appropriate to their needs in the communities where they choose to live. That is where this bill should have gone and it is where those who are in charge need to go in the future. If we want to remove those with intellectual and cognitive disabilities from the at-risk register then we have to adopt a whole-of-government approach to looking after the needs of those who are genuinely in need as these people are. Far from making a few one-off showpiece statements, the government should be making a better effort on behalf of a really big group who have a lot to offer us all, both financially and socially. To consign them and their carers to a life of exclusion is to ignore their rights and is a failure to realise what many people unfortunately do not understand that they have to offer. In a world of falling unemployment levels, as we are finding here in Queensland at the moment and throughout Australia, and increasing welfare payments with the declining national revenue, has it ever occurred to anyone that this 22 per cent of our disabled patients may just be the salvation of all our collective economic fortunes? I like the bill. I have highlighted some points that I would like made to the minister.



Mr BLEIJIE (Kawana—LNP) (9.35 pm): Tonight I will contribute to the debate on the Forensic Disability Bill before the House. At the outset I would like to endorse the shadow minister for Child Safety and shadow minister for Disabilities and Mental Health, the member for Aspley, for her second reading debate contribution and the manner in which she articulated the LNP position on the bill.

The bill amends the Disability Services Act 2006 and the Mental Health Act 2000. There are also other consequential amendments to various other acts including but not limited to the Bail Act 1980, the Crime and Misconduct Act 2001 and the Criminal Code. There is no doubt that disability services is an area which has continued to develop as governments of all political persuasions come to terms with the best ways to service the electorate in this area. Tonight I will contain my comments to the provisions of the bill that relate to our judicial system and how the government deals with people with intellectual or cognitive disabilities who commit crimes in our society.

The current system provides that these people are detained in a mental health facility by order of the Mental Health Court, an institution that does not facilitate their specific needs. The 2006 Carter report, *Challenging behaviour and disability: a targeted response*, was commissioned to deal with the restraint of people with severely challenging behaviour as a result of their disabilities. The report highlighted concerns over the past initiatives in the delivery of services, the expectations and

requirements currently undertaken by families and carers and bureaucratic limitations to systematic change. The Carter report coincided with the Butler report, which reviewed the Mental Health Act and recommended 106 reform changes to existing legislation and administrative processes. As stated by the shadow minister, the implementation of recommendations contained in the Carter report has been steady at best, with particular focus in this bill on recommendation No. 22. This recommendation specifically relates to the detention of people with intellectual disabilities in a facility specifically constructed for their needs rather than simply placing them in a mental health institution. A medium security facility at Wacol will be opened that is specifically designed to contain people with an intellectual disability.

In my previous role as shadow minister for corrective services I visited a number of our correctional facilities across Queensland. Unlike the member for Beaudesert, who can only manage one facility in a day, I attended four facilities in a day. I am still no expert on correctional facilities, but I did gain an insight into many of the correctional facilities across Queensland. One of the policy focus areas I was interested in was the effectiveness of the rehabilitation programs in these facilities.

Mr Shine: Did you see any porn?

Mr BLEIJIE: I was at different correctional facilities. I note that the key focus areas of the bill relate to habilitation and rehabilitation of offenders in the new facility at Wacol. One of the best countermeasures to combat the high recidivism rates for most offenders was the process of upskilling and restoring or imparting a greater sense of self respect.

Rather than having a revolving-door system in our correctional facilities, it is beneficial for both society and the offender that the offender be rehabilitated to ensure they do not repeat their bad behaviours of the past and do not end up back inside a correctional facility. That applies to people who will be treated in the facility at Wacol and, speaking more broadly, to correctional facilities generally.

The bill before the House amends the Mental Health Act to allow the Mental Health Court to make a new type of forensic order for offenders with a disability. Clause 16 of the bill relates to a forensic disability client who has a guardian and the need to consult that guardian about the client plan while they are in a forensic disability facility. It is absolutely critical that this plan is explained in a manner that shows appropriate regard to the client's age, culture, disability and communication ability.

Previously I have dealt with—and I am sure most members of the House have probably dealt with—issues of a constituent nature where a constituent is under the care of the guardianship program in particular. We have seen the negative impacts on people in the guardianship program. In fact, I know of a case where a memo from an occupational therapist went to the guardianship tribunal of the time and my constituent ended up having an eight- to 10-week debate to try to get the person out of the guardianship program and back with their family. That was based on the assessment of a memo from an occupational therapist. Certainly, the plan was not communicated to the constituent with an appropriate regard to her cultural background. She had to sign documents that she did not understand. The method of communication was misunderstood and this was misinterpreted as a lack in mental capacity rather than her cultural background, as was the case. Thankfully, in the end the appropriate course of action prevailed at a QCAT hearing some months later.

Part 2, division 1 of the bill prescribes the circumstances for the administration of behaviour control medication, which generally needs to be administered by a senior practitioner who is a doctor or a registered nurse. There are also provisions for this medication to be provided by a doctor or a registered nurse acting under the direction of a senior practitioner who is a doctor or a registered nurse, and if a psychiatrist prescribes the medication or medication is administered in accordance with the directions of a psychiatrist, including dosage amounts, the frequency of the medication and the restrictions, and the client is observed as appropriate to this direction.

Chapter 7 of the bill relates to the security of the Forensic Disability Service and outlines the requirements and standards for an authority to search, the process required to conduct searches, the seizure of items, the recording of a search and compensation for damage to possessions. The explanatory notes detail the bill's consistency with fundamental legislative principles and chapter 7 notes that sufficient regard should still be afforded to the rights and liberties of the individual. The security of the premises and the safety of the clients, staff and visitors within the Forensic Disability Service are obviously of paramount importance. With this in mind, appropriate safeguards are in place for the application of powers to search and seize items as necessary to maintain the security of the premises.

The bill includes consequential amendments to the Bail Act 1980, the Commissions of Inquiry Act 1950, the Coroners Act 2003 and the Crime and Misconduct Act 2001 to include the term 'forensic disability client'. The Criminal Code is also amended to enable appropriate monitoring and communication of such monitoring of a Forensic Disability Service. There are also amendments to the code to enable the use of force deemed as reasonably necessary to prevent a forensic disability client from inflicting violence on any person or property.

I conclude my remarks by supporting the reservations in their entirety, so eloquently put by the shadow minister in her speech to the House this evening, particularly in relation to the size of the facility at Wacol, which I understand will house some 10 clients, and the bureaucracy required to assist those 10 people. I ask the minister to take on board the worthwhile comments that the shadow minister has made in her speech in the second reading debate tonight.



Mrs CUNNINGHAM (Gladstone—Ind) (9.43 pm): I rise to speak to the Forensic Disability Bill 2011. At the outset, I acknowledge that the whole area of justice and the proper treatment of people with an intellectual, a cognitive or, indeed, a mental health illness is difficult. It is about balancing the rights and needs of people in that circumstance with the rights of those against whom they have offended. This bill deals with a very discrete group of people, that is, those with an intellectual or cognitive disability who do not demonstrate mental illness and who have committed an indictable offence.

I do have a question for the minister. Previous speakers, including the minister, have talked about the 10-bed facility at Wacol and other speakers have mentioned a current patient list of 16. If that is the case, I ask: why was a 10-bed facility established when that already creates an unmet need of six beds? Was there a rationale for that? Is the general number of patients that fall specifically in this category under 10? What was the rationale for creating a 10-bed facility? The establishment of the facility is based on reports that are now five years old. I cannot imagine that the need and the demand would have reduced. Indeed, history shows us that in many instances that need will increase. I acknowledge that the forensic orders will remain with the Mental Health Court and, to that extent, the process has not changed.

According to the minister's second reading speech, the focus of this scheme within the constraints of a detention environment is on safeguarding rights and freedoms, promoting individual development, enhancing opportunities for quality of life and maximising opportunities for safe reintegration into the community. In our electorates we meet many people who have not demonstrated unacceptable behaviour in terms of offending but who have an intellectual or cognitive disability, and they are a wonderful group of people. All of us would attend schools, educational facilities and other training facilities where we meet members of our community who fall into this group but who are not in the offending range. They contribute very productively and are engaged within our communities. I think of organisations such as Endeavour, which provides many opportunities to support and enhance the quality of life of people who fall within this disability sector. For the number of people who do offend, there is a vast number within that same range of disability who contribute positively. They may have needs in terms of support, but it must be acknowledged that they are a great contributor to our communities. They add a great deal to the fabric and the make-up of the community and to its achievements.

This bill deals with the United Nations convention of habilitation and rehabilitation. As the minister has said, habilitation is about learning skills to enable the person to participate in society and their community; rehabilitation is about restoring capacity and ability. As other speakers have done, I add dignity and self-respect. However, this bill deals with that small part of the community that falls into the category of offenders and that must be managed. There are times when their behaviours are very difficult. They can be violent because of their disability and they can be quite difficult to manage. The bill allows for behaviour management that includes medication, restraint and seclusion as part of dealing with those behaviours. I note that for this more extreme management the bill allows a very short time frame of three hours before it has to be reviewed. Given that those decisions would be made in a closed environment, that review would be able to be done very effectively.

Previous speakers have talked about the victims of crime. The member for Redcliffe talked about the bill and the Mental Health Act supporting the victims of crime in many circumstances. Many incidents could be quoted to show how not only the Mental Health Act and this bill but also the justice system generally supports victims of crime.

In a debate of this nature, it would be remiss of me not to put on the record the particular concern of one couple in my electorate. They are concerned about this process. Their daughter was murdered. The perpetrator has been arrested. He has gone to trial and is now incarcerated. That perpetrator put the victim's family through the process of applying to the Mental Health Court to be dealt with. It was his right to ask to go through that process, however, the request was made several years after the incident. That family faced adjournment upon adjournment upon adjournment. Kat's brother has suffered markedly because of this process. They do not feel that the justice system supported them. They do not feel that the mental health process supported them. They feel that this process was injurious and it has negatively affected them.

I know that they have paperwork before the CMC at the moment. I also spoke on a number of occasions to the former Attorney-General and he was sensitive to their needs and was justifiably limited in what he could do because the matter was before the court. They have suffered markedly. The process whereby people can appeal to the mental health tribunal when there is no pre-existing reason for them to even be considered under that circumstance causes additional pain to the victims of crime, particularly at the more serious and violent end of the spectrum.

Again, on behalf of the Daleys, I put that on the record. It is a difficult area in which to work. I commend the minister for this bill. I look forward to his reply in relation to the 10-bed decision. I support the bill.



Mrs ATTWOOD (Mount Ommaney—ALP) (9.51 pm): I rise to speak in support of the Forensic Disability Bill 2011 and I congratulate the new Minister for Disability Services and Mental Health on bringing this bill to the House. This bill will ensure that a particularly vulnerable and at-risk segment of the population is not left out in the cold and lost in a system in which they do not fit. It will ensure that in the unfortunate situation that a person with an intellectual disability collides with our criminal justice system there is an avenue to provide care that will help them enjoy a better quality of life and will support their reintegration into the community.

The new legislation will provide the Mental Health Court with a more appropriate forensic secure care option for this particularly vulnerable and at-risk group and will focus on the concept of habilitation and rehabilitation of this cohort. This bill is the last port of call in preventing further marginalisation of a group that has been pushed to the margins. However, we are seeing this marginalisation less and less. This is because of the huge investment that the government has made as part of the Positive Futures reform. Positive Futures has been a major reform of the disability sector. The Hon. Justice William Carter recognised that preventative strategies were needed to ensure that those adults with an intellectual or cognitive disability exhibiting challenging behaviours do not come into contact with the criminal justice system.

Positive Futures is one of the most significant reforms ever undertaken in Queensland's disability sector. Central to Positive Futures is the positive behaviour support approach. This approach is responsive to an individual's needs. It requires a thorough understanding of a person and their behaviour before determining the best ways to support them. It aims to improve practices across the disability sector by encouraging the use of evidence based positive behaviour support practices. It allows families and guardians to work with service providers to help improve the lives of adults with a disability. It recognises the commitment of service providers to positive behaviour support and assisting people with disability to live a good life. It provides opportunities for adults with a disability to develop new skills that enable them to participate actively and safely in their community.

The Specialist Response Service based regionally provides local support to Queensland disability service organisations in implementing a positive behaviour support approach to improve their clients' participation in everyday life. As part of Positive Futures, the Queensland government has a capital works program to build a range of Positive Futures environments. These specialist environments aim to meet the needs of adults who require a more intensive response. The environments are designed to provide opportunities for adults to learn new skills and positive behaviours. These efforts are supported by a centre of excellence for behaviour support, which is leading research and providing specialist knowledge and training in disability support. Under the leadership of Professor Karen Nankervis and based at the University of Queensland, Ipswich campus, the centre aims to create a culture of collaborative action; conduct research that identifies effective practices and explores issues; foster the collection and analysis of information to form an evidence base for policy and practice; build the capacity of individuals, service users, staff and carers as well as the disability and other sectors; and promote information use and sharing. It also clarifies and aligns the centre's strategic priorities for activities and supports the consistent use of effective practices in supporting people with an intellectual or cognitive disability who exhibit challenging behaviours.

In addition, I am aware that the Department of Community Safety is presently working with key agencies such as the Department of Justice and Attorney-General, the Queensland Police Service and Corrective Services to better coordinate and enhance government responses to, and develop diversion options for, people with an intellectual or cognitive disability who commit simple offences or who are at risk of coming into contact with the criminal justice system. These efforts aimed at prevention and early intervention will complement the Forensic Disability Service, which is aimed at those people who are already alleged to have committed more serious offences. I commend the bill to the House.

Debate, on motion of Mr Pitt, adjourned.

MOTION

Suspension of Standing and Sessional Orders



Hon. CW PITT (Mulgrave—ALP) (Acting Leader of the House) (9.56 pm), by leave, without notice: I move—

That, notwithstanding anything contained in the standing and sessional orders for this day's sitting, the House can continue to meet past 10 pm to consider government business until the adjournment is moved, to be followed by a 30-minute adjournment debate.

Question put—That the motion be agreed to.


Motion agreed to.

FORENSIC DISABILITY BILL

Second Reading

Resumed from p. 1304, on motion of Mr Pitt—

That the bill be now read a second time.

 **Mr DICKSON** (Buderim—LNP) (9.57 pm): I rise to make a contribution to the Forensic Disability Bill. This bill provides for the voluntary detention, care, support and protection of people with a forensic disability. At the same time, the bill seeks to safeguard their rights and freedoms, and it draws a balance between their rights and freedoms and the rights and freedoms of others. This bill also seeks to promote their development, enhance their opportunities for quality of life and will ultimately lead to their reintegration into the community. How has society arrived at this notion of forensic disability? Simply, being made a scapegoat and being stereotyped are what many people with intellectual and other cognitive disabilities experience when they become involved in the criminal justice system. Questions often asked include who offended and why? How does the disability influence offenders' behaviour? What is the most effective and humane form of treatment and rehabilitation?

Under existing Queensland legislation, the only option available to mental health courts in deciding to detain a person with a forensic disability is in an authorised mental health service such as an acute care ward, medium secure care service or high secure service. There has been significant criticism levelled at the detaining of people in authorised mental health services who have an intellectual or cognitive disability but do not suffer from mental illness. People with an intellectual or cognitive disability are quite different from those who suffer mental illness. Obviously, mental health services may not be equipped to manage these specialised care and support needs.

In July 2006 Bill Carter, QC, compiled a report detailing a targeted response to challenging behaviour and disabilities. Mr Carter wrote—

A small group of adults with an intellectual/cognitive disability exhibit severely challenging behaviour that represents a significant risk of harm to themselves, others or the community. People who exhibit this severely challenging behaviour require intensive support and management. It is desirable to examine options for provision of this intensive support and management.

Recommendation 22 of the Carter report specifically addressed the issue of alternative detention options for people with an intellectual disability on a forensic order. It provided—

That, subject to the approval of the Honourable the Minister for Health, consideration be given to the amendment of the *Mental Health Act 2000* in relation to the Mental Health Courts power in making a forensic order in respect of a person with intellectual disability to order that the person be detained other than in a mental health service.

I note from the Department of Communities website that there is proposed a Forensic Disability Service to provide purpose-built accommodation for people with an intellectual disability who are on a forensic order. The proposed Forensic Disability Service will provide a safe environment for people to learn skills to reduce offending behaviours.

The explanatory notes to the bill state that this medium-secure service will provide 24-hour secure involuntary care and support for people with an intellectual or cognitive disability in an environment which enables each person to participate in a range of day-to-day activities. Transition arrangements will be developed in consultation with the person, their family and any informal support network.

There is provision within this bill for 'regulated behaviour control'. Regulated behaviour control may be utilised in limited circumstances and as an option of last resort. The bill sets out a process for authorising medication for behaviour control, restraint or seclusion if required to ensure the safety of the person or others in the Forensic Disability Service. This provision within the bill will no doubt be highly contentious within the community. Over the decades there have been many documented cases of abuse of people in care, particularly in terms of where restraint or the use of stupefying drugs and medications is concerned. But the people highlighted in those cases wore the label of 'mentally ill'. There are thousands of written pages and hundreds of web pages on that subject but few regarding people with forensic disability.


I note that the bill provides penalties for offences relating to the ill-treatment of forensic disability clients by persons who are responsible for their care and detention of the clients whether they be with the Forensic Disability Service or undertaking limited community treatment. However, I am a little concerned at what the penalties amount to. The bill states that a person must not ill-treat the forensic disability client. For the purposes of this section, 'ill-treat' includes wilfully abuse, neglect or exploit. And what is the penalty for this offence? It is a maximum \$15,000 fine or one year's imprisonment. I note that a large fine or even one year's imprisonment is a sufficient deterrent or penalty.

Clause 68 deals with the use of 'reasonable force' and authorises a senior practitioner or authorised practitioner, with help and using the minimum force that is necessary or reasonable, to administer behaviour control medication to a forensic disability client under division 1, or use restraint on a forensic disability client under division 2, or place a forensic disability client in seclusion under division

3. Whether we are talking about the mentally ill or people with intellectual or other cognitive disabilities, the use of force—be it minimal or not—in administering medication for behaviour control is in fact legalised assault, and this will need close monitoring and audit.

Finally, I would like to speak about the section within the bill dealing with the five-yearly reviews. Forensic disability clients will be subject to a five-year review, which will be conducted by the Director of Forensic Disability. Each forensic disability client who has been detained to the Forensic Disability Service for a period of five years will be reviewed to determine if they will continue to benefit from the care and support provided in the Forensic Disability Service. If, as a result of the review, the director considers that the benefit to the client mentioned is not likely to continue, the director may, by written order, transfer the client to an authorised mental health service if the director of mental health agrees to that transfer. I would like some clarification from the government as to the position where the director has ordered in writing that the client should be transferred to a mental health service but the director of mental health does not agree to the transfer. What would happen to the client then?

In closing, I and my LNP colleagues all want to see a better outcome for the people who commit offences but who are not diagnosed as being mentally ill. They have some intellectual or cognitive issues but society and the justice system have put them in a particular pigeonhole and it is not the right one. Anything that can be done to see that these people with forensic disabilities receive adequate care and direction will no doubt receive support from both sides of the House.

 **Ms GRACE** (Brisbane Central—ALP) (10.04 pm): I rise to speak in support of the Forensic Disability Bill 2011. I believe that we will see some real community benefits as a result of this bill. Not only will the bill ensure that people with an intellectual disability on forensic orders get the care and support they need; it will also ensure that the community is not put at risk by their offending behaviour. The bill will also address the inappropriateness of detaining people with an intellectual or cognitive disability who are subject to a forensic order and do not require treatment for a mental illness within authorised mental health services, highlighted in both the Butler and Carter reports published in 2006.

The bill successfully balances the therapeutic objective of providing the right care and support to a person on a forensic order with an intellectual disability with the need to protect the community. In terms of care and support, the focus of the bill is on safeguarding the rights and freedoms of clients in the Forensic Disability Service, promoting individual development, enhancing opportunities for quality of life and maximising opportunities for safe reintegration into the community.

The Forensic Disability Service will achieve this by providing programs aimed at developing life skills and reducing offending behaviour and any other behaviours of concern. These will include psychological therapies, social skill development, development of daily living skills, educational and vocational training and health, fitness and leisure activities. The bill ensures that these programs will be delivered in a manner consistent with the human rights principles of the United Nations Convention on the Rights of Persons with Disabilities and also the Disability Services Act 2006. I believe that this is a great step in the right direction.

Importantly, the bill recognises the importance of protecting the community from the risk that the behaviour of clients in the service may pose. As such, the Forensic Disability Service will have a level of security which is consistent with a medium-secure detention facility. The bill also provides for the use of behaviour controls, such as medication, seclusion and restraint, where a client exhibits challenging behaviour. There are strict regulatory requirements on the use of these controls, and they can only be used in limited circumstances to protect the client and others from harm.

It should also be remembered that the Forensic Disability Service does not interfere with the existing framework for managing risk and ensuring community safety that is integral to the Mental Health Act. For example, the Mental Health Court will continue to make decisions about forensic orders, including the place of detention, after considering such factors as the seriousness of the offence, the person's treatment needs and the protection of the community.

The Mental Health Review Tribunal will continue to review forensic orders and make decisions about limited community treatment, taking into account whether the risk the client represents to his or her safety or the safety of a member of the public. The tribunal will not revoke a forensic order or place a forensic disability client on limited community treatment if the client represents an unacceptable risk to his or her safety or the safety of a member of the public.

The Attorney-General will continue to be a party to the Mental Health Review Tribunal proceedings, including appeals to the Mental Health Court. In this capacity, the Attorney-General's role is to protect the interests of the public. Ultimately, risk to the community will be reduced because clients in the service will be getting the care and support they need. In fact, clients will be referred on the basis that they will benefit from being in the Forensic Disability Service.

The bill navigates some very challenging policy terrain. It achieves, in my view, the right balance in promoting and protecting the rights of clients in the service while securing the safety of the community. One recent initiative in this regard is the inaugural appointment of Dr Jeffrey Chan to the position of Chief Practitioner, Disability. Through this new position, Dr Chan will also exercise the statutory role of the Director of Forensic Disability once the act commences.

The Department of Communities has engaged Dr Jeffrey Chan as the Chief Practitioner, Disability on the basis of his high level of knowledge and experience for the position. The Chief Practitioner, Disability will provide specialist expertise and authoritative clinical advice to the director-general of the Department of Communities to inform policies, programs and services for people with disabilities.

This bill provides for the chief practitioner to also oversee the administration of the Forensic Disability Service as the Director of Forensic Disability. This includes strict reporting requirements of the use of regulated behaviour controls to the director who has the power to stop and order a review of the use of medication for behaviour controls as well as the general use of medication.

The director of mental health is to consult with Dr Chan, as Director of Forensic Disability, when preparing the policies and guidelines about the care of a patient with an intellectual or cognitive disability on a disability forensic order as required under the bill. This will ensure a collaborative approach to ensure clients' rights are protected.

Dr Chan has come from Victoria where he held the inaugural role of senior practitioner, a statutory position under the Victorian Disability Act 2006. Dr Chan established the office and has received recognition across Australia and internationally for his innovative work in protecting the rights of vulnerable people with a disability subjected to restrictive practices and compulsory treatment orders.


I had the pleasure of actually visiting the facility in Victoria that Dr Chan was working at prior to his appointment in Queensland. We met with him and his staff. We were most impressed with the facility in Victoria and the work that was being undertaken. I welcome Dr Chan to Queensland where I know he will do excellent work. Dr Chan has provided major contributions to policy and practice development in Victoria and has led the drive for positive outcomes for people with a disability in that state. His vast experience and knowledge of the developments in Victoria will bring a new direction to Queensland's disability sector and benefit the Positive Futures reforms.

As part of the government's Positive Futures reforms, the Centre for Excellence for Behaviour Support was officially established in the University of Queensland's Ipswich campus in November 2008. The centre, led by Professor Nankervis, is leading the way to ensure the proper care and support of people with an intellectual disability and challenging behaviour. Professor Nankervis has extensive clinical training and experience as a nurse in the field of psychiatry and disability. She also has extensive experience in teaching and research to promote evidence based practice in service delivery for people with disabilities. Her distinguished academic and research career includes the Head of Disability Studies and Dean of Academic Development at RMIT University in Melbourne and President of the Australasian Society for Study of Intellectual Disability.

The centre has become a significant research facility. Along with Professor Nankervis's expertise, the centre will provide evidence based training in best practice. The Forensic Disability Service team, led by Dr Chan, and the Centre for Excellence staff, led by Professor Nankervis, will work collaboratively to deliver a number of, I believe, very good outcomes. They will conduct research for effective practices and exploration of issues, build the skills and knowledge capacity of service users, staff, carers and the disability sector and support best practice in supporting people with an intellectual disability or cognitive impairment with challenging behaviours.

This bill is a key component of a new direction in the disability sector, which will make a positive difference to the lives of Queenslanders with a disability who exhibit challenging behaviour. I thank the Queensland Disability Network for writing to me outlining their views regarding the Forensic Disability Bill. The QDN is located at Bowen Hills in my electorate. I firmly believe that their concerns are more than adequately addressed in this bill, as outlined in detail in my speech.

I believe this bill provides a definite step in the right direction. However, I agree that safeguards to protect the rights and liberties of vulnerable people with a disability are equally important. I believe this bill gets the balance right. I believe this bill adequately addresses these human rights. I commend the bill to the House.

 **Hon. CW PITT** (Mulgrave—ALP) (Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships) (10.13 pm), in reply: I would like to thank all members who have contributed to the debate this evening on what I and many others consider to be progressive legislation. The Bligh government takes seriously the issue of disabilities. That is why we provided record funding—more than \$1 billion—to meet the needs of people with a disability, their families and their carers. Indeed, I spoke in the House this morning on the issue of unmet need in Queensland and in other jurisdictions. I will certainly be joining the other two people who are watching the federal budget this evening to see what extra funds may have been delivered in this area and what is in it for Queensland. I will be watching that with interest.

I wanted to take this opportunity to expand on my answer to a question without notice asked by the member for Callide this morning. I gave an undertaking to get back to the member. I wanted to take the opportunity, while I had the floor, to do that.

It is important to note that the department does not take a one-size-fits-all approach to the assessment and funding of support packages for people with a disability. A wide range of disability and community care services are provided by staff employed by the department or through funding of non-government service providers. The range of services and support varies according to their needs and can include information and referral services that provide accessible information to people with disabilities, their families and carers and professional groups; community support, including therapy and other specialist services such as behaviour support; respite services, which are intended to provide a short-term, time limited break for families or other voluntary carers who provide ongoing support to people with disabilities; accommodation support to enable the person with a disability to remain in their existing accommodation or move to more suitable accommodation where they can receive the level of support required.

The type of service provided is dependent on an individual client's needs and circumstances. Therefore it is not possible to estimate with any certainty how many people can be supported with a particular amount of funding without first assessing their needs and understanding their individual services. To do so would require a manual review of records which would be extremely resource intensive and would take staff away from delivering their core responsibilities to Queenslanders in need. To reiterate, the type of service we provide to people with a disability depends on the individual client's needs and circumstances.

This bill caters for the individual needs of people with a disability, specifically those individuals with a disability who have entered the criminal justice system. The common law defence of insanity was adopted in the Queensland Criminal Code over 100 years ago. The Mental Health Act incorporates this common law concept based on the notion that persons found of unsound mind or unfit for trial should not be subject to punishment. Let us be clear, the people to whom this bill will apply have been found unfit for trial or not of sound mind as a consequence of their intellectual or cognitive disability. They have not been convicted of an offence.

This bill is not about punishment. It is about habilitation and rehabilitation—two of the most significant rights of the United Nations Convention on the Rights of Persons with Disabilities. To date, legislation has not responded to the specific needs of this cohort. The Forensic Disability Bill is about providing the Mental Health Court with a more appropriate option for secure care for people with an intellectual or cognitive disability, but no mental illness requirement or involuntary treatment.

For too long there has been no distinction between the care and treatment needs of people with an intellectual or cognitive disability, distinct from those with a mental illness. The proposed new Forensic Disability Act will provide the legislative framework for their care and protection while, at the same time, safeguard their rights and the safety of the community.

Australia became a signatory to the United Nations Convention on the Rights of Persons with Disabilities on 17 July 2008. As a signatory state parties have responsibility to ensure that people with a disability enjoy human rights, freedoms and respect in society, the same way other people do. The principles and model of care and support in the bill reflect the objectives and principles of the UN convention. For example, article 14 of the convention—liberty and security of the person—emphasises the importance of not arbitrarily depriving people with disabilities of liberty where they should be treated in accordance with international human rights and in compliance with the objectives and principles of this convention, including the provision of reasonable accommodation. In many ways this bill does this and more.

The focus on habilitation and rehabilitation is consistent with article 26 of the convention which states that parties shall provide habilitation and rehabilitation services to enable people with disabilities to attain and maintain maximum independence and full social, mental and physical ability to enable full inclusion in all aspects of life to the extent that this is possible while ensuring the safety of others in the service and protection of the community.

Since the 1990s there has been a significant amount of international research evidence that supports habilitation and rehabilitation centred treatment programs for offenders with intellectual disabilities. Programs that focus on positive social engagement, including the involvement in every day activities, are now known to reduce the likelihood of the person engaging in criminal or antisocial behaviour.

Experts in the field of offenders with intellectual disabilities such as Dr Leam Craig, a forensic clinical psychologist from the UK, and Professor Nick Bouras, a psychiatrist also from the UK, have contributed greatly to our knowledge of what works for this specific cohort. In addition to our own Dr Jeffrey Chan, chief practitioner disability, and Professor Karen Nankervis, Director of the Centre of Excellence for Behavioural Support, we have access to a significant body of research evidence that has emerged regarding the efficiency of an approach that focuses on treating offence specific behaviours,

developing communication, problem solving, anger management, decision making and socially appropriate skills, and providing opportunities for vocational employment and other interests that will help in reintegration.

The requirement for an individual developmental plan for each client is integral to this objective and to the model of care provided in the service. The focus of the individual development plan is on promoting the person's development, habitation and rehabilitation with the aim of reducing the risk of re-engaging in offending behaviours and facilitating eventual community reintegration.

A special feature of this legislative model is the five-year review for each client. The Director of Forensic Disability will conduct a review of a person who has been detained to the service for a continuous period of five years. The purpose of this review is to determine if the client is receiving benefit from the care and support provided by the service and can continue to receive this benefit. This notion is important. Let me be clear that it does not impose a limit on the person's forensic order, but it is another safeguard to ensure that people are not languishing indefinitely without a thorough assessment of how they are progressing and where their care and support needs could best be met. This focus will go a long way to addressing any concerns in relation to arbitrary and indefinite detention.

A number of members have asked about prevention and early intervention. It is true that this bill is for those challenging behaviours that have already brought them into contact with the criminal justice system. It is true that by this stage their care and support needs are high and require intensive and, yes, costly interventions. However, the Forensic Disability Bill is the culmination of a range of reforms in the disability sector under the banner of Positive Futures.

In response to Justice William Carter's 2006 recommendations, the Queensland government launched the Positive Futures initiative—a \$228 million, six-year investment to promote best practice in positive behaviour support and to help protect the rights of adults with an intellectual or cognitive disability. This is through legislative amendments to the Disability Services Act 2006 and the Guardianship and Administration Act 2000; service reform; the establishment of the specialist response service to assist service providers in conducting assessments and developing and implementing positive behaviour support plans; the establishment of a new centre of excellence for behaviour support to lead research and training in best practice; and the redevelopment of Disability Services' Wacol site and establishment of accommodation in other key regional sites to provide transitional accommodation support models for adults whose community living arrangements have broken down due to challenging behaviour.

The key element of this initiative is a focus on a new way of working with people with intellectual and cognitive disabilities to address challenging behaviours to reduce the need for any type of restrictive practice such as containment and seclusion in disability services and to intervene in such a way that can prevent their behaviour escalating to the extent that brings them into contact with the criminal justice system.

The focus is on an individualised and flexible approach based on a comprehensive multidisciplinary assessment which provides for and specifically addresses the person's specific needs. The fundamental process of renewal, regeneration and reform that Justice Carter envisaged is being realised with real improvements in people's quality of life. Like all preventative programs, reducing the numbers of people with intellectual or cognitive disabilities who are subject to forensic orders may take a few years to achieve.

The Forensic Disability Service is aimed at those people who are alleged to have committed quite serious offences. But, as many commentators have rightly pointed out, people with intellectual disabilities can come into contact with the criminal justice system more often for simple offences such as stealing, public nuisance or damage to property. The Department of Communities is working with other key government departments, including the Department of Justice and Attorney-General, the Queensland Police Service and the Department of Communities, to coordinate and enhance government responses to people with intellectual and cognitive disabilities in the criminal justice system.

As has also been noted during the debate, this is a small service. It is a start. It will accommodate up to 10 people. As it is a small, specialised service, it is vital that only those for whom the service is designed and are likely to benefit from the model of care and service are detained there. To this end, the bill amends the Mental Health Act to provide additional criteria that must be considered by the Mental Health Court and the Mental Health Review Tribunal before making an order to detain a person in the service—that is, whether the person has an intellectual disability or cognitive impairment as defined in the bill but does not require involuntary treatment for a mental illness and the person is likely to benefit from the care and support provided in the Forensic Disability Service.

Further, the court or tribunal must not make an order detaining a person to the service unless the Director of Forensic Disability gives the court a certificate issued by the chief executive officer of the Department of Communities stating whether or not the service has the capacity for the person's detention or care. These mandatory considerations will assist in managing demand pressures for the Forensic Disability Service while providing legislative guidance to the court and tribunal to ensure that

appropriate persons who are likely to benefit from the service gain access. These considerations do not interfere with the court's discretion about whether to make a forensic order, and the bill makes this clear; nor is the court asked to decide on issues of resources. This is, properly, an issue for government to consider.

There are 45 people with an intellectual or cognitive disability but no mental illness requiring involuntary treatment subject to forensic orders in Queensland. As we have heard tonight, 16 of those are detained in some kind of authorised mental health service. Some 29 of the 45 are residing in the community on limited community treatment with authorised mental health services monitoring and coordinating their care in partnership with disability and community care services in the Department of Communities. The Department of Communities and Queensland Health will continue to work in partnership to provide appropriate services to this cohort. A service-level agreement is being developed between the two departments to ensure they continue to work in collaboration in the management of the cohort. However, the Forensic Disability Service will therefore not accommodate the entire cohort.

The Mental Health Act will be amended by this bill so that the director of mental health can develop policies and guidelines for the care and support of those patients subject to forensic disability orders who will be detained in authorised mental health services. The Director of Forensic Disability will collaborate in the preparation of these policies and procedures. Further, the Mental Health Review Tribunal will now review their progress against considerations more appropriate to their intellectual disability such as their progress in modifying their behaviour in response to the care and support they receive in the service.

Two years after commencement a review will be conducted on the effectiveness and efficiency of the service model and how the legislation supports management of the cohort in the secure facility and within the broader mental health system. The resulting review's report will be prepared in collaboration with Queensland Health and will include advice on management responsibility for the entire cohort. The bill also provides that the act will be reviewed by the end of the third year of operation.

I want to respond to the comments by the members for Aspley and Caloundra that the bill does not adequately cater for people with dual diagnosis of both intellectual disability and mental illness. The Forensic Disability Service has been established specifically to provide for the detention, care and support of people with intellectual disabilities on forensic orders. The Forensic Disability Service has been constructed with a specific cohort in mind, but it does recognise that people with intellectual disabilities can also have a number of other mental conditions, including mental illness. The key threshold for the Forensic Disability Service as reflected in the new section 288 of the Mental Health Act is that the person does not require involuntary treatment for a mental illness under the Mental Health Act. People with mental conditions which do not require involuntary treatment can be accommodated in the service. For example, a person with low-level anxiety or depression and an intellectual disability can be accommodated. It makes sense that in the case where a person does require involuntary treatment for a mental illness this is done in a facility designed to provide this treatment—that is, in an authorised mental health service.

The bill also makes sure that people who may have dual diagnosis in authorised mental health services receive better care. The bill provides for the director of mental health to prepare policies and procedures in consultation with the Director of Forensic Disability to guide staff in offering more appropriate care and support to those patients in an authorised mental health service on a forensic disability order. These policies will guide staff in authorised mental health services about how to appropriately care for this cohort. I acknowledge that the diagnosis of mental conditions where there is also existing cognitive limitations is not easy and that there may be some difficulties, but the legislative definition of the cohort will ensure that the Forensic Disability Service will provide care and support for people best suited to the model of care provided in the service.

It is also important to note that this centre will not be run in isolation in a 'we'll look after ours, you'll look after yours' kind of way. The Department of Communities will continue to work in partnership with Queensland Health to manage expectations and demand. I mentioned that a service level agreement is being developed between these two departments to ensure they continue to work in collaboration in the management of the cohort within the constraints available. This service level agreement will outline shared principles and objectives and the roles and responsibilities in respect of parties while addressing issues such as management of people on limited community treatment, transfers between authorised mental health services and the Forensic Disability Service, procedures for clients who are absent without permission from the service, the operation of a victims register, and the procedures for special notification of clients. As I mentioned earlier, this collaborative approach is supported by legislative amendments to ensure that people with intellectual disabilities in authorised mental health services receive better care.

The Hon. Geoff Wilson has advised that the Queensland Plan for Mental Health 2007-2017 acknowledges the need to improve the provision of mental health services to people who have complex mental health needs. This provision includes enhanced capacity to coordinate services for people with

an intellectual disability who have a co-existing mental illness. Importantly, Queensland Health has established intellectual disability coordinators in the Townsville, Metro South and Metro North districts to provide high-level consultation, advice, support and leadership to mental health service support, working with clients with complex needs related to intellectual disability and mental illness. The role of the intellectual disability coordinators assists in enhancing the coordination, availability and access to appropriate early interventions and treatment options for people with complex mental health and intellectual disability needs.

In relation to the assertion made by the member for Aspley and the member for Caloundra that people will be excluded from the service if they do not meet strict criteria around significant limitations in intellectual impairment—that is that they would not be accepted if they have an intelligence higher than two standard deviations below the population average—I would like to point out that standardised measurements of intelligence is just one means that clinicians use to establish if a person has an intellectual disability. I would also like to respond to the comment of the member for Aspley that the bill is a rush job, with little consultation being undertaken. The very nature of the bill is a consequence of us listening during consultation. In fact, in response to this consultation significant changes were made to the bill to ensure that it really reflected the care and support model that best suits this cohort. We consulted on this issue again in the second round. But, yes, we want to get the service up and running—and that is the other part of the equation—so that we can start seeing better outcomes for this cohort sooner rather than later.

I would also like to assure the member for Aspley that the bill provides several safeguards for staff to ensure that they can safely and confidently perform their functions in a forensic disability service. The bill also provides a number of powers to allow staff to reduce the risk that a client may pose to other clients and staff in a service. The bill provides for the administration of behaviour control medication and the use of restraint and seclusion where a client is likely to harm themselves or staff in a service and that is the necessary and the least restrictive way to prevent harm. Although it is expected that such invasive mechanisms of control will rarely be needed, this may be authorised only by the Director of Forensic Disability. The form of restraint used must be approved by the director and outlined in a policy or procedure made under the bill. The Director of Forensic Disability will be available 24/7 to make these decisions if necessary. It should also be remembered that staff in a service will be subject to the legislative framework within the Workplace Health and Safety Act 1995, which has the primary objective of preventing or minimising a person's exposure to the risk of death, injury or illness in the workplace. It should be noted that an independent security auditor provided advice on the design of the Forensic Disability Service to ensure that it has a level of security consistent with a medium secure detention facility.

In response to the query raised by the member for Caloundra about what will happen to members of the cohort who cannot be accommodated in a service, I say that, of course, it will be necessary for some people to be detained in an authorised mental health service and managed by Queensland Health in collaboration with the Department of Communities. In terms of any expansion of the service, I will say that this is the first service of its kind in Queensland and it is only the second in Australia. We need to make sure that the service model delivers what it is intended to deliver. That is why I will be providing six-monthly progress reports to the Premier and to the Treasurer. A review report into the effectiveness of the service will be provided to the government within two years of the service commencing. The capacity of the service in consideration of the entire cohort of people with intellectual or cognitive disabilities subject to forensic orders will be considered during these reviews.

I would also like to respond to the comments made by the member for Caloundra about tough cases and what happens when a person does not look like they will continue to benefit from the service. I agree that it is not in anyone's interest to have people detained indefinitely in the service, particularly given its small size and specialist model of care and support. Therefore, after five years of continuous detention, the bill provides for the director to conduct a review of that person. The purpose of this review is to determine if the client is receiving benefit from the care and support provided by the Forensic Disability Service and whether the client could continue to receive benefit from the model of care provided by that service. It is envisaged that the results of this review will be considered by the Mental Health Review Tribunal at the client's next review.

If it is clear after a five-year review that a person is not benefiting from the service but that they still require secure care, the Director of Forensic Disability may seek to transfer the person to an authorised mental health service. This, of course, is not the only outcome of the five-year review. The Director of Forensic Disability may decide that the person could continue to benefit from the service or that a further period of time is required to determine whether the person can still benefit from the service. In these instances the Mental Health Review Tribunal will consider retaining the person in the Forensic Disability Service. Other outcomes may include recommendations to the Mental Health Review Tribunal for approval of limited community treatment in order to receive care and support from another disability service. However, it should be remembered that we will see situations where a person

needs to be detained indefinitely less and less as the cohort will be receiving individualised care targeted to their offending behaviour and supporting their reintegration into the community wherever possible.

I would also like to respond to the concerns raised about the time taken in implementing the reforms of the Carter report. Justice Carter's 24 recommendations were accepted by the government in 2006. An amount of \$228 million was allocated by the Bligh government over six years to implement these recommendations. Progress in implementing Justice Carter's recommendations has been very solid. The Disability Services Act was amended in 2008 to make it an offence for disability service providers to restrain or contain a person with an intellectual disability unless they have an approval from QCAT or a guardian appointed by QCAT itself. Today, around 600 people in Queensland now have a positive behaviour support plan and are subject to restraint or containment only where the practice is the least restrictive way of preventing the client harming themselves or others. Over 200 new staffing positions have been created to provide specialist clinical support and therapy to people with an intellectual disability with challenging behaviour.

As members heard from the member for Brisbane Central, a centre for excellence has been established in partnership with the University of Queensland to undertake specialist research for disability support staff. New purpose-built dwellings have been constructed for this group and, now that the Forensic Disability Service and legislation has been developed, Dr Jeffrey Chan has taken up the role of Chief Practitioner, Disability and he brings a wealth of expertise and knowledge to this role. Dr Chan will also assume the role of the Director of Forensic Disability.

Our record in delivering Justice Carter's recommendations is solid and those recommendations have been delivered with the integrity of his intent. Although I mentioned the government's significant investment in the Positive Futures reform, I would also like to acknowledge the programs that exist to divert people with intellectual disabilities from the criminal justice system. The Special Circumstances Court Diversion Program, an initiative of the Brisbane Magistrates Court and funded by the Department of Justice and Attorney-General, is targeted at people with impaired decision-making capacity as a result of an intellectual disability, cognitive impairment, mental illness or brain and neurological disorders as well as those who are homeless or who are at risk of being homeless.

It aims to reduce the number of these people in the criminal justice system. It does this by providing bail and sentencing options, which place offenders with support services to help them deal with the cause of their offending behaviour. A court liaison office supports and monitors the person during the program while issues that contribute to their offending behaviour, such as accommodation, health, drug and alcohol dependence, are addressed. The Positive Futures reforms and the court diversion programs will ensure that there will be less demand for the Forensic Disability Service as the last port of call for some of our most vulnerable people.

In summary, this bill contributes to the Bligh government's record of reform and regeneration in the disability sector. I would like to acknowledge the contribution of all of the members who supported the bill. I would also like to acknowledge some of the key stakeholders who have been engaged closely in the development of this legislation because of their tireless commitment to the rights of people with disabilities, in particular the Hon. Justice William Carter; the Adult Guardian, Ms Dianne Pendergast; Queensland Advocacy Incorporated, including Mr Ken Wade and his predecessor, Mr Kevin Cocks AO, who has recently been appointed Queensland's Anti-Discrimination Commissioner; National Disability Services; Queenslanders with Disability Network; Multicap; and Life Without Barriers. The Mental Health Court, the Mental Health Review Tribunal, Legal Aid Queensland and representatives of the Australian and New Zealand college of psychiatrists were also generous with their time and provided prompt feedback on the proposed provisions to help clarify their operation and to ensure their workability and consistency with the Mental Health Act. Their feedback to me, my predecessor, the Hon. Annastacia Palaszczuk MP, and to the Department of Communities has been invaluable.

I also acknowledge the work of the Minister for Health, the Hon. Geoff Wilson, for his contribution to this important bill and our ongoing work. I also thank officers from my department for their hard work on this bill: Helen Ferguson, Kim Chandler, Bronwen McNeill, and Tony Cheng. I would also like to thank Queensland Health officers Bobby Clarkson, Helen Borredale, Jeanette Seron and Elizabeth Leach. I am sure members will agree an impressive array of expertise, experience and knowledge has gone into the development of this legislation and they will join me in commending this bill to the House.

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


Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 and 2, as read, agreed to.

Clause 3—

 **Ms DAVIS** (10.40 pm): Clause 3 sets out the purposes of the act. As we know, the bill is a direct response to the 2006 Carter report and covers the areas recommended by Justice Carter in terms of involuntary detention away from the mental health system. The Carter report was delivered five years ago. The amendments to the Disability Services Act were made three years ago. The construction of the buildings at Wacol commenced two years ago. In his reply the minister suggested that there was quite an extensive consultation period. Could he provide details of when that consultation period commenced? I think he mentioned that there were two rounds of it. I ask that the minister provide that information because it appears to me that it was done very close to the end of the process rather than early on.

Mr PITT: In terms of the process of consultation, the particularly important point I made was that, the way it originally stood, the bill needed a lot of work to ensure it reflected the type of support and care needed for the cohort. Consultation on the bill occurred with stakeholders in October. This included statutory bodies, legal professionals, including the Queensland Law Society, service providers, peak bodies and advocates such as Queensland Advocacy. It was in two phases. The stage 1 consultation was on the information paper and exposure draft of the bill. Stage 2 was briefings with targeted stakeholders on an amended bill. The amended bill reflects where we are today, and I am very pleased that that process took place. Sometimes one needs to have a very robust view and look at proposed legislation to ensure it really does meet its target. I think we have achieved that with this. In addition, I was very recently asked for a more fulsome consultation with the Mental Health Court and the Mental Health Review Tribunal on a significant late amendment in respect to the new forensic disability order.

In answer to your question, the first stage of consultation on the bill was conducted in September and October 2010 through the information paper and the further consultation occurred on an updated version of the bill between November 2010 and February 2011. Some of that happened under the former minister and I was pleased to pick that up when I was elevated to cabinet in February.


Ms DAVIS: I thank the minister for that. I referred in my contribution to some concerns by some of the stakeholder groups that they had received only parts of the bill to comment on rather than the full bill as we see it today. Can the minister indicate why that might have happened? I see no reason they could not have seen the bill in its entirety. I seek the minister's comment on that.

Mr PITT: I understand that the only groups that received part consultation were the Mental Health Court and the Mental Health Review Tribunal and that was regarding transitional orders. My understanding is that other stakeholders were provided with the various versions of the information paper and the amended bill as well.

Clause 3, as read, agreed to.

Clauses 4 to 6, as read, agreed to.

Clause 7—

 **Ms DAVIS** (10.44 pm): Under clause 7, the general principles of the bill, cultural needs are listed. In these terms, what will be done to meet the needs of Indigenous clients, particularly those who are far removed from their home areas?

Mr PITT: In terms of people who are in, for example, a regional area, say in Far North Queensland, the important issue to note is that one of the considerations that we look at with regard to people's suitability for the service is whether it may do more harm than good to have them moved from an area where they have support from other networks, including family, and that they are able to actually get that benefit from the service. That is an important point to make, I think. We want outcomes for the individual and to have them reintegrated into the community. Sometimes it can set people back further by doing that.

In terms of culturally appropriate approaches, what we are looking at is making sure that we have recognition of people from culturally and linguistically diverse backgrounds as well as Indigenous clients and those needs will be taken into consideration once we get into the detail. I guess I am wearing my other hat of Aboriginal and Torres Strait Islander Partnerships minister and I am obviously very cognisant of that fact myself.

Ms DAVIS: With regard to gender and the safety particularly of any female client at the facility, what procedures will be put in place to ensure female clients will be kept safe in an environment where some of their fellow clients may be on an order because of sex offences? I am not suggesting that there needs to be barbed wire between them, but what plans are there at the facility to ensure that the mix is right and that no-one is necessarily excluded because of their gender and because there would not be protocols in place at the facility in order to have a mixed cohort?


Mr PITT: In terms of the gender make-up of clients within the service, I think it is important to note that women are currently detained in authorised mental health services with males. This is not something new. This is reflecting what happens in an authorised mental health service and obviously there are arrangements and protocols in place to ensure their safety. Of course, though, a risk analysis is undertaken and, if necessary, they can be housed separately within the facility. It is quite an amazing facility with different options that are available to the team who are working from there. The design of the facility itself is quite a major step forward, let alone the fact that we have progressed to getting this bill forward today.

The cohort and the mix of people within the service is taken into consideration, such as who may be able to mix well with other people. The make-up of the cohort will depend on a number of factors. Gender may be one of them, but it will not be something that will exclude somebody from the service, no.

Clause 7, as read, agreed to.

Clauses 8 and 9, as read, agreed to.

Clause 10—

 **Ms DAVIS** (10.49 pm): In his summing up the minister spoke a little about this, but I could not hear him well so I apologise if he has covered it. With regard to the exclusion of eligibility for the service, will there be any possibility of that being someone with a primary diagnosis of a disability if there is a mental illness present? Will the IQ deviations be a primary assessment? Will people not fulfilling this criteria, even though they have an intellectual disability, be excluded from obtaining a forensic order?

Mr PITT: As we have heard, the Forensic Disability Service has been established specifically to provide for the care, detention and support of people who are under forensic orders and who have an intellectual and cognitive disability. Under the Mental Health Act, the definition of mental illness is pretty broad. The act defines 'mental illness' as a condition characterised by a clinically significant disturbance of thought, mood, perception or memory. In fact, many people in the general community in this cohort identified for the Forensic Disability Service could, for example, have low-level anxiety or depression. However, the key threshold for the Forensic Disability Service, as reflected in section 288 of the amended Mental Health Act, is that a person does not require involuntary treatment for a mental illness under the Mental Health Act. In that case, the person would have what is known as a dual diagnosis. Their primary care and treatment needs would be associated with their mental illness. That is not the cohort that the Forensic Disability Service is aimed at. I apologise if the member could not hear me before. I have the flu and other things.


The model and programs of care and support in the Forensic Disability Service differ significantly from that provided in authorised mental health services, reflecting the differences in the cohorts being cared for. They are disability rather than mental health focused. Should a person detained in the Forensic Disability Service develop a mental illness requiring involuntary treatment, following a clinical assessment to confirm the diagnosis the person would be transferred to an authorised mental health service for proper care and treatment related to their mental illness.

All people, including people with a disability, have a right to appropriate care and treatment. The bill ensures that a person with an intellectual disability who requires involuntary treatment for a mental illness also receives appropriate care and support in relation to their intellectual disability in authorised mental health services by providing for the director of mental health to prepare policies and procedures in consultation with the Director of Forensic Disability. That will guide staff in offering the most appropriate care and model for those patients in an authorised mental health service.

Specifically on the point of IQ testing, as we have said, that is just one way of assessing a person's intellectual disability and it will not necessarily be used to exclude them. I will take some advice as to whether that is the primary test. I do not believe that that is the case, but I will take advice on that. It will only be if it is necessary to carry it out. There are other ways of doing it, but in some circumstances it may be considered that way.

Clause 10, as read, agreed to.

Clause 11—

 **Ms DAVIS** (10.52 pm): Clause 11 defines 'cognitive disability', but does so by referring to the definition under the Disability Services Act. This definition covers a range of severities and includes psychiatric impairment. Is there a limit on the severity of cognitive conditions? What is the measure of that severity? Is there a measure of discretionary decision making by the director in terms of a standardised definition as per the intellectual disability definition? There is a definition for disability, but there is not such a clear definition of cognitive. Can the minister put into perspective how a definition would be arrived at if someone was presenting at the Mental Health Court?

Mr PITT: I thank the member for the question. The definitions in the bill have been carefully drafted to ensure that those people who will most likely benefit from the specialised care and support of the service will actually be provided with the service. In terms of the definition of cognitive disability, it

has regard to the definition of disability in the Disability Services Act, as we have said. It is a disability that is attributable to a cognitive impairment and a disability within the meaning of the Disability Services Act. In particular, it is a condition that is attributed to a cognitive impairment that results in a substantial reduction of the person's capacity for communication, social interaction, learning mobility or self care and the person needing support. The impairment may result from an acquired brain injury and the disability must be permanent or likely to be permanent. There is no limit on the severity of the cognitive impairment; for example, if someone required acute care for an acquired brain injury. Does that cover the member's concerns?

Ms DAVIS: Just to clarify: is there or is there not the capacity for a discretionary decision by the director?

Mr PITT: It is a discretionary decision by the Mental Health Court, yes.

Clause 11, as read, agreed to.

Clauses 12 to 21, as read, agreed to.

Clause 22—



Ms DAVIS (10.56 pm): Clause 22 provides that the individual development plan must include any periods of community treatment and the conditions necessary for managing the client's behaviour while undertaking the treatment. I acknowledge that the minister spoke about that in his summing up. I would like to know what provisions are in place for the protection of community workers? These could be quite violent individuals. Who would bear the liability for anything that may go wrong?

Mr PITT: In terms of safeguards for staff working in the service, which is the question that the member asked if I understand it correctly, as I said before it is very important that we recognise that there are standard workplace health and safety regulations in place that cover the workers and, broadly, that provide them with the degree of cover that they require in the service. There is always a risk analysis undertaken to ensure that at any given time the appropriate number of staff are working to ensure the safety not only of the staff but also of the clients within the service.

Ms DAVIS: I thank the minister for that answer. However, I am looking for the level of protection that the community workers would have if an individual has anger management issues and might go off the rails whilst off site. On site four burly orderlies could come in, grab them and sedate them. Out in the community that might not be possible. What safeguards would be in place for community workers who may find themselves in a position where a client has, for want of a better description, become unsettled whilst out?

Mr PITT: I thank the honourable member for the question. I misunderstood; she was referring to community workers. I guess when you spend enough time in the department you hear that as department of community workers and all of a sudden you go off on a different tangent. The member is referring to community workers when people are on limited community treatment. My apologies because I skipped through that.

A senior practitioner within the service may authorise limited community treatment if the tribunal or the court has ordered or approved the limited community treatment. In authorising this, however, the senior practitioner may choose to include additional conditions necessary for managing the client's care and support and protecting their health or safety or the safety of others while the client is undertaking the limited community treatment. For example, it may be ensuring that they do not have access to a motor vehicle to drive. It could be related to self-harm in terms of sharp objects. There is a range of conditions. In essence, we could ask, 'How long is a piece of string?' The most appropriate conditions will be placed on the person on the limited community treatment order to ensure the safety of both themselves and the community workers. It is a risk analysis process, and that is important. The flexibility is there for the senior practitioner to provide conditions which actually allow for that to be the case.

Clause 22, as read, agreed to.

Clauses 23 to 32, as read, agreed to.

Clause 33—



Ms DAVIS (11.00 pm): Clause 33 relates to the transfer of clients from the Forensic Disability Service to a mental health service. If the mental health director does not agree, the forensic disability director can apply to the tribunal for a transfer order. If the director of mental health is reasonably sure that mental health services are of no benefit to the client—so in reverse—is there any right of appeal against having to care for the client in what is deemed an unsuitable environment?

Mr PITT: It is expected that disagreements will occur on occasions between the two directors. We hope that this will only be on rare occasions. It is human nature for people to sometimes have opposing views related to treatment.

Ms Davis: So is there an appeals process?

Mr PITT: It is a process that is written into the legislation to ensure that the process between the two directors can be managed in the right way. In terms of clients appealing their transfers, the bill does provide for the Director of Forensic Disability to agree to transfer clients between the service and an authorised mental health service. A client will only be transferred between the services where the director seeking the client's transfer considers it to be in the client's best interest. The director of the service to which the client is to be transferred has to agree to the transfer.

Ms DAVIS: So the minister is saying that it works in reverse, then; is that right? The order can be questioned and there would be a discussion if the director of mental health saw no benefit in the client on the forensic order—disability being transferred back to the mental health facility?

Mr PITT: There are two things in answer to that. One is that the Mental Health Review Tribunal will be able to provide that decision-making framework. Of course, it is important to remember that transfer decisions are based on comprehensive clinical assessments. All of those things are part and parcel of that decision-making process.

Ms DAVIS: Could the minister outline possible reasons for a transfer? So if a client cannot successfully be transitioned into the community, is that cause for a transfer into a mental health unit, even if there is no diagnosis regarding their mental health, or would they stay within the confines of the unit at Wacol?

Mr PITT: Sorry, could I ask the member to repeat the question? I missed the first section.

Ms DAVIS: I am seeking clarification as to what the reasons for transfer might be. If a client cannot be successfully transitioned into the community, is that cause for a transfer to a mental health unit, even if there is no diagnosis relating to mental health?

Mr PITT: I thank the honourable member for the question. The transitional arrangement provisions inserted into the Mental Health Act by the bill allow persons in authorised mental health services to be transferred into the service in the first six months of operation. That is coming from an authorised mental health service into the service in the first place. That will occur until this is actually established in the way we wish.

Aside from the transitional or deeming provisions, the amendments to the Mental Health Act allow the director of mental health to transfer a patient to the Forensic Disability Service if the Director of Forensic Disability agrees. So for a person to be transferred to the Forensic Disability Service they would need to be the subject of the new forensic disability order by the Mental Health Court, which means that the court has found that they are unfit for trial or they are of unsound mind. The decision by the director of mental health and the Director of Forensic Disability to transfer a person on a new forensic disability order into the Forensic Disability Service will be based on the clinical assessments, as we said before. That is a service that would improve the quality of life and chance of successful community reintegration for the person. The bill requires the director of mental health to be satisfied that the transfer of the person into the Forensic Disability Service would be in their best interests.

The other reason, of course, could be related to the review period. We talked about the five-year review. A decision can be made at that point, as I said before, by the Director of Forensic Disability to either extend that or suggest that they go back to an authorised mental health service, depending on whether they continue to benefit from the support.

Clause 33, as read, agreed to.

Clauses 34 to 87, as read, agreed to.

Clause 88—



Ms DAVIS (11.06 pm): Clause 88 deals with the powers of the Director of Forensic Disability. I note that the Scrutiny of Legislation Committee raised the point in *Legislation Alert No. 5* that the powers of the director are undefined and broad. Can the minister define the powers of the director, or is it largely up to the director's own discretion?

Mr PITT: Clause 88 provides that the Director of Forensic Disability has the power to do all things necessary or convenient to be done in performing the director's functions. This could be seen as conferring administrative power that is not sufficiently defined. The powers of the director referred to in clause 88 are confined within the scope of forming the director's specific function under the bill. Broadly, these functions relate to the oversight of the Forensic Disability Service in ensuring the protection of the rights of forensic disability clients under the act; ensuring that the involuntary detention, assessment, care and support and protection of forensic disability clients complies with the act; facilitating the proper and efficient administration of the act; monitoring and auditing compliance with the act; and advising and reporting to the minister.


The director also has an important oversight function in relation to the use of regulated behaviour controls on forensic disability clients and has a specific power, for example, to order in relation to a person released from seclusion that a restraint is removed from a client or that a person's medication and behaviour control is reviewed. For example, in order to monitor compliance with the act the director may request reports on and monitor the use of regulated behaviour controls. The director may also

decide to inspect the Forensic Disability Service to ensure that the facility is operating in compliance with the act and that the client's rights are being protected. In this sense, the exercise of power is not administrative in nature. In that sense, it would significantly negatively affect a person's rights and liberties or have serious consequences and, thus, should be subjected to administrative review.

Clause 88, as read, agreed to.

Clauses 89 and 90, as read, agreed to.

Clause 91—

 **Ms DAVIS** (11.08 pm): The Director of Forensic Disability must produce policies and procedures under clause 91. Does the director have control over policies dealing with disability clients in mental health facilities? If not, how will these clients benefit from policies from a disability services perspective?

Mr PITT: The short answer is, yes, the Director of Forensic Disability has power over patients in an authorised mental health service. Those policies and procedures, as the member referred to, will be brought together in conjunction with the director of mental health.


Ms DAVIS: What sort of time line is on producing those policies and procedures under clause 91?

Mr PITT: That will be on commencement of the bill, which will be 1 July.

Clause 91, as read, agreed to.

Clause 92, as read, agreed to.

Clause 93—

 **Ms DAVIS** (11.10 pm): Under clause 93 the director must produce an annual report. Is there any requirement for the director to include reporting mechanisms such as the rate of successful transitions to the community or the rate of return to mental health services?


Mr PITT: The answer is yes. As I said before, the important part of this is that we will also be reporting back to the Premier and Treasurer on a six-monthly basis. So there are plenty of reasons why we want to keep a close eye on how the service is tracking.

Clause 93, as read, agreed to.

Clauses 94 to 223, as read, agreed to.

Clause 224—

Mr Watt: Take us to midnight, Tracy.

 **Ms DAVIS** (11.11 pm): I take that interjection. I would be pleased to do that for the member for Everton, as we both will be driving home tonight.


Clause 224 inserts new sections dealing with the transfer of clients between mental health and forensic disability units. Is there a waiting list for those people who would be eligible for the forensic disability unit but who cannot be admitted because it is at capacity? I spoke about that earlier. I am still very concerned that there will be people on a waiting list and that is going to continue to grow, particularly if clients admitted to the new facility are there long term or, even if not, turn over in that five-year period. There is going to be a backlog and clients are going to stay in the mental health facilities. Could the minister articulate again why this is not going to be problematic and how the clients are going to be well serviced, if at all, in the mental health facilities?

Mr PITT: I thank the honourable member for the question. As I said before, there are a number of ways a person can enter the service. Calling it a 'waiting list' is probably not the best way to describe what will happen if the service reaches capacity. We talked about the ways that they could enter the service. Given that the service is designed to assist up to 10 people at any one time, it is likely that there will be a part of that cohort who will not be able to be there and who have to be in an authorised mental health service. The policies and procedures that we mentioned before, I believe, will provide a better standard of care and treatment than they otherwise would have been subject to. The early intervention measures and prevention approaches in terms of keeping people out of the criminal justice system in the first place is the other response.

Clause 224, as read, agreed to.

Clauses 225 to 229, as read, agreed to.

Clause 230—


 **Ms DAVIS** (11.13 pm): Under clause 230 the Mental Health Court may make a forensic order. A certificate of capacity from the Forensic Disability Service may be given to the court to allow for a forensic disability order. If the forensic disability unit does not have capacity, what happens to the people who would otherwise be eligible? We have talked about them going back to the mental health facility. Can the minister confirm whether any future changes to this section of the act would come under the jurisdiction of the Minister for Health or the Minister for Disability Services?

Mr PITT: I thank the member for the question. In terms of the capacity issue, the certificate which is issued by the chief executive officer will always at any one time guarantee that the service either has capacity or does not have capacity. The certificate is a response to that. It appropriately means that the court process does not have to make that determination.

Clause 230, as read, agreed to.

Clauses 231 to 270, as read, agreed to.

Schedule 1—

 **Ms DAVIS** (11.16 pm): Schedule 1 outlines assessments for intellectual functioning and adaptive behaviour, and the standardised measurement is an IQ test. How central is this to the evaluation and what importance is placed on IQ over other measures?

Mr PITT: I was seeking advice because I thought I had already answered this question, and I believe that I have answered this in a previous response. It is only one measure of the way someone will be determined to have an intellectual disability.


Ms DAVIS: I am not sure that the minister answered this question for me though. What about a group of people that have low functionality and poor adaptive ability but have high-level IQs who fall under autism spectrum disorders? Would people in this group who commit indictable offences who have an intellectual disability and who have severely challenging behaviour and low adaptive ability be eligible for this service or would their higher IQ rule them out?

Mr PITT: ID and autism are fine. They can be included in the cohort. I thought I would keep that short and sweet for you.

Schedule 1, as read, agreed to.

Schedules 2 and 3, as read, agreed to.

Third Reading

 **Hon. CW PITT** (Mulgrave—ALP) (Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships) (11.18 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. CW PITT** (Mulgrave—ALP) (Minister for Disability Services, Mental Health and Aboriginal and Torres Strait Islander Partnerships) (11.18 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.

ADJOURNMENT

 **Hon. CW PITT** (Mulgrave—ALP) (Acting Leader of the House) (11.18 pm): I move—

That the House do now adjourn.

Burdekin Electorate, Department of Transport and Main Roads Office

 **Mrs MENKENS** (Burdekin—LNP) (11.19 pm): This government is showing a great deal of contempt for the residents of the Burdekin by repeatedly rejecting calls for a dedicated department of transport office. For years I have been calling on this government to give the Burdekin this service and for years this government has rejected my calls.

State government data shows that the Burdekin region processed hundreds more licences than the Proserpine, Bowen and Charters Towers regions, each of which has a dedicated departmental office. The issue is that department of transport officers from the Townsville office are only available in the Burdekin one day a week. At the moment there is a five-week wait for an appointment to get a licence, be that for first-time drivers or workers requiring seasonal licences. If we had a dedicated departmental office open all week there would be little or no waiting time and there would not be such a panic at the beginning of crushing each year.

In her answer to question on notice No. 202, the Minister for Transport said that in the 2009-10 financial year the Burdekin recorded a total of 4,092 licence transactions. Proserpine in the same period had 1,015, Bowen had 3,368 and Charters Towers had 3,176. The Burdekin also topped new registrations, as shown in answer to question on notice No. 273, with 1,501 processed in 2009-10 compared to 1,015 in Proserpine, 975 in Bowen and 1,014 in Charters Towers. It was not just in the last financial year that the Burdekin topped both these transactions but also in the previous two years.

It is baffling why the Burdekin does not have its own departmental office. These figures show that the workload is there to justify one, so there can be no more excuses. I am sure the already underresourced staff at the department's Townsville office would appreciate having all their staff on hand to deal with their own backlog of work.

Having an office in the Burdekin would also help our independent retirees who need an over-18 card for ID purposes. Some of our older citizens who no longer have a driver's licence are left without any form of photo ID and have to get family to take them to Townsville to get an ID card. This is a three-hour return trip to just get an ID card.

Young Burdekin boating enthusiasts are getting their boat licences through the Townsville or Bowen offices. The Burdekin area has the highest boat ownership per capita in Queensland. Surely that in itself should at least deserve some service from the transport department. It is time for the Bligh Labor government to stop the excuses and deliver for the people of the Burdekin and stop the can't-do attitude that has pervaded Queensland for the last 20 years.

Maltese Australian Gold Coast Association



Mrs SMITH (Burleigh—ALP) (11.21 pm): Every now and then as a member of parliament I accept an invitation to a function with little knowledge of what it might offer. It may be that I have had limited interaction with the organisation or have no knowledge of its activities, traditions or place in Australian history. A couple of weeks ago I attended such a function. It was a dinner to celebrate the 20th anniversary of the Maltese Australian Gold Coast Association. While we offer photocopying facilities to this group, I have never taken the time to sit down and talk about who they are and what they do. That has been my loss!

While the Gold Coast association has a 20-year history, the history of Maltese people in Australia goes back much further. In 1883, a shipload of Maltese migrants was indentured to work in the canefields of North Queensland and, as a result, the first Maltese immigrants settled in the Mackay area. In the early 1900s Maltese people, along with people from other European countries, were urged by migration campaigns to try their luck in Australia. With the prospect of a new life and work, many young Maltese men and women boarded ships bound for Australia. They found work in the sugarcane fields in the surrounding districts of Mackay. Before long, some earned enough money, often by going into partnership with their fellow countrymen, to enable them to buy their own piece of land and become farmers themselves. They also diversified into all types of business and so adopted and supported the already established local community. Today it is estimated that 25 per cent of the Mackay and region's population are of Maltese descent.

The Gold Coast association is made up of a dedicated band of proud Australians with a rich Maltese history and love of their country of birth. I had the privilege of sharing the evening with the Honorary Consul for North Queensland, Mrs Carmel Baretta. Carmel has recently researched and published a book, *From humble beginnings*, on the history of the Maltese people in Mackay.

I want to congratulate Margaret Grima, who has been president of the group since 1999 and is ably supported by her husband, Vic, as the treasurer. Margaret has the enthusiasm and commitment to lead this group to its 30th anniversary. I also acknowledge Ray Desira and his wife, Jessie. Ray is the editor of the newsletter and a typical quiet achiever. He goes about his work with no fuss and a permanent smile on his face.

I particularly want to mention Mr Nazzareno Zerafa, a gentle and modest man who holds the Maltese language and traditions very close to his heart and expresses his love of it in poetry and prose. To me, he exemplified the pride and love that Maltese people hold in their hearts for a country many of them have not seen since their arrival in Australia many years ago. There were so many people at the dinner whose charm and warmth overwhelmed me. I cannot remember when I last enjoyed myself so much. I thank them for making a stranger feel so welcome. I was reluctant to go home.

Gregory Electorate, Levee Banks



Mr JOHNSON (Gregory—LNP) (11.24 pm): I want to bring to the attention of the House that last Thursday on ABC Radio Country Hour the Mayor of the Balonne Shire Council, Donna Stewart, said that the job of regulating private levees should fall to the Department of Environment and Resource Management. The acting deputy director-general bounced the responsibility straight back to local

councils saying that 'under existing legislation local authorities had the power to manage levees and structures on flood plains'. The glossary of the current act does not even contain the word 'levee'. This is another cop-out by this Labor government.

In my electorate of Gregory, the Nogoa River Flood Plain Board was set up to oversee farmers' levees using a one-in-20-year flood model. Now they are overseeing mining structures built according to EPA requirements of a one-in-100,000-year event. Two floods in three years and a full dam at Emerald squashes that argument. I hope that we will never again see some of the disasters that we have witnessed in the last three years.

The boards consist of council staff who do not have the expertise and resources to do the job any longer. There are three reasons for that. They are: the increasing number of coalmines on flood plains and the building of significant structures with major impacts on other flood plain uses; more frequent and more severe flood events—it will be very interesting to see the findings of the flood inquiry when it comes to Emerald; and the board lacks expertise, funding and resources and is bypassed by the government declaring structures significant to a mine if they wish to avoid board oversight.

When will this government start showing some leadership and accept executive responsibility as an executive government should? My suggestion is to amend the act, shut down the boards and give the responsibility to the Department of Environment and Resource Management where it belongs. This is the responsibility of executive government. Passing the buck is not good enough in these situations. It is all very well to be in government, but if you cannot make the hard decisions then you should not be in government. That is the situation facing the flood plains of not only Central Queensland but also Southern Queensland.

Labour Day



Mr HOOLIHAN (Keppel—ALP) (11.27 pm): The weekend before last saw the celebration in Queensland of Labour Day. That celebrates the gaining of the eight-hour day back in the 1850s. The celebration of Labour Day has long been a tradition in Queensland. On the Capricorn Coast in Rockhampton it goes over two days. On Sunday, 1 May the Emu Park branch of the Labor Party had a family celebration sports day in Bell Park at Emu Park. Sponsorship is provided by a number of unions. The businesses in Emu Park are right behind that celebration. One of the things that came out of that day was that we could probably press Robert Schwarten into being a cook, because he cooked a mean sausage that day. The number of people attending in perfect weather, I might add, after some of the weather that we have had throughout Queensland, increased from previous years. On the Monday in Rockhampton the QCU organised a march and fun day in Victoria Park.

There were increased numbers of unionists in the march and it was great to see families turn up with their children, who really got into the enjoyment of the day. The whole of Victoria Park was closed and the QCU provided free rides and games for children and there were food stalls providing a great day out once again in the perfect weather that we have come to expect in Central Queensland. One of the things that many people criticise—and we hear it in this House—is the Labor Party having the support of unions. I draw to their attention the fact that the Labor Party is actually the political arm of the union movement. The ability of people to get out and enjoy Labour Day as a result of the actions of unions and what they have achieved for workers in Australia is something that I would like to see carried on for many a year.

Gold Coast Suns



Mr STEVENS (Mermaid Beach—LNP) (11.30 pm): What is red and red hot in Queensland football at the moment? If you said the Queensland Reds rugby team, you would be correct. But you would also be very correct if you said the Gold Coast Suns in the AFL competition. This newborn infant taking its first steps in the most widely played football code in Australia recorded its first win against South Australian club Port Adelaide 104 to 101 a couple of weeks ago. Despite many AFL experts predicting the Suns would not win a game in their first season, the Suns magnificently staged a fourth quarter comeback to steal a win against a premier club side steeped in AFL football tradition. Last weekend they surprised all and sundry with their gritty win over the triple premiership winning Brisbane Lions in a local derby that is sure to grow into a monumental battle over the years to come.


Mr Horan: They're ahead of St Kilda on the ladder now.

Mr STEVENS: Absolutely. All credit and kudos must go to the players, the coaching staff, the administration and, importantly, the AFL itself on seeing the dream of a competitive AFL side operating out of Australia's sixth largest city come true. Financial support, visionary thinking and an unmitigated resolve to see the Gold Coast Suns succeed have been vindicated through the initial win in Adelaide, which I am sure will be followed by many, many more now that the Suns have actually broken their maiden status. There will be some thumpings from the AFL heavyweights along the way, but the road to the Gold Coast's first AFL premiership flag has been well and truly sealed through grit, determination and a never-say-die attitude displayed from senior players and rookies alike in the Port Adelaide win.

On a personal note, I want to especially congratulate the chairman of the Gold Coast Suns, my long-term family friend Mr John Witheriff, for his unwavering devotion to the successful outcome for this latest addition to the Gold Coast sporting armada. John and his team have taken every step possible to engage the Gold Coast community as Sun fanatics unlike their AFL predecessors on the Gold Coast, the Brisbane Bears, who were basically perceived as playthings of a rich and dodgy share market rogue. The Gold Coast Suns are now an integral part of the Gold Coast sporting community and carry our hopes and dreams of important national recognition that befits Australia's No. 1 tourist and residential city. I, too, am now a converted Suns fan and am eagerly awaiting the opening of their new fortress at Carrara to complete the fairytale story of the Albert Shire Council.

(Time expired)

Sailability Gold Coast


 **Ms CROFT** (Broadwater—ALP) (11.33 pm): Recently I visited an organisation in my electorate called Sailability Gold Coast. It was not the first time I had been there and not the first time I had left there in awe of the positive and amazing efforts of the clients and volunteers who are Sailability Gold Coast. If one ever wondered what the salt air, the feeling of being on the water and the kindness of others could do for a person with a disability and their carers, I invite them to visit Sailability. Sailability Gold Coast was formed in 1991 through the efforts of past Southport Yacht Club Commodore Win Treasure OAM. Over the years with the support of the Southport Yacht Club, Rotary and the Gold Coast Community Fund and the dedication of volunteers, Sailability Gold Coast has grown to cater for up to 100 people with disabilities every Tuesday.

As the name suggests, on average up to 50 dedicated volunteers enable people with varying disabilities to sail. Every effort is made to give those with a disability the ability to sail and to enjoy being out on our beautiful Broadwater. Winches designed by the volunteers themselves assist the sailors on board the dinghies. Sailors can go out with one of the volunteer skippers. Some sailors can simply hop on board one of the two seven-metre yachts and enjoy the company of three volunteer crews, and some sailors with disabilities can sail themselves. Special electric assist dinghies installed with joysticks similar to those on an electronic scooter provide for some sailors with severe disabilities to enjoy the independence and satisfaction of sailing themselves.

For Paul, one of Sailability's most severely disabled sailors, sailing one of these boats is the only activity he can do in his life on his own. Remarkably, every Tuesday this 20-year-old full quadriplegic sails his boat on the Broadwater to enjoy the serenity and the challenge of sailing. As President of Sailability, Bob Chapel proudly advised me that Paul cannot feed himself and cannot dress himself but he can sail. If anyone needed the motivation to try something they thought they could not do, there you have it! Paul, like all of the other sailors who venture down to Sailability based at the Southport Yacht Club sailing squadron in Hollywell, inspire and bring to the faces of all of the volunteers a smile and a warm feeling deep inside that life can only be what you make of it and that with the help of others anything can be achieved.

I want to pay tribute to the men and women who volunteer for Sailability Gold Coast. Sailability has enabled Gold Coast sailors Sonja Gilmore and Belinda Hill to advance beyond the calm waters of the Broadwater. Sonja and Belinda have recently been announced as part of the team to represent Australia at the Special Olympics in Athens in June this year. I recently met with these girls and I know how hard they have been training. Good luck to Sonja and Belinda from the Gold Coast community. Without doubt my visit to Sailability was most enjoyable—a morning filled with laughter, compassion and warmth that lingers long beyond the last boat has come in. Well done to Sailability.

Denduck, Mr B


 **Mr FOLEY** (Maryborough—Ind) (11.36 pm): I rise to bring to the attention of the House the passing of a very famous person in our area. In 2007 the then 57-year-old Barry Denduck, who started playing football in Cherbourg when he was eight, became the oldest A-grade rugby league player in the state and possibly Australia when he played at hooker for Rovers in the Fraser Coast rugby league Friday night competition at Maryborough's Eskdale Park. I well remember being there and seeing this skinny little Aboriginal guy who ran like a hare. He was just an incredibly agile little guy. When I went into the sheds afterwards to speak to the players, I took a look at this guy and I thought, 'Holy cow! He is seriously old.' Not that we say that 57 is old now, but to be playing A-grade rugby league at 57 is something else.

Barry was a grandfather of five at the time he played in 2007—a season which turned out to be the final one before he hung up his boots to ill health. With his football career over, Barry used to train himself. You would often see him running along the Hervey Bay Esplanade and working out on the beach because he did not have a car to get to Maryborough to train with his footy mates. He said that he was not about to play another sport like lawn bowls. 'I've tried it and it's too bloody boring,' he said a couple of years ago. 'It's rugby league or nothing for me.'

One person who knew Barry Denduck was Hervey Bay Seagulls A-grade coach and referee Damian Lindeberg. He said that Denduck, or Uncle Barry as we knew him up home, would be missed by so many people. Barry was a true gentleman and the ultimate competitor. His ability to churn out 50 tackles a game and then have a beer with the players he just competed against was how Barry would like to be remembered. Barry had a passion for the game throughout his life and it was only when he got ill that he had to stop playing the game that he loved so much. I will never forget seeing him run on the paddock. That was a truly amazing sight to see a man of his age mixing it with 19-year-olds, and then he would go home and work out on the boxing bag and skipping rope! He was just an incredibly fit guy.

But, of course, it was not just on the football paddock where he made his mark. He was a wonderful example of what young Indigenous guys should aspire to in their sporting careers. He is a massive loss to the community. His daughters play as well and last weekend they took to the paddock. They thought about not playing, but they thought it was exactly what dad would have wanted them to do. Rest in peace, Barry Denduck, who we call Uncle Barry.

Mareeba Men's Shed


 **Mr O'BRIEN** (Cook—ALP) (11.39 pm): On 8 April I had the great pleasure to attend the opening of the Mareeba Men's Shed which was performed by Mr Tom Braes, the local magistrate. This project has been driven by Pastor Allan Sharpe, Bruce Marshall, Tom Brown and Cec Ayliff, amongst others. These fine gentlemen had been trying for nearly two years to get a space for men in Mareeba to get support and services from their fellow men. They went up a few dry gullies before fortune smiled upon them and they found the former Mareeba Scouts' hall as an appropriate place to establish their operations.

The new men's shed, which is perched on the bank of the Barron River, is both near town but somehow in a secluded and peaceful location. Although the hall itself has fallen into a state of some disrepair, the group merely regard it as an opportunity to create a project to get men working together to fix it up. I want to thank the Tablelands Regional Council for their assistance in giving the men of Mareeba a place of their own. The council owns the building and has leased it to the Mareeba Men's Shed group for a peppercorn price. Mayor Tom Gilmore was present for the opening and has been very helpful to the group. The group is also receiving support from beyondblue.

The shed is already reaching out to men in need of help in the Mareeba community in many ways. Just tonight I spoke to Bruce Marshall and he told me that they are helping a man who has attempted suicide a couple of times already but who is now engaged in helping others in and around the shed. I must apologise for not getting his last name, but an Indigenous man named Calvin spoke at the opening about how he is using the shed to engage Indigenous ex-prisoners in a support group. Bruce confirmed that the group is continuing and just this week over a dozen men were working together to help each other become strong and engaged.

It has been said at certain times that women are the weaker sex. This, of course, is not true. Women are stronger than us men. They have babies, they have better support networks and they are better able to communicate with men. I am speaking in generalities of course, but men have a propensity to isolate themselves, to self-destruct and to find solace in difficult times in a bottle. I have spent my life in the company of men. I went to an all-boys school. I have played football of one kind or another since I was five and I still referee football matches to this day. I joined the Navy at 16 and now in this job in political life, although things are changing slowly, it is still dominated by men. With that experience, I have learned that there is absolutely nothing on God's earth that is as strong, that is as powerful or that can be as sublime as a group of men who stand together, who work together and who decide to put their own individual interests beneath those of the group and decide that they are going to make change or make this world a better place. The Mareeba Men's Shed is such a place. It offers Mareeba men a place to make a change and to be part of something that is greater than themselves.

Bishop William Morris

 **Mr HORAN** (Toowoomba South—LNP) (11.43 pm): The people of Toowoomba and South-Western Queensland were devastated and deeply saddened by the removal of their much loved bishop, Bishop Bill Morris, by the Vatican recently. They felt angry, they felt sad, they felt disillusioned, they felt betrayed by Rome, they felt disregarded and they felt that they had been trampled over by this process, which afforded no natural justice whatsoever to this wonderful man.

Bishop Bill Morris was consecrated in Toowoomba about 18 years ago after coming from the Gold Coast. At that ceremony there were bus loads of people from the Gold Coast who were so saddened to lose their priest but who were delighted that he was to be the bishop representing such a vast area—from east of the Great Dividing Range out to the Northern Territory border, north to Taroom and Wandoan and down to Goondiwindi, Stanthorpe and Warwick.

Bishop Bill presided over an area that is twice as big as Italy. Bishop Bill presided over an area that is 1½ times the size of Germany. In that whole area there are only 18 priests, and by 2014 only two of those priests will be under 65 years of age. So it was no surprise to all the intelligent and faithful Catholics of the area that in 2006 Bishop Bill, in an Advent letter, addressed this very important issue of declining vocations in this modern time and suggested, I think quite properly and truthfully, that the church should start some discussion about the prospect of married men becoming priests, of women becoming priests, or of even recognising those from other religions.

To the dismay of so many people there has been a small group, termed the 'Vatican police', of about 15 people in Queensland who go around like schoolyard pimps and pimp all the time to the Vatican and to the upper echelons of the church about priests and bishops, particularly in Queensland, who are endeavouring to provide good guidance to their people. I would just like to say that the great Catholic education system provided by the brothers and nuns has made the Catholics of Australia intelligent people. They know that what Bishop Bill has been saying is correct.

Bishop Bill travelled all over that vast area on his own in a car, whether it was to see little kids at the Quilpie school or people in a nursing home in Toowoomba, whether it was helping professional people rediscover their Catholic faith, whether it was helping with a shovel down at Grantham after the floods or whether it was putting in place the social justice system. He is a wonderful man who is much loved by everybody. He is a special man, he was a special priest and he was a great bishop. The Catholic Church has lost a wonderful man in demoting Bishop Bill, but I know that he will continue to serve the church he loves until the end of his days.

Long, Mr EH



Mr SHINE (Toowoomba North—ALP) (11.46 pm): Recently Toowoomba lost a much loved community volunteer, Edward Hugh Long. I will draw on the ABC reporter Andrew Forster's tribute to Ted. It states—

There is no such word as 'never'.

This was a common statement made by the late Ted Long who passed away on 28th April, aged 85 years.

He will be remembered throughout the community as 'a tireless volunteer', 'generous with his time,' and 'inspirational.'

Ted Long was the heartbeat of the non-government sector of Toowoomba. He volunteered for a long list of organisations such as Lifeline, TOM Net, The Shed Project, The Association of Independent Retirees, East Creek Neighbourhood Centre and Harlaxton Neighbourhood Centre.

He stood for social justice and lived what he advocated. His involvement with the down-and-out right through to the highest level of government in Queensland has seen him rub shoulders with a varied selection of people.

But it didn't worry him, 'people are just people,' he would say.

Ted Long affected people with a sense of duty to take care of those who suffered from social isolation. He had a passion for seniors in the community.

Despite the swag of awards bestowed upon Ted, he would just say that it was a team effort. Queensland Premier Anna Bligh presented him with the Premier's Award for Queensland Seniors in 2008. Premier Bligh forwarded this statement, which I was very pleased to read at his funeral—

The world needs more people like Ted Long. Queensland has lost a tireless volunteer. Ted's energy and spirit were inspiring. He made the world a brighter place for so many people. He will be sorely missed.

Andrew Forster's tribute continues—

Derek Tuffield is the CEO of Lifeline Darling Downs, and he worked with Ted in community development. Like many of the roles that Ted held throughout the community of Toowoomba he offered his services to Lifeline when there was a need. 'Everywhere you turn up, you would find Mr Ted Long. He was on management committees of other organisations, advocating for those most in need.'

...

Ted Long 'never sat still'. A project Ted was most passionate about is The Shed Project.

He worked closely with Lifeline to find and identify space where people can come together and do wood work and chat about what's going on in their life.

...

Lloyd Enkelmann works with the Toowoomba Older Mens Network (TOM Net). He says their mission statement is 'older men helping older men' and says this exactly sums up Ted Long who was an inaugural member of the support group.

'He always had personal stories to tell,

He was approachable, and I think that his wider interest in the community and relaying these interests to TOM Net, helped cement our connection with other organisations within Toowoomba.'

The tribute continues—

Ted Long's involvement with community issues found him on the management committee of the East Creek Neighbourhood Centre.

...

Like everyone Ted Long affected Matt Tamou shares special memories of Ted's work. Matt is the co-ordinator of the Harlaxton Neighbourhood Centre and says Ted Long was a mentor who didn't mince his words and told you exactly what he thought.

'Ted was a man of very few words, a softly spoken man. But when he did speak, people listened.'

Ted is survived by his wife, Vera. He is father and father-in-law to Bradley Long, Jan and Mark Sugden and grandfather to their families. Ted was born and raised on a dairy farm. He became a stockman and then a fettler in the railways. He rose to the position of a railways inspector for Queensland. His ingrained sense of social justice led him to join firstly the DLP and then the ALP, thus joining a select few truly accomplished Labor Party members.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 11.50 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