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# RECORD OF PROCEEDINGS

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## FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT

## Tuesday, 4 March 2014

Subject Page



FS SIMPSON
SPEAKER

NJ LAURIE
CLERK OF THE PARLIAMENT

LJ OSMOND
CHIEF HANSARD REPORTER

# TUESDAY, 4 MARCH 2014

The Legislative Assembly met at 9.30 am.

Madam Speaker (Hon. Fiona Simpson, Maroochydore) read prayers and took the chair.

For the sitting week, Madam Speaker acknowledged the traditional custodians of the land upon which this parliament is assembled.

## ASSENT TO BILLS

**Madam SPEAKER:** Honourable members, I have to report that I have received from Her Excellency the Governor a letter 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 F. Simpson 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: 19 February 2014

> "A Bill for An Act to amend the Police Powers and Responsibilities Act 2000, the Evidence Act 1977 and the Transport Operations (Road Use Management) Act 1995 for particular purposes"
>
> "A Bill for An Act to amend the Public Service Act 2008 and the Police Service Administration Act 1990 to provide for protection of public service employees, police officers and other persons in particular circumstances relating to engaging in conduct in an official capacity"
>
> "A Bill for An Act to establish the Queensland Curriculum and Assessment Authority, to confer particular functions and powers on the authority and to make related minor and consequential amendments to this Act and the other Acts mentioned in schedule 1"
>
> "A Bill for An Act to amend the Agricultural College Act 2005 to rename the Australian Agricultural College Corporation and to establish a new governing board for the corporation, and to make consequential or minor amendments to the legislation stated in schedule 1 for related 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

19 February 2014

*Tabled paper:* Letter, dated 19 February 2014, from Her Excellency the Governor to the Speaker advising of assent to bills on 19 February 2014 [4542].

## ELECTORAL DISTRICT OF REDCLIFFE

### By-Election, Return of Writ

**Madam SPEAKER:** Honourable members, I have to report that the writ issued by me on 28 January 2014 for the election of a member to serve in the Legislative Assembly for the electoral district of Redcliffe has been returned to me with a certificate endorsed thereon by the returning officer of the election on 22 February 2014 of Yvette Maree D'Ath to serve as such member. I table the endorsed writ for the information of the House. I now call the honourable member forward to take the affirmation of allegiance and of office.

*Tabled paper*: Writ for By-Election—Electorate of Redcliffe held on 22 February 2014 [4543].

## MEMBER SWORN

Ms Yvette D'Ath, having waited at the bar of the House, was invited by Madam Speaker to enter the chamber.

Madam Speaker administered the affirmation of allegiance and of office to Ms D'Ath, who then subscribed the Roll of Members.

**Madam SPEAKER:** Honourable members, on behalf of the parliament, I welcome to the Queensland Legislative Assembly the new member for Redcliffe.

*Tabled paper*: Affirmation of Allegiance and of Office taken by Yvette D'Ath on 4 March 2014 [4544].

## SPEAKER'S STATEMENT

### Absence of Member

**Madam SPEAKER:** Honourable members, on 14 January 2014 I received a letter from the member for Mount Coot-tha advising of her absence from the House during the sitting weeks beginning 11 February, 4 March and 18 March 2014. The member's notification complies with standing order 263A. We congratulate the member for Mount Coot-tha on the birth of her daughter.

**Honourable members:** Hear, hear!

## SPEAKER'S RULING

### Alleged Deliberate Misleading of the House by a Member

**Madam SPEAKER:** Honourable members, on 20 February 2014 I received correspondence from the—I will now ask that, in accordance with our agreement, the cameras be removed—Honourable members, on 20 February 2014 I received correspondence from the chair of the Crime and Misconduct Commission. This correspondence included prima facie documentary evidence that the member for Mudgeeraba read material from a third party into the parliamentary record which was known to her personally to be incorrect. The implication is that by reading this incorrect material into the record the member deliberately misled the Assembly on 15 October 2013. Having considered this matter, I have decided that I will refer the matter under standing order 268(2). I have, therefore, referred the matter to the Ethics Committee.

## SPEAKER'S STATEMENT

### Temporary Seating

**Madam SPEAKER:** Honourable members, I advise that I have agreed to the Treasurer sitting in the Minister for Education's seat temporarily as he recovers from knee surgery.

## APPOINTMENTS

### Opposition

**Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (9.35 am): Madam Speaker, I table for the information of the House details of opposition appointments to the shadow cabinet. This shadow cabinet reshuffle was required due to the election of Yvette D'Ath as the new member for Redcliffe. It is my pleasure to welcome the new member for Redcliffe to the shadow cabinet and advise the House that she has accepted the shadow portfolios of education and training, disability services and science, IT and innovation.

*Tabled paper*: Shadow Cabinet appointments [4545].

## PETITIONS

The Clerk presented the following paper petition, lodged by the honourable member indicated—

**Coochiemudlo Island Ferry-TransLink Service**

**Mr Dowling**, from 304 petitioners, requesting the House to alter the proposed timetables for TransLink routes 274 and 270 to improve bus services and allow for improved connection times with Coochiemudlo Island Ferries [4546].

The Clerk presented the following paper petitions, sponsored by the Clerk in accordance with Standing Order 119(3)—

**Mackay Sugar and QUBE Logistics, Permits**

From 312 petitioners, requesting the House to amend any permits granted to Mackay Sugar and QUBE Logistics so no cane is transported through Mount Molloy and Julatten between the hours of 9pm and 6 am nightly and no cane trucks traverse the road between Biboohra and Mossman between 7am and 9am and 2pm and 4pm on school days [4547].

**Toondah Harbour Priority Development Area**

From 1,211 petitioners, requesting the House to withdraw the over development envisaged by the Toondah Harbour Priority Development Area Proposed Development Scheme and to review the long-term enhancement of the area [4548].

The Clerk presented the following paper and e-petition, lodged and sponsored by the honourable member indicated—

**Moreton Island, Commercial Fishing**

**Mr Holswich**, from 1,845 petitioners, requesting the House to close all waters to commercial fishing activities on the main island of Moreton Island and adjacent tidal flats for a distance of 200 metres from the low water mark [4549], [4550].

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

**Logan-Padstow Road, Intersection, Turning Lane**

200 petitioners, requesting the House to extend the right turning lane for vehicles travelling from Logan Road onto Padstow Road and to redirect council buses so that they are able to join Logan Road/Padstow Road other than via this intersection [4551].

**Cannabis, Legalisation**

956 petitioners, requesting the House to legalise cannabis Sativa, Indica and Ruderalis for recreational use in Queensland for 18+ [4552].

Petitions received.

# TABLED PAPERS

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

14 February 2014—

4520 Transport, Housing and Local Government Committee: Report No. 40—Subordinate legislation tabled 15-29 October 2013

4521 Transport, Housing and Local Government Committee: Report No. 41—Review of the Auditor-General's Report to Parliament 5: 2013-14—Traffic Management Systems

4522 Transport, Housing and Local Government Committee: Transport, Housing and Local Government Committee: Report No. 39—Inquiry into Cycling Issues: A new direction for cycling in Queensland—Erratum

4523 Letter, undated from the Premier of Queensland to the Speaker of the Legislative Assembly regarding travel to Guangdong

4524 Northern SEQ Distributor-Retailer Authority Participation Agreement

17 February 2014—

4525 Queensland Law Reform Commission—Annual Report 2012-13

4526 Office of the State Coroner—Annual Report 2012-13

18 February 2014—

4527 National Environment Protection Council—Annual Report 2012-13

4528 Children's Health Foundation—Annual Report 2012-13: Erratum

4529 Health and Community Services Committee: Report No. 38—Auditor-General's Report to Parliament No. 2 for 2012-13: Follow up of 2010 audit recommendations

4530 Health and Community Services Committee: Report No. 39—Subordinate legislation tabled between 21 August 2013 and 15 October 2013

24 February 2014—

4531 Agriculture, Resources and Environment Committee: Report No. 35—Biosecurity Bill 2013

4532 Agriculture, Resources and Environment Committee: Report No. 36—Subordinate legislation tabled between 11 September and 29 October 2013

4533 Legal Affairs and Community Safety Committee: Report No. 51—Property Occupations Bill 2013

4534 Legal Affairs and Community Safety Committee: Report No. 52—Motor Dealers and Chattel Auctioneers Bill 2013

4535 Legal Affairs and Community Safety Committee: Report No. 53—Debt Collectors (Field Agents and Collection Agents) Bill 2013

4536 Legal Affairs and Community Safety Committee: Report No. 54—Agents Financial Administration Bill 2013

4537 Legal Affairs and Community Safety Committee: Report No. 55—Fair Trading Inspectors Bill 2013

4538 Legal Affairs and Community Safety Committee: Report No. 56—Electoral Reform Amendment Bill 2013

27 February 2014—

4539 Letter, dated 27 February 2014 from the Minister for Police, Fire and Emergency Services (Mr Dempsey) to the Clerk of the Parliament regarding a review of Part 2A of the Public Safety Preservation Act 1986 and enclosing the Council of Australian Governments Review of Counter-Terrorism Legislation

28 February 2014—

4540 Queensland Racing Commission of Inquiry Report, February 2014

3 March 2014—

4541 Response from the Minister for Transport and Main Roads (Mr Emerson) to an ePetition (2206-14) sponsored by the Clerk in accordance with Standing Order 119(4), from 2 petitioners, requesting the House to address the significant safety issues associated with the roundabout located at New Settlement Road and Banyan Street, Narangba and provide funding to implement solutions

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Health Ombudsman Act 2013—

4553 Proclamation commencing remaining provisions, No. 15

4554 Proclamation commencing remaining provisions, No. 15, explanatory notes

Education (Accreditation of Non-State Schools) Act 2001—

4555 Education (Accreditation of Non-State Schools) Amendment Regulation (No. 1) 2014, No. 16

4556 Education (Accreditation of Non-State Schools) Amendment Regulation (No. 1) 2014, No. 16, explanatory notes

Work Health and Safety Act 2011—

4557 Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2014, No. 17

4558 Work Health and Safety (Codes of Practice) Amendment Notice (No. 1) 2014, No. 17, explanatory notes

Health Legislation Amendment Act 2013—

4559 Proclamation commencing remaining provisions, No. 18

4560 Proclamation commencing remaining provisions, No. 18, explanatory notes

Public Health Act 2005—

4561 Public Health Amendment Regulation (No. 1) 2014, No. 19

4562 Public Health Amendment Regulation (No. 1) 2014, No. 19, explanatory notes

Industrial Relations Act 1999—

4563 Industrial Relations Amendment Regulation (No. 1) 2014, No. 20

4564 Industrial Relations Amendment Regulation (No. 1) 2014, No. 20, explanatory notes

MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial papers were tabled by the Clerk—

Attorney-General and Minister for Justice (Mr Bleijie)—

4565 Queensland Law Reform Commission—A Review of the Trusts Act 1973, December 2013

4566 Queensland Law Reform Commission—A Review of Religious and Certain Other Community Organisation Acts, December 2013

MEMBERS' PAPERS TABLED BY THE CLERK

The following members' papers were tabled by the Clerk—

Member for Cleveland (Dr Robinson)—

4567 Non-conforming petition relating to the lost bus service 256 from Cleveland Point to Cleveland shops

Member for Albert (Mr Boothman)—

4568 Non-conforming petition relating to the need to prioritise Safer Roads Sooner Funding for the intersection at Milne Street and Honeyman Street

Member for Inala (Ms Palaszczuk)—

4569 Letter, dated 3 March 2014 from the Leader of the Opposition (Ms Palaszczuk) to the Integrity Commissioner (Dr David Solomon) regarding meetings with registered lobbyists during the month of December 2013

4570 Letter, dated 3 March 2014 from the Leader of the Opposition (Ms Palaszczuk) to the Integrity Commissioner (Dr David Solomon) regarding meetings with registered lobbyists during the month of January 2014

4571 Opposition Diary—Leader of the Opposition, 1 December 2013-31 December 2013

4572 Opposition Diary—Leader of the Opposition, 1 January 2014-31 January 2014

REPORT TABLED BY THE CLERK

The following report was tabled by the Clerk—

4573 Report pursuant to Standing Order 165 (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—

**Police Powers and Responsibilities and Other Legislation Amendment Bill 2013**

Amendments made to Bill

**Short title and consequential references to short title—**

*Omit—*

Police Powers and Responsibilities and Other Legislation Amendment Act 2013

*Insert—*

Police Powers and Responsibilities and Other Legislation Amendment Act 2014

**Public Service and Other Legislation (Civil Liability) Amendment Bill 2013**

Amendments made to Bill

**Short title and consequential references to short title—**

*Omit—*

Public Service and Other Legislation (Civil Liability) Amendment Act 2013

*Insert—*

Public Service and Other Legislation (Civil Liability) Amendment Act 2014

**Education (Queensland Curriculum and Assessment Authority) Bill 2013**

Amendments made to Bill

**Short title and consequential references to short title—**

*Omit—*

Education (Queensland Curriculum and Assessment Authority) Act 2013

*Insert—*

Education (Queensland Curriculum and Assessment Authority) Act 2014

**Agricultural College Amendment Bill 2013**

Amendments made to Bill

**Short title and consequential references to short title—**

*Omit—*

Agricultural College Amendment Act 2013

*Insert—*

Agricultural College Amendment Act 2014

# MINISTERIAL STATEMENTS

## Ministerial Expenses

**Hon. CKT NEWMAN** (Ashgrove—LNP) (Premier) (9.39 am): May I congratulate and welcome to the House the new member for Redcliffe, Yvette D'Ath, and wish her every success in the service of her community as a representative in this chamber.

I lay upon the table of the House the public report of ministerial expenses for the period from 1 July 2013 to 31 December 2013. The report shows that ministerial expenditure continues to be kept to reasonable levels. This is consistent with the government's overall economic management aimed at getting Queensland back on track and restoring our AAA credit rating. Major items of expenditure outlined in the report are salaries and related costs at approximately $11.708 million, administrative costs at approximately $5.954 million and depreciation of $112,479. I commend the report to the House.

*Tabled paper*: Public Report of Ministerial Expenses for the period 1 July 2013 to 31 December 2013 [4574].

## United States, Trade Mission

**Hon. CKT NEWMAN** (Ashgrove—LNP) (Premier) (9.40 am): Labor had no plan for Queensland's economy when they were in government and, sadly, they still have no plan today. In contrast, the LNP government has a clear plan to grow a four-pillar economy and a much better story to tell the world about economic growth, jobs and returning business confidence.

We are outstripping the rest of Australia. Our state economy had the strongest growth in the September quarter of 2013 of any Australian state. We have been growing at around 4.1 per cent—much higher than the rest of Australia at 1.9 per cent. Queensland's trend employment growth in the year to January 2014 is also more than three times greater than the national rate. This means 20,000 more Queenslanders are in work than at this time last year. We are seeing business across a number of sectors regaining confidence and committing to investing, employing and growing in Queensland.

We have a great story to tell about the performance of the Queensland economy and the work that this government is doing to support this improved performance. And we will be out there talking to Queenslanders and our international trade partners about the results we are getting in turning the state around, turning the financial position around, turning the economy around and getting conditions right for businesses to grow and create jobs.

Madam Speaker, later this week I will be leading a trade delegation to the United States of America. The delegation is made up of a very diverse group of leading Queensland business executives, heads of financial institutions and leaders of academia, and we will be focusing on presenting Queensland's economic success story. The United States of America is not just a significant goods and services trading partner but a major source of overseas investment in Queensland. We want American exports and investment in Queensland to grow to support new economic opportunities and more jobs for Queenslanders.

One of the mission's highlights will be opening a new Queensland government office in Houston, a global hub for the oil and gas sector. The Houston office will be Queensland's North American headquarters and will help Queensland business secure more investment and business from American companies. Madam Speaker, I look forward to leading this trade mission and to the trade, investment and growth outcomes that will follow it.

## Electoral Commission, Redcliffe By-Election

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (9.42 am): An unfettered right to vote is a hallmark of all liberal democracies. There is no greater symbol of our freedoms than citizens being able to cast a vote free from coercion or intimidation. There is no greater threat to our democracy and its institutions than the threat imposed by those who seek to limit the right of citizens to cast a free vote. This is more than an abstract discussion. While it is difficult to imagine that such a debate would have any relevance in contemporary society, it remains a very real issue today.

It is with regret that I have to advise the House that last Thursday I received a letter from the Acting Electoral Commissioner, Mr Walter van der Merwe, concerning events surrounding the Redcliffe by-election. The Acting Electoral Commissioner wrote—

I am in receipt of numerous complaints, both formal and informal, from a range of persons about unacceptable conduct taking place before and during the conduct of the by-election.

The central issue on polling day was the aggressive and intimidating manner in which the supporters of the political parties conducted themselves, not only towards the public and supporters of other political parties but also staff of the Electoral Commission of Queensland.

The Acting Electoral Commissioner pointed to three main areas of concern: first, the overt intimidating and obstructing behaviour towards the public and election staff; secondly, the excessive display of political statements and the manner and time in which those statements were erected and displayed; and, thirdly, the conduct and number of scrutineers at the Saturday night count. The Acting Electoral Commissioner further characterised the nature and extent of the complaints received and the concern expressed by his staff as 'unprecedented in recent times'.

He indicated in his letter that, in accordance with section 7(1)(c) of the Electoral Act 1992, the ECQ is to consider and report to the minister on such electoral matters as the commissioner considers appropriate. He continues—

I formally now inform you that I intend to conduct an internal inquiry into this matter and to report to you in due course.

It would be my desire that the report I present to you be tabled in the Legislative Assembly as it may contain recommendations for amending the Electoral Act and changing electoral practices.

The Acting Electoral Commissioner has indicated that he expects to finalise his report in about six weeks time and will be engaging with the electors of Redcliffe 'to ensure that any concerns that need to be addressed are actioned in a timely and appropriate manner'. The Acting Electoral Commissioner has also requested that, in view of the possibility of changes to electoral laws being recommended, further consideration of the Electoral Reform Amendment Bill 2013 be delayed until the report is completed. The government is happy to accede to that request.

I report to the House today with a deep sense of regret that an independent public official has cause to write to me in such terms. Democracy is a fragile structure. Those who take it for granted and fail to be vigilant in its defence are its greatest enemies. The behaviour evident in Redcliffe nearly two weeks ago demonstrates why our democratic institutions are worth protecting. I can assure the House that this government awaits the commission's report with interest and will do whatever is required to assist the Acting Electoral Commissioner. For the information of the House I table the Acting Electoral Commissioner's advice, dated 27 February 2014.

*Tabled paper*: Letter, dated 27 February 2014, from the Acting Electoral Commissioner to the Attorney-General and Minister for Justice, Hon. Jarrod Bleijie, regarding complaints received about unacceptable conduct at the Redcliffe by-election [4575].

## Galilee Basin Development Strategy

**Hon. JW SEENEY** (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (9.45 am): In November 2013 the Premier released the Galilee Basin Development Strategy to facilitate the future development of the Galilee Basin and grow the resources sector as one of the four pillars of the Queensland economy. The development of the Galilee Basin mines and the infrastructure to support them is set to deliver the next wave of resource sector jobs to Queenslanders. This government is determined to grow the business of the state, and we will do all we can to facilitate the progression of the projects proposed for the Galilee Basin and the jobs that they provide.

This government promised to deliver better infrastructure and better planning, and that is precisely what we are doing as a critical part of Queensland with our Galilee Basin Development Strategy. The development of proposed mines such as the Alpha, Kevin's Corner and Carmichael coalmines have the potential to deliver up to 28,000 new jobs for Queenslanders: 15,000 jobs are forecast to be created during construction and over 13,000 jobs when the mines are operational. It is predicted that these projects will generate an investment of $28.4 billion—investment dollars that have the potential to spin not only through local economies but right across the state economy.

The state government is continuing to ensure that these proposed projects get the support they need to come to fruition. Queensland's independent Coordinator-General has begun consultation on a proposed Galilee Basin state development area to facilitate the timely delivery of critical infrastructure like rail and provide capacity for all miners to access the port of Abbot Point. In early January the Coordinator-General wrote to over 400 stakeholders including landholders, native title representative bodies, local governments and proponents. Detailed information on the Galilee Basin state development area has been provided in the form of mapping, a draft development scheme and fact sheets.

It is very important to highlight yet again that only a very small fraction of the land currently identified within the proposed state development area will be required for rail infrastructure, and the state development area will shrink to reflect the first mover's preferred rail corridor as soon as that is identified. Queensland needs new resource sector jobs, and the Galilee Basin projects will be critical in providing them for Queenslanders today and generations to come.

## Queensland Economy

**Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (9.48 am): It gives me no pleasure to report to the House that Labor's debt of $80 billion has seen our interest payments continue to rise. In the 19 days since we last sat in this place the interest bill on Labor's $80 billion of debt has accumulated another $205.2 million in interest payments. If it were not for this government's sound financial management, that figure would be even higher.

**Mr Pitt:** You're the one who's added $14 million of debt.

**Mr NICHOLLS:** Madam Speaker, I hear the member for Mulgrave. My leg might be sore but my hearing has not gone anywhere! I heard the member for Mulgrave on ABC Radio this morning. I wondered how long I would get through my ministerial statement before he would respond. I do not think I got more than two lines in. Here he is, the honourable member for Mulgrave, on ABC Radio.

He said, 'So Labor's going to be providing a fulsome debt repayment plan to the people of Queensland before the next election.' That is what he said. Steve Austin said, 'I need to understand very clearly. Your position is to increase debt repayments. How would you do that?' The member for Mulgrave replied, 'Well, Steve, we will be having a plan that looks at returning the state to surplus and then, of course, paying down debt.' Steve Austin said, 'So in other words you don't have a plan yet but you plan to have a plan.'

Two years in the job and all the most well-resourced opposition in Australia has worked out is a plan to have a plan. No wonder we are holding $80 billion of Labor debt and no wonder in just 19 days another $205.2 million of interest has been added to the bill that the taxpayers of Queensland have to pay—$205.2 million. If it were not for the work this government has done—the sound financial management we have put in place—the situation would be even worse.

Our sound financial management is also paying other dividends for the people of Queensland. The state accounts compiled by Queensland Treasury and released last week show that Queensland is the outstanding state economy in the nation. As the Premier said, in the year to the September quarter, our economy grew at 4.1 per cent in trend terms compared to the rest of Australia at just 1.9 per cent. In the September quarter alone—just the three months of that quarter—Queensland experienced growth in gross state product of one per cent, double the average growth of the other states.

In line with the forecasts in the budget, the growth in our economy is being driven by increases in household consumption. Consumers have confidence to buy, to spend and to enjoy the benefits of what we are doing in the economy. Household consumption was up 0.9 per cent for the quarter compared to 0.4 per cent for the rest of Australia and up 2.8 per cent for the year.

Increasing consumption reflects the fact that Queenslanders are confident in where the economy is headed. Private investment also increased 1.8 per cent for the year and contributed half a per cent to overall growth. Business investment was also up, increasing 2.7 per cent over the year, underpinned by non-dwelling investment which increased 4.8 per cent.

Our exporters are also making a significant contribution to the state's economic growth, with net exports of goods and services increasing by 3.1 per cent over the year to the September quarter. This reinforces the work we have done in reinvigorating Trade and Investment Queensland, as you have recently experienced, Madam Speaker, reinforcing the need for trips such as the Premier's as we open new offices in new markets in North America.

Since we have come to office we have seen Queensland move from being the state with the highest unemployment rate on mainland Australia to the state with the third lowest in trend terms. There are now 20,000 more Queenslanders in a job than there were 12 months ago. In fact—

**Mr Pitt** interjected.

**Mr NICHOLLS:** Madam Speaker, he interjects again. 'Underemployment', he says, completely ignoring in his press release last week the fact that the ABS—the organisation whose numbers he is relying on—said you cannot rely on annual ABS underemployment numbers; you should rely on the quarterly numbers. Not only has he had two years to come up with a plan for a plan; when he gets ABS figures he cannot even use them properly. He says, 'I am the member for Mulgrave. I have been in the tropics cooking away up there. The sun has been doing funny things to me. I know; I don't need to listen to what the ABS says. I will just report those figures without any hindrance or without even paying any attention to them.' The member for Mulgrave truly is an asset to the people of North Queensland.

**Mr Cripps** interjected.

**Mr NICHOLLS:** The member for Hinchinbrook disagrees. The level of growth we are experiencing is not enough to sustain us into the future while we are weighed down by the $80 billion debt those opposite left Queensland as their legacy. A growing economy will inevitably lead to some increases in state revenue, but it will not be enough to lead to a reduction of our $450,000 a year Labor interest bill. It will not be enough to get back the AAA credit rating that Labor squandered. It will not be enough to build the roads, hospitals and schools that Queensland needs as our population grows to seven million by 2036. We will only be able to deliver the infrastructure of the future if we can pay down the Labor debt of the past and reduce our interest payments. All Queenslanders need to consider the choices we face so that we can inject funds into job-creating infrastructure projects and secure Queensland's financial future.

## National Disability Insurance Scheme

**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (9.54 am): The Queensland government is committed to implementing the NDIS and giving Queenslanders with a disability choice and control over their supports, services and ultimately their lives. We are now well on the journey to preparing Queensland for the NDIS. We are progressing in a calm, considered manner to ensure that clients have unbroken continuity and are prepared to take advantage when the scheme is fully operational. This is an exciting time for the sector.

One of the most exciting aspects of the NDIS is that we will need around 13,000 more Queenslanders working in the sector to provide the level of care and support available under the NDIS. Not only is this government supercharging our economy and creating jobs in our four pillar industries; the disability sector is set for a jobs explosion. There will be twice as many Queenslanders receiving specialist care under the NDIS and so the workforce will need to increase at a similar rate.

This new workforce will also need to be trained with up-to-date skills in readiness for the full rollout. That means that building the workforce must start now. There are thousands of Queenslanders considering further training. Whether they have recently left school, are looking to rejoin the workforce or pondering a career change, I encourage Queenslanders to consider a rewarding and fulfilling career in the disability sector.

I am pleased to inform the House that the Newman government has already started on the task of building this workforce. The Sector Readiness and Workforce Capacity Initiative is a $1.9 million commitment that will assist the non-government community services sector and its workers to prepare for the NDIS. This initiative will allow current employees to upgrade their formal qualifications and collaborate to build capacity. This initiative helps people with a disability prepare to manage their own funding to give them choice and control over their lives and the services they receive.

We will need to support Queenslanders with a disability as well as their families and their carers across the entire state. This means that there will be jobs available in the disability sector in the south-east corner, regional centres as well as remote and discrete communities. This government is building a strong economy and stimulating jobs growth across all sectors. The disability sector is no exception, and I look forward to updating the House on more great opportunities as we progress towards the NDIS.

## Great Barrier Reef

**Hon. AC POWELL** (Glass House—LNP) (Minister for Environment and Heritage Protection) (9.56 am): I would like to talk about the facts, the reef facts. It is a well-known fact that the Great Barrier Reef is Queensland's most treasured natural wonder and, as a World Heritage site, one of our most important international tourism icons. It is a fact that the reef supports some 67,000 jobs and generates some $5.4 billion each and every year in tourism alone. It is also a fact that $40 billion worth of exports are shipped out of our ports each and every year. Because of its natural beauty and because the waters in and adjacent to the Great Barrier Reef Marine Park are vital to Queensland's economy, it is important that the national and international community have confidence in how the reef is managed.

It is a fact that the Newman government is doing more to protect the Great Barrier Reef than any other state government has before it—a simple fact that needs to be recognised. But, unfortunately, this confidence is being undermined by extreme Greens and their Labor mates who continue to make outlandish and unsubstantiated claims about threats to the reef. These armchair reef experts resort to fear, falsehoods and exaggeration. When they do this, they tarnish our state's great reputation and they put at risk those same 67,000 jobs in the tourism industry that rely on visitors to our great state to visit the Great Barrier Reef.

This week I proudly launched the Queensland government's new reef facts website, which will provide the people of Queensland and the international community with the full facts on the Great Barrier Reef and our efforts to ensure that it remains the best managed marine ecosystem in the world. Unfortunately, the need for reef facts has emerged because we have seen a concerted campaign of misinformation being peddled by extreme groups and, sadly, by political parties who are using the reef as a campaign fundraising tool. Reef facts is a fact based source of information that will combat those who resort to cheap media grabs that threaten our reputation and threaten Queensland jobs.

The Newman government is providing an open and transparent account of what is happening on the Great Barrier Reef through reef facts because we believe that Queenslanders deserve the truth. We on this side of the House know that we can strike a balance between—

**Madam SPEAKER:** I will ask the minister to wrap up.

**Mr POWELL:**—sensible and safe port development and continued protection of our precious reef. I encourage everyone to visit www.reeffacts.qld.gov.au. It contains great facts about the Great Barrier Reef in this great state that provides great opportunity.

## EDUCATION AND INNOVATION COMMITTEE

### Membership

**Mr STEVENS** (Mermaid Beach—LNP) (Leader of the House) (9.59 am), by leave, without notice: I move—

That the member for Woodridge, Mrs Desley Scott, be discharged from the Education and Innovation Committee and that the member for Redcliffe, Mrs Yvette D'Ath, be appointed to the Education and Innovation Committee.

Question put—That the motion be agreed to.

Motion agreed to.

## PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

### Report

**Mr DAVIES** (Capalaba—LNP) (10.00 am): Pursuant to section 4.7(4) of the Police Service Administration Act 1990, I lay upon the table of the House a letter from the chairperson of the Crime and Misconduct Commission to the Parliamentary Crime and Misconduct Committee, dated 30 January 2014, enclosing a letter to the chairperson of the Crime and Misconduct Commission from the Police Commissioner, dated 28 January 2014, which attaches a certified copy of the register of reports and recommendations to the police minister, ministerial directions and tabled reasons 2013. Section 4.7(4) of the Police Service Administration Act 1990 provides that the chair of the committee must table a copy of the register and all related comments within 14 sitting days of receipt. The committee received the register on 30 January 2014. The register records that during 2013, no reports, recommendations, ministerial directions or tabled reasons qualified for inclusion in the register. The chairperson of the CMC furnished the register without further comment.

*Tabled paper*: Certified copy of the Register of Reports and Recommendations made to the Police Minister, Ministerial Directions and Tabled Ministerial Reasons 2013, dated 17 January 2014, together with a covering letter, dated 17 January 2014, from I Stewart, Commissioner, Queensland Police Service to Dr K Levy, Acting Chairperson, Crime and Misconduct Commission, and a covering letter, dated 28 January 2014, from the Acting Chairperson, Crime and Misconduct Commission to Mr Steve Davies MP, Chair, Parliamentary Crime and Misconduct Committee [4576].

## REPORT

### Office of the Leader of the Opposition

**Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (10.01 am): I table the public report of the office expenses for the Office of the Leader of the Opposition for the period 1 July 2013 to 31 December 2013.

*Tabled paper*: Public Report of Office Expenses Office of the Leader of the Opposition for the period 1 July 2013 to 31 December 2013 [4577].

## NOTICE OF MOTION

### Newman Government, Anticrime Gang Laws

**Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (10.01 am): I give notice that I will move—

That this House:

- acknowledges that the Newman government's anticrime gang laws are not workable and, in some cases, are impacting on innocent Queenslanders;

- notes the Premier's comments after the Redcliffe by-election, claiming that he and his government would listen to Queenslanders more; and
- in line with that promise, and in accordance with Standing Order 200:
  - instructs the Legal Affairs and Community Safety Committee to urgently undertake a public inquiry into anticrime gang laws to deliver workable laws that Queenslanders can support;
  - instructs the committee to consult with stakeholders and interested parties including the Queensland Law Society, the Bar Association of Queensland, the judiciary, the police, representatives of recreational motorcyclists and the public;
  - instructs the committee to undertake any other investigations, enquiries or inspections it deems necessary; and
  - instructs the committee to report back to this House by Friday, 9 May 2014.

## QUESTIONS WITHOUT NOTICE

**Madam SPEAKER:** Question time will finish at 11.02 am.

### Queensland Health, Employment Contracts

**Ms PALASZCZUK** (10.02 am): My question is to the Premier. I refer to the assistant health minister's letter to his party room colleagues about the new contracts for specialists, and I ask: will the Premier confirm that his assistant health minister has concluded that these new contracts will 'harm patients' and 'result in patient outcomes being compromised'?

**Mr NEWMAN:** In relation to this issue of doctors' contracts, there are a few things that I would like to say this morning. Firstly, this government is committed to the best free public health system and hospital system in the nation. Since we were elected that is what we have been achieving. We have slashed elective surgery waiting times. In the last fortnight or so the AMA has put out a report that confirmed that we have the best waiting times in the nation. We have slashed the waiting times in emergency departments and they are now performing very well as well. Ambulance ramping has all but ended and we have seen a huge reduction in numbers on the public dental waiting list. That is what we have been doing in this space. We have been undertaking these reforms over the past two years.

In relation to doctors, let me say this to be absolutely clear: I and every member of this government and this parliamentary team totally respect our hardworking doctors. They are highly regarded, highly professional and they do great work. At the end of the day these contracts will put them on a very firm and positive employment contract that will be to their benefit. There are four elements in the contracts that actually improve the job security for doctors. Firstly, they have a direct relationship with their employer, the local health service, not the central departmental headquarters at 100 George Street. Secondly, their severance pay will increase from three months to six months. Thirdly, there will be no more uncertainty about transfers, which could have been undertaken under the current system to anywhere in the state. Now they can be transferred only within their local health service. I think that is a great positive. Fourthly—and importantly—they now have recourse to the common law which at the moment is not available to them, and honourable members can think of all the common law precedents in terms of the employer-employee common law relationship and contracts.

My point is this: these contracts will put our hardworking doctors in a better position than they are under the current arrangements. They are an important part of reform. Why do we need to undertake reform? One thing I can throw up is that the Auditor-General has commented on some of the problems in relation to the employment of SMOs and, to a certain extent, VMOs.

I urge our doctors to look beyond some of the misinformation they have been given. There is great information about how positive these changes are. I urge them to look at that. I know that at the end of the day they want to do the right thing by their patients. I am confident that they will do the right thing by their patients and will continue on. Those doctors here in Queensland will be getting the best deal of any state. It is also a better deal than they would get in the private sector. We must all work together on that goal of ensuring that Queensland has the best free public health system in the nation.

### Queensland Health, Employment Contracts; Redcliffe By-Election

**Ms PALASZCZUK:** My next question is to the Premier. I refer to the Premier's pledge to listen more following the Redcliffe by-election, and I ask: will the Premier now listen to the concerns of specialist doctors and his own assistant minister, withdraw the current contracts being offered and commence fresh consultations with these doctors?

**Mr NEWMAN:** I have just covered the issue of the contracts and what we are trying to achieve, but I will go into a bit more detail. The government is listening and it has been consulting. In recent weeks and months I and many members of the parliamentary team—not just ministers—have had meetings with doctors. I had a meeting with three doctors in my local office, two of whom were constituents. We spent half an hour on the issue. I even had a senior person from Queensland Health come out and answer their concerns. Frankly, I have to say that at the end of that meeting I could not see any more reasons for objections. I could not see what the concerns were. Again, I will go through it. They will not be paid any less, their terms and conditions are not being eroded and I have just pointed out four very good reasons they will have greater job security.

In answer to the question asked by the Leader of the Opposition, not only is the government prepared to listen and consult more right now but the government, on this particular important and critical issue for patients and the entire health system, has been listening and has been consulting and we are prepared to do a whole lot more. I want to table a statement from Dr Davis that he has sent out this morning.

*Tabled paper*: Statement, dated 4 March 2014, by Dr Chris Davis MP, Assistant Minister for Health [4578].

In it he is saying that he is supportive of the objectives of these contracts. He points out, as I have, that the new contracts increase job security, and he makes a number of points there. The letter states—

The Minister has been able to satisfy all—including me—of his commitment to ensuring fair remuneration for our doctors and patient safety are not only addressed, but vastly improved under the new model.

This has been debated at length in the LNP party room. It has strong support from all LNP members and it was right and proper that Dr Davis raised those matters there. It was also discussed—and I am at liberty to divulge this with the authorisation of the LNP president—on the weekend during a closed session at the meeting of the LNP state council in Toowoomba. However, I am happy to reveal that, after significant debate, the state council totally supported the position of the government.

Why, Madam Speaker? Because it is all about having the best free public hospital system in the nation. It is about giving doctors security of employment and making sure that they continue to get a better deal in Queensland than they would get in any other state and certainly, arguably, a better deal than they would even get in the private sector. Is it not comforting, Madam Speaker, that we have robust debate, a great deal of consultation with doctors, a government that is prepared to listen and, more importantly, as doctors go forward and look at their individual health services arrangements there is the opportunity for them to further tailor these contracts to meet their local needs as a group and their individual needs as professionals within the health service. In conclusion, again I say that the government and I totally respect and admire our hardworking doctors, and we will do the right thing by them and their patients.

## Lytton Electorate, Jobs

**Mr SYMES:** My question without notice is to the Premier. Premier, can you please inform the House what this government is doing to create jobs in my electorate of Lytton?

**Mr NEWMAN:** I thank the honourable member for his question. Again it allows me to demonstrate that Queensland is truly the economic powerhouse of the nation. I recently had the privilege of opening the new Bunnings distribution centre in the member's electorate of Lytton. The investment of Bunnings is quite staggering when you see the vast new distribution centre with its huge warehouse, but a lot more will be happening in this state because their investment, as we already know, spreads right across Queensland with many stores under construction at West Ipswich, Manly West and Gympie. Construction will soon begin at Burleigh Heads, South Mackay, North Mackay and Bundamba. Some of those opposite are seeing investment and job opportunities coming to their own electorates. Not only does this mean 2,500 permanent jobs in Queensland over the next five years in the Bunnings organisation but also it means 5,900 jobs being created across Queensland during the construction phase.

It is good news for all Queenslanders and follows recent economic data. The Australian Property Council and ANZ nationwide survey of confidence in the construction sector shows that Queensland now has the leading level of confidence. I have to contrast that with where we were four or five years ago with the Bligh government. Confidence had tanked. It was not the GFC; it was their antigrowth policies. I digress, but in 2009 I recall going to a growth summit at the State Library which could have been better characterised as an antigrowth summit—'How will we kill the development

industry?'—because at the time the polls were saying that they were concerned about people coming to Queensland. So Anna Bligh, the Labor Party and honourable members opposite decided to kill the development industry.

We are creating jobs and other sectors are being boosted. Apart from the drought, the agriculture sector now has new confidence. We are seeing the tourism industry very strongly going forward, and that is why the Queensland economy grew at 4.1 per cent in the September quarter last year compared to 1.9 per cent for the rest of Australia.

I heard those opposite earlier interject, 'It is LNG!' It is not just LNG; it is particularly the jobs that are being created in tourism and the wave of new investment all the way from Port Douglas down to the Gold Coast. Over the last 12 months Queensland was one of only three states where jobs were created. We can see that this government is continuing to deliver on its promise to boost the four pillars, because this will be a great powerhouse state going forward—

*(Time expired)*

## Queensland Health, Employment Contracts

**Mr MULHERIN:** My question is to the Premier. Premier, I refer to the comments by the Minister for Health that consultation on the new contracts for specialist doctors has concluded. Will the Premier outline what arrangements the government has negotiated in the contract for dealing with unfair dismissal and fatigue management?

**Mr NEWMAN:** I would suggest that those opposite may want to ask the Minister for Health. At the meeting with the doctors in my electorate office to which I referred we went through these matters in detail. At the conclusion of that conversation the doctors were only able to respond, 'Well, it's been dealt with.' That is the answer I give today: It's been dealt with effectively. I just want to again say that we totally respect and applaud the work of our hardworking doctors. We think they are fantastic. They deserve to be well remunerated and have great terms and conditions, and that is what they are getting. The only people who are telling them otherwise are a few people who, I am afraid to say, have their own political interests at heart. But when doctors sit down and look at the contracts and discuss them with their local MPs or health service managers, these sorts of doubts go away.

Far be it from me to reveal conversations in the party room, but yesterday a number of honourable members stood up and spoke about conversations that they too had had with local doctors. It was quite interesting to hear that, in every case that was brought up, once doctors heard the facts they were reassured and indeed happy. I point to the fact that we are now seeing doctors sign contracts. I refer to a case I heard on the weekend about a doctor who had tendered a resignation, only to withdraw it about 48 hours later when he realised that what he was getting was a good deal which recognised his great performance in the health system. I am happy to answer questions today about the doctors' contracts until the cows come home, because this is about our agenda to get the best free public health system in the nation.

Again, I should talk about achievements, because we are seeing performance which has dramatically improved. Where were we three or four years ago with Labor in charge? In our hospitals in South-East Queensland we had ambulance queues, ambulance bypass and ramping. What has happened? That has all but gone. We are seeing dramatic improvements in our national emergency access targets right across the system. The Redcliffe Hospital, for example, has itself seen great improvements. I have been going around to the hospitals to congratulate hardworking staff. The AMA has said that elective surgery figures are the best in the nation. Were they the best in the nation two and a half years ago? No, they were not because those people opposite were in charge, and we know they are poor managers. About 15 months ago there were 65,000 on the public dental waiting list, and that is now down to 7,000 or fewer. That is a great track record of improvement and there is more to come—

*(Time expired)*

## Galilee Basin

**Mrs MENKENS:** My question without notice is to the Deputy Premier and Minister for State Development, Infrastructure and Planning. Can the Deputy Premier and Minister for State Development, Infrastructure and Planning alleviate the concerns of local residents in North Queensland regarding the proposed state development area in the Galilee Basin?

**Mr SEENEY:** I thank the member for Burdekin for the question. As I indicated earlier this morning, the government is determined to progress the development of the Galilee Basin and to facilitate the infrastructure that is required to develop that area for the benefit of all of the jobs that it can provide to Queenslanders. However, in doing that we have been very much aware that there would be private landholders who would be impacted by those developments, especially the infrastructure developments. Just as I have done for all of the time that I have been in this parliament, I have been very cognisant of the impact on private landholders of this sort of public infrastructure.

We undertook a process that was designed to alleviate that concern as much as is possible, always understanding that there would be concern expressed. We have established a 1800 number for landholders to ring to make the initial contact with the Office of the Coordinator-General to arrange personal meetings or to seek further information. The Coordinator-General sent personal letters to 1,400 property holders who are involved in this process. Of those 1,400, some 200 people have taken the opportunity to ring that 1800 number. We have identified that the majority of those people who are experiencing some concern are within the urban areas that have been included within that broad SDA area.

The Coordinator-General has taken steps in the last few days to ensure that the urban areas can be excised from the SDA. We are undergoing this consultation process, and some people have not understood that. This is a consultation process about a declaration of an SDA in the future. Given the concerns that have been expressed and the feedback that we have received, we have undertaken to ensure that if and when we declare an SDA those urban areas of Merinda and Collinsville can be excised from the SDA and they will not be included. So I can give the member for Burdekin that assurance on behalf of her constituents. But there is a range of other landholders who will have to deal with these issues and every effort will be made to ensure that they are given every opportunity to raise issues that are important to them and we will make sure that we try as best as we are able to mitigate those concerns. This process is about ensuring that the smallest number of landholders possible is impacted by this infrastructure. This is about ensuring we only have one north-south rail line, not the spaghetti junction mess that the former Labor government had put in place where five or six rail lines were being proposed and a whole range of landholders would have had to deal with it. It is about ensuring that there is only one rail line and that a minimum number of landholders are impacted.

*(Time expired)*

## Newman Government, Asset Sales

**Mr PITT:** My question without notice is to the Premier. I refer to the Premier's pledge that his government will listen more and ask: will the Premier ensure his Treasurer today releases the itinerary for his so-called asset sales listening tour so members of the public have every opportunity to engage in that debate?

**Mr NEWMAN:** I remind the member for Mulgrave about his position in relation to asset sales. Do we have to go back to that again? Do we have to go back to *MythBusters*? I am just going to read his own words in relation to the sale of assets and why those opposite were doing it. He said—

> Labor has made a choice to fund passenger trains rather than coal trains, a choice to sell the Port of Brisbane so we can build more schools and roads, and a choice to sell business that supports the private sector so we can deliver the services Queenslanders need like hospitals.

Why do those opposite make him ask these questions? Surely they could let someone else ask the question. Maybe the Leader of the Opposition should ask the question. Poor, poor Curtis! I withdraw, Madam Speaker: poor member for Mulgrave. Why are we sending the Treasurer on this listening tour—and he will be doing a lot of listening and a lot of consultation?

**Mr Nicholls:** Because I volunteered.

**Mr NEWMAN:** He is correcting me; he volunteered to do it, and he volunteered to do it because there is a big problem: while this government has the economy going and while this government is getting very close to balancing the books in the next financial year, we still have the big, black $80 billion worth of Labor debt—$80 billion worth of Labor debt and—

**Mr Pitt** interjected.

**Mr NEWMAN:** I want the member for Mulgrave to hear this: and $450,000 of Labor interest every hour. During the course of this question time, $450,000 worth of interest will be paid on Labor's debt. He does not like that. He used to like asset sales because he knew there was too much debt. Now he has the old-time Labor religion: he is against asset sales! Anyway, what is the conversation about? The conversation is that a government that has the economy going and a government that is balancing the books still has this overhang of $80 billion worth of Labor debt with $450,000 of Labor interest every hour that we have to pay. So the Treasurer will be talking about choices. He will be saying to Queenslanders, 'If you want the roads and hospitals and schools that good old Curtis was talking about, if you want all those things, how are we going to do it?'

**Madam SPEAKER:** Premier, use the member's official titles please.

**Mr NEWMAN:** How are we going to do it when we are spending $450,000 on Labor's debt interest payments just in the course of this question time? It is a big challenge. The Treasurer will be out there. I will be talking about it and so will honourable members here, because this is a grown-up government—unlike that bloke over there, who is so flippity-dippity and who changes his position depending on whether he is sitting over here or sitting over there. We will do the right thing to solve the problem of $80 billion of Labor debt.

## Treasury and Trade, Queensland Economy

**Mr MINNIKIN:** My question without notice is to the Treasurer and Minister for Trade. Can the minister outline how his portfolio is strengthening the state's economy and helping to create jobs in Queensland?

**Mr Springborg:** Do you want a hand up?

**Mr NICHOLLS:** No, but I thank the health minister for his assistance. Indeed, Treasury and Trade does not need a hand up because Treasury and Trade is doing its best to make a significant contribution to strengthening the Queensland economy and supporting job creation. I thank the member for his contribution and his question because, unlike those opposite, he is interested in knowing what is happening in the economy. He has come from a business and private sector background and he wants to know what we are doing to support business and the private sector. Our disciplined financial management has brought the budget under control and cut the flagrant waste of the Labor era as we promised—to cut waste and to redirect money to front-line services in areas such as health and in areas such as education. We promised to restore accountability in government, and we have. The government has limited its expenses growth in 2012-13 to just 0.2 per cent—the lowest level since accrual accounting began in this state. This compares to the average of 8.9 per cent in the decade under the Labor government. So while under Labor expenses were going up, under this government expenses are going down. We have reached a sustainable spend in terms of our expenses. We have been able to achieve that while also improving the delivery of services. The upshot of our responsible management is growth in confidence for both business and consumers.

The recent Chamber of Commerce and Industry Queensland Pulse business confidence index shows a rise in confidence of 7.9 points since the government came to office. Confident businesses employ more staff, and that is why 20,000 more Queenslanders are in work than 12 months ago. Consumers are also confident in the government's economic management and are opening their wallets and increasing household spending. Growth in household consumption was the major contributor to the growth recorded in the state accounts, as I outlined earlier. But the Treasury and Trade portfolio is also contributing to jobs growth in some very different ways. Through Projects Queensland we are getting infrastructure projects started, some of which had been languishing on the books under Labor for years. 1 William Street will deliver 1,000 jobs a year for the next four years. The project is also the key to the development of the Queens Wharf precinct, unlocking billions of dollars in investment potential and thousands more jobs for the future. The New Generation Rollingstock Project, undertaken jointly with my colleague the Minister for Transport and Main Roads, will provide 75 new trains and also 150 full-time ongoing jobs at the new maintenance facility at Wulkuraka in Ipswich West. The 10 new schools being built over five years as part of Queensland's schools project will employ a further 1,700 workers. The government is also getting on with the job of delivering the Toowoomba second range crossing, a project that will provide 1,800 jobs for Queensland—something that Labor was never able to deliver. Trade and Investment Queensland is also supporting job creation with merchandise exports of $12 billion alone. This can-do government is working hard to create jobs and opportunities for Queenslanders. We have made strong progress, but there is more work to be done. This is a great state with great opportunity.

*(Time expired)*

## Queensland Health, Employment Contracts

**Mrs MILLER:** My question is to the Premier. I refer to the Premier's earlier answer that doctors are 'happy' to sign new contracts, and I ask: will he advise exactly how many of the 3,500 specialist doctors have signed contracts and, if doctors are happy, will he undertake to attend and to address their protest meeting in Brisbane tomorrow night?

**Mr NEWMAN:** I think I have given a fair bit on this one today. I will just have to go over it again.

**Honourable members** interjected.

**Mr NEWMAN:** Was that the new member for Redcliffe interjecting?

**Government members** interjected.

**Mr NEWMAN:** I hope not. Let us go through it again. We are committed to the best, free public health system in the nation. For 20 years those opposite presided over the debacle—the shemozzle—that Anna Bligh referred to just prior to the 2012 election. That was the making of those opposite. They had 20 years to sort out the health system. They did sort it out: they took it into the abyss! It was inefficient, it was costing a whole lot more, it was not treating patients, it had ambulance ramping, it had trolleys in corridors, it had the tragedy of Bundaberg. I could go on. Where are we after two years? After two years we have a health system that other states are starting to look at and are wondering, 'What's going on that's so positive? Why is it working?'

There is improved emergency access, the best elective surgery waiting times in the nation and a vastly improved public dental waiting list. That is what we have achieved in two years. We want doctors to be part of the further process and these new contracts are about rewarding their expertise, their professionalism and ensuring that they are on a proper, contractual basis going forward. What is one of the reasons for doing that? For a start, it is public money and only in the last few weeks none other than the Auditor-General of Queensland said that this needed to happen. I know the Labor Party did not care very much about public money. That is why we saw the Tahitian prince, for example. With the Health payroll debacle, they did not care that nurses, doctors and administrative staff were not being paid. How novel that would be for a Labor government to pay people properly on time!

I have answered the questions. We want a fantastic, free public health system. The health system today is a vastly improved one than two years ago.

**Mrs Miller** interjected.

**Mr NEWMAN:** If the member for Bundamba had any sort of integrity she would go out there and tell the people of Ipswich in her area about the improvement of her hospital, which is doing much better today thanks to the great work of hardworking doctors and nurses.

## Tourism, Major Events, Small Business and Commonwealth Games, Queensland Economy

**Mr CAVALLUCCI:** My question without notice is to the Minister for Tourism, Major Events, Small Business and the Commonwealth Games. Can the minister outline how her portfolio is strengthening the state's economy and helping to create jobs for Queenslanders?

**Madam SPEAKER:** Before I call the minister I can hear too much noise in the chamber that is not related to the proceedings. I ask members to please pay attention and keep the noise down.

**Mrs STUCKEY:** I thank the honourable member for the question. What a wonderful advocate he is in his electorate for not just tourism and events but also small business. In fact, I was only there a couple of weeks ago speaking to a couple of small business operators who were saying what a strong member he is for them. This member, like this side of the House, recognises that tourism is one of the four pillars of our economy and that it supports some 10 per cent of all jobs in Queensland. The Newman government made the commitment to reinvigorate our tourism industry, which was severely neglected, as we all know, under the former government. Our DestinationQ partnership approach is rectifying this long-term neglect and, I might add, getting some very, very good results.

This morning, I joined Lord Mayor Graham Quirk and Mr Chong to officially open Four Points by Sheraton right here in Mary Street in the Brisbane CBD—the very first internationally branded hotel in our city for over 10 years. Research has shown that Brisbane missed out on approximately 87,000

visitors every year and $136 million in visitor expenditure due to a shortage of CBD hotels. In March last year, and in partnership with the Brisbane City Council, we launched *A guide to hotel investment in Brisbane, Australia*—a strategic approach to attracting new CBD hotel investment and today's opening of Four Points by Sheraton is a perfect example that our approach is working.

This new hotel will provide Brisbane with an additional 246 world-class hotel rooms and suites in the heart of the city. More importantly, it is providing 110 local jobs. The government is actively encouraging tourism investment across the state through the Tourism Investment Attraction Unit in my department—a dedicated unit that promotes Queensland as an investment destination and facilitates new investments. This unit maintains a register of tourism investment opportunities across Queensland and actively seeks potential investment into these opportunities. In fact, this team in my department has realised over $80 million in investment outcomes since its inception. With new tourism products, we will see even more jobs created and continue to help grow our economy.

Tourism is on the rebound, thanks to the Newman government. We understand the whole-of-government approach that is required. The industry is getting its mojo back and there is a renewed confidence right across our great state.

## Gladstone Electorate, Patient Transfers

**Mrs CUNNINGHAM:** My question without notice is to the Minister for Health. Constituents in my electorate are very concerned after they heard on TV that the government is considering placing a ban on flights from regional Queensland that are medically warranted for constituents who have no access to local medical specialists. Does the minister plan any changes to the conditions for patient transfers by commercial carriers?

**Mr SPRINGBORG:** I thank the honourable member for Gladstone for her question and thank her for her advocacy on behalf of her community. Indeed, in the time that I have been minister I have had the opportunity to be able to meet the honourable member on a number of occasions and discuss what are very real and legacy issues in her community and some of the morale and ongoing issues at the Gladstone Hospital. I think it is fair to say that we are making some progress in those areas and much of it is as a consequence of her representations.

Can I also indicate to the honourable member that there is no truth in that: there has been no change whatsoever to the guidelines when it comes to the assessment of a patient's need, when it comes to the means or the mode of transport. So the guidelines are absolutely the same. But what does happen, of course, is that there needs to be a clinical process in this and clinical engagement. It is the doctors who decide the most appropriate way that a person should travel. Of course, they have to consider that on a cost-effective basis. So, no, there has been no change whatsoever. The guidelines are exactly the same.

The other thing that the honourable member can be comforted about is that, as part of the Newman government's decision to invest more than $100 million extra in the PTSS scheme over four years, her area, the Central Queensland Hospital and Health Service, has been a significant beneficiary of that. Indeed, it has been proportionally a greater beneficiary than the rest of Queensland. The additional amount that has been allocated and spent by her hospital and health service has increased by over $2 million—in actual fact, a little over that: to $10.2 million in the 2012-13 calendar year. That has been a 35 per cent increase. The state-wide increase has been 26 per cent over the previous year, or some $19 million. So significantly her area is benefiting more.

The other thing is that, as we become more successful in delivering those services locally, hopefully, there will be a lesser need for people to travel. I give her the indication that we now have a regular orthopaedics outpatient clinic in Gladstone, which is being serviced from Rockhampton. We also have radiation therapy that is now being outreached to Gladstone from the RBWH. Across the member's area as well—and I know that it is not in her electorate specifically but in the electorate of the honourable member for Gregory—we now have orthopaedic clinics done regularly by telehealth. Indeed, since we have invested more in telehealth we have had an increase in the last six months of around 30 per cent of additional people being seen by telehealth.

I can assure the honourable member that it is not true. The same rules are in place. It is up to the clinicians to decide how people should travel.

## Science, Information Technology, Innovation and the Arts, Queensland Economy

**Mr HATHAWAY:** My question without notice is to the Minister for Science, Information Technology, Innovation and the Arts. Can the minister outline how his portfolio is strengthening the state's economy and helping to create jobs for Queenslanders?

**Mr WALKER:** I thank the honourable member for the question. It is one of those questions that I think is useful, because it gets us back to basics, back to what government is really about—the creation of jobs, the supercharging of the economy. I was only reminded yesterday when I brought through Parliament House students from one of the schools in my electorate, Citipointe Christian College. During that tour one of the kids asked me, 'Mr Walker, why is it that you left your previous job and wanted to become a member of parliament?' It reminded me of exactly why I did that. I remember the shame and the disappointment of looking through the CommSec lists, as they were at the time—the *State of the states* list—which had Queensland and Tasmania vying down the bottom of the pack for how poorly the states were performing and for the Property Council's outlook, which had such a negative and disappointing outlook for our property and construction industry. I am proud to be part of a government that has turned that around—that now has Queensland's trend employment growth in the year to January 2014 three times greater than that of the national rate, that has economic growth at 4.1 per cent here as against 1.9 per cent for the rest of the country.

It is a great matter of pride for me to be part of a government that is achieving that. My department is doing very much the same. I take as an example the screen industry, an industry that has been in the doldrums in recent years but is now once again doing so well here in Queensland. Last week the Premier and I had the pleasure of going to the Whitsundays to welcome the team from *Modern Family*, the American show which is being filmed here on the Great Barrier Reef. The local member was there as well—just towards the edge of the picture, I think at the time, but he was there—and welcomed the family. One hundred million viewers will see the show, see the Barrier Reef, and it will highlight the tourist opportunities. Minister Stuckey's department is assisting us in that effort. It adds to a chain of great things happening in the screen industry.

*San Andreas* is being filmed on the Gold Coast at the moment. Before that Angelina Jolie was filming *Unbroken*. *Unbroken* will be one of the biggest films in the US this year. It will be released on Boxing Day. It is being made with Queensland facilities and staff assisting. *Railway Man*, a tremendous film which people may have seen over the Christmas break, was made here in Queensland. This is supporting employment in our screen industry. It was made right here in South-East Queensland and in other parts of Queensland showing exactly what we can do here in relation to this industry. Queensland's diverse range of locations, quality facilities, experienced crew and competitive production incentives are certainly helping to attract these high-calibre films and television programs and, in turn, boost a tremendous screen industry here in Queensland. The government is very pleased to support that growth.

## Queensland Health, Employment Contracts

**Dr DOUGLAS:** My question is to the Premier. Can the Premier please outline to the parliament what disaster plans his government has developed to provide emergency health cover to Queenslanders when senior medical officers, who have unanimously refused to sign new Queensland Health contracts in seven weeks, stand down or leave?

**Mr STEVENS:** I rise to a point of order. That is a hypothetical question.

**Honourable members** interjected.

## Speaker's Ruling, Question Out of Order

**Madam SPEAKER:** Order, members! You do not have liberty to interject across the chamber when I am taking advice from the Clerk. I would ask for quiet, thank you. Honourable members, I listened to the question and that is a hypothetical question. I have warned members before to take care with how they draft their questions so that they are in accordance with standing orders. I rule that question out.

## Natural Resources and Mines, Queensland Economy

**Mr MALONE**: My question without notice is to the Minister for Natural Resources and Mines. Can the minister outline how his portfolio is strengthening the state's economy and helping create jobs for Queenslanders?

**Mr CRIPPS:** Thank you very much. I am delighted to answer the question from my friend the member for Mirani, whose electorate plays a critical role in the Queensland resources sector. It is a fact that at the last election the Newman government promised to grow the resources sector and to create wealth and jobs for Queenslanders as part of our four-pillar economic strategy. It is an interesting fact that the mining sector now employs more full-time workers in Queensland than both the agricultural or hospitality sectors. This highlights the important link between the economic success and growth of the resources sector and the economic performance of Queensland.

We are also committed to cutting red tape and to speeding up approvals to restore Queensland's resources sector as a world-leading jurisdiction in this area. Last week I had the honour of opening the BHP Biliton Mitsubishi Alliance $1 billion Broadmeadow Mine expansion project near Moranbah. This investment by BMA demonstrates the company's continued commitment to coal production and investment in Queensland for at least another 20 years. We are encouraging and supporting the Queensland economy and investments such as BMA's shows optimism in the future of the industry despite challenging environments in recent years. Projects like this prove our commitment to the sector, delivering positive outcomes and strengthening the position of thousands of jobs across the state.

**Mr Johnson:** Thank God for BMA.

**Mr CRIPPS:** Thank you, member for Gregory, for that interjection supporting BMA's ongoing commitment to those communities in the Bowen Basin. For example, construction of the BMA Broadmeadow Mine extension generated 650 jobs. Projects like these boost confidence in the construction industry, which is another pillar of the Queensland economy. In the past the construction industry has not been a focal point, but it needs to be highlighted that these projects provide important job opportunities and improved infrastructure in regional areas.

The Queensland resources sector is beginning to grow again as we have established an investment environment where companies now feel confident to invest in Queensland again. The Broadmeadow Mine extension is part of a $5 billion investment by BMA in Central Queensland which includes the $1.6 billion development of the nearby Daunia Mine and the $2.5 billion expansion of Hay Point terminal with expectations that the Caval Ridge project will come on line later this year. The fact is that we are delivering on our commitment to supercharge the economy and create wealth and jobs for Queensland, particularly in regional and rural areas of Queensland which is very important to me personally. I believe that the future of the resources sector will be a positive one in Queensland thanks to the government doing its best and meeting its commitments and the industry's continued commitment to investing in that industry.

**Madam SPEAKER:** Before I call the member for Yeerongpilly, I would ask members to please respect the person asking the question and not take points of order in the middle of a question being asked. I am trying to write those questions down. We can take points of order after it has been asked, but for the benefit of the House allow the person to ask the question. It is up to the chair if a member needs to be pulled up in the middle of a question. I call the member for Yeerongpilly.

## Queensland Health, Employment Contracts

**Mr JUDGE:** My question without notice is to the Premier. In view of the overwhelming statements by senior medical staff denouncing hospital contracts, can the Premier please detail what advice he took and from whom when he decided to impose these controversial contracts on our state's senior doctors?

**Mr NEWMAN:** I can just point to the process where there have been meetings going on for about eight months, as I recall, and this has been conducted by the officials of Queensland Health. There have been opportunities for feedback from over 800 doctors. There have been 33 meetings with professional representatives. As I outlined earlier on, members of this parliamentary team have had many meetings with doctors. There has been a lot of consultation, a lot of listening. Again I have to go back to what we are trying to achieve, which is the best free public hospital and health system in the nation. Already we have been turning around the system.

Just to talk about some of those performance improvements over the last few years, let us have a look at some of the things that this government has achieved. Perhaps I should compare and contrast. What I will give firstly is the name of the hospital, what was happening in the last month under Labor and then I will talk about where we are today, December 2013. March 2012 will be the first figure, then I will give you December 2013. I am going to give category 1 surgery KPIs. This is the percentage of people who have received their surgery within the clinically recommended time frame

of 30 days. Bundaberg, 88 per cent under Labor, 100 per cent under the LNP; Caboolture, 98 per cent under Labor—not bad, that one—100 per cent under us; Ipswich, for the member for Bundamba's benefit, 87 per cent under Labor, 100 per cent under us; Mackay Base Hospital, for the benefit of the honourable member, 96 per cent under Labor, 100 per cent under us; Redcliffe, 93 per cent, now 100 per cent; Rockhampton, 75 per cent, now 100 per cent; the Prince Charles Hospital, 97 per cent, now 100 per cent; and Toowoomba, 91 per cent, now 100 per cent.

Those are just category 1 and you will see the same pattern for categories 2 and 3. Again on these contracts, we totally respect and admire our doctors. They are very hardworking, they do amazing things and these contracts leave them in exactly the same position in terms of some conditions, but in a vastly improved position in terms of other factors. Their pay is the same and their job security is improved. Frankly, the government is improving the position and taking on board what the Auditor-General has said. That is what it is all about, as we pursue a path to the very best free public hospital system in the nation.

## Local Government, Community Recovery and Resilience, Queensland Economy

**Mr WATTS:** My question without notice is to the Minister for Local Government, Community Recovery and Resilience. Can the minister outline how his portfolio is strengthening the state's economy and helping to create jobs for Queenslanders?

**Mr CRISAFULLI:** I thank the honourable member for the question, because it is a great one. Like the Premier and, indeed, the member for Hinchinbrook, one of the two things I think about in the morning is the economy: growing jobs and creating opportunities for our state.

**Honourable members** interjected.

**Mr CRISAFULLI:** The other is breakfast. One of the greatest gifts that a government can give a community and, indeed, the people who pay our wages is certainty and stability. I acknowledge that at the heart of a strong economy is great financial management, and it is great to have the Treasurer sitting in front of me today. The other is the sort of infrastructure that can build confidence in a community and, therefore, create jobs through stability. Across Queensland we are doing that through better infrastructure.

I use the betterment project as a classic example of what a government can do to create stability in a market. Through betterment—a small project of $80 million—we have delivered over 200 projects and we have built back not to the same standard but made them more resilient, which protects communities. That keeps Queensland open for business. When a bridge or a road is destroyed, that impacts on the ability of a small business or a farm to continue to trade or to get produce to market. With that, jobs go. The reverse can be said: if you can protect the infrastructure, business can actually create jobs in the certainty that they can withstand disasters. For example, damage to the Gayndah water treatment plant crippled business in the North Burnett. Another project involved the Thistlethwaite Bridge, and it is great to have the member for Lockyer here. One of the major employers in the town, the Stanbroke meat processing plant, was impacted because that bridge was continually rebuilt to the same standard. Indeed, very close to the member's electorate in Toowoomba, the Greenwattle Street project is a remarkable way of opening up better access for business in that region.

Through better infrastructure governments can protect communities. Whether it be building levy banks or retention basins, confidence breeds confidence. The other day I was with the member for Gympie when we announced funding for Drummond Drive. This is a classic project affecting 200 businesses in the Monkland and Glanmire area, which is isolated every time it rains. It is estimated that $750,000 a day is lost in economic opportunity every time that happens, yet for $4.4 million no government had ever thought that to be a worthwhile project. We will continue to build back better. We will continue to build for regional Queensland and we will continue to deliver the certainty and stability that comes with good government.

*(Time expired)*

## Fire and Rescue Service, Employment Conditions

**Mr BYRNE:** My question is to the Premier. I refer to the Premier's pledge to listen more, and I ask: will the Premier listen to the concerns of firefighters and immediately start consulting about wages, conditions and the casualisation of the fire service?

**Mr NEWMAN:** I thank the honourable member for his question about firefighters, but I am puzzled. When I went out to Redcliffe about a week and a half ago for the election, I saw people purporting to be firefighters. Some probably were firefighters; some seemed like actors in costumes.

**Honourable members** interjected.

**Mr NEWMAN:** Here are some photos. I do not understand the member's question, because the photos show people wearing T-shirts with slogans that are all about closing fire stations. The material that was being distributed and the comments made to members of the community were along the lines that fire stations were being shut down. On that day I spoke with Mr John Oliver. I assume it was Mr John Oliver. I have never met him in person. One of the firies got him on the phone, because this government is listening and consulting more. I went to the polling booth and I said, 'What's the problem?' They said, 'You ought to talk to John Oliver'. I said, 'Okay', so they rang Mr John Oliver and I spoke to someone who said he was Mr John Oliver. I said, 'What's the problem? Why have you got people down here claiming that fire stations are shutting?' He sort of huffed and puffed a bit. I said, 'Please, Mr Oliver, please John, tell me which fire station is shutting down? Which one?' There was a long silence and, again, more indecision, obstruction, obfuscation and all that sort of thing.

**Honourable members** interjected.

**Madam SPEAKER:** Order, members! Pause the clock. I call the Premier.

**Mr NEWMAN:** My point is that he could not name a fire station that had been shut down. For the avoidance of doubt, the commissioner has released a statement that I urge honourable members to look at. He has released a statement to all firefighters saying that no fire stations have been shut down. That was a complete falsehood.

Why did we see that campaign on the day? It was a campaign about trying to scare people at polling booths. That was a shameful thing to do. Mr Oliver went on to say that, in fact, it was an industrial campaign; it was about terms, conditions, pay, et cetera. It was not about fire station closures. I will say this publicly to Mr Oliver today: if you want to have a fair dinkum conversation with the government, have one. If you want to tell falsehoods and lies to people at polling booths, we do not have a conversation at all. We cannot have a conversation when you say things that are untrue. I say to Queenslanders that their fire service is a better fire service than it was two years ago.

*(Time expired)*

## Drought Assistance

**Mr JOHNSON:** My question without notice is to the honourable Minister for Agriculture, Fisheries and Forestry. Can the minister update the House on the assistance available for producers crippled by drought and can he outline how his portfolio is strengthening the state's economy and helping to save jobs in rural Queensland?

**Dr McVEIGH:** I thank the honourable member for his question. I admire his ongoing representation of his own electorate in these tough times of drought. Last week I welcomed the package of some $320 million from the federal government to further support our drought stricken producers. This will mean more disposable cash in farmers' pockets and that means that they can meet their local bills in town and get rural communities and economies going again. It is all about keeping jobs in the bush, not just on the farm. If farmers can pay their bills in town that means local businesses get paid, which keeps local jobs and rural communities going.

This funding will add to the Newman government's own drought package, which included last month's announcement by the Premier, the member for Gregory and myself of an extra $20 million in support. That is in addition to the $11.2 million the Premier and I announced in May last year in Richmond, taking our total state commitment to more than $31 million. That is a record state contribution and $5 million more than was provided in 2007-08 during the so-called millennium drought.

The Prime Minister also recognises that agriculture has a great future beyond this drought. The federal government has allocated $280 million to enable producers to apply for loans of up to $1 million at four per cent over five years to restructure their debt so they can get through the drought and develop their businesses once again. The federal government has brought forward the Farm Household Allowance, which began yesterday, 3 March. It will allow farmers to put food on the table and pay general living expenses such as electricity bills and school fees.

The new payment comes with a more generous asset test of $2.5 million. This is up from the previous allowance of $1.5 million. We will see an additional $6 million injected into our Queensland Drought Relief Assistance Scheme for water infrastructure that allows producers to now receive a 75 per cent rebate on eligible costs for installing vital water infrastructure on their properties. An extra $10.7 million for mental health programs will help support people through times of depression. The $10 million for controlling feral animals, particularly wild dogs, will be very welcome in Queensland's drought affected communities.

This week local drought committees in South-East Queensland are meeting to decide if more drought declarations are required in various areas. I have pulled those meetings forward simply because this wet season is almost over. I encourage all producers who are in drought declared areas not to self-assess, to contact my department on 132523 for information and assistance and to remember that individual drought property declarations are always possible in other areas.

*(Time expired)*

## Queensland Health, Employment Contracts

**Mr WELLINGTON:** My question is to the Premier. I refer the Premier to the proposed Queensland government senior medical officer contracts of employment, and I ask: will the Premier make sure the proposed employment contracts will not allow health and hospital services to require medical officers to perform duties at different locations within the service without agreement from those medical officers?

**Mr DEPUTY SPEAKER** (Dr Robinson): I call the Premier. You have two minutes on the clock.

**Mr NEWMAN:** Before I answer I have to say that I feel like I have been shouldering a heavy load today. Why can members not ask the rest of these people a question?

**Mr Springborg:** I'm feeling a bit rejected.

**Mr DEPUTY SPEAKER:** Order!

**Mr Wellington:** Perhaps if the Premier can't answer it—

**Mr DEPUTY SPEAKER:** Order! The member for Nicklin will resume his seat!

**Mr Wellington:**—he can ask the other ministers to take over his role as Premier.

**Mr DEPUTY SPEAKER:** Order! The House will come to order. I warn the member for Nicklin under 253A. The Premier has the call.

**Mr NEWMAN:** I have a vision that those sorts of outbursts could be put on a video and placed in every letterbox in the electorate of Nicklin because it might change people's view of the honourable member. That is all I can say.

In relation to what I said before, I just feel for these good people who are champing at the bit to answer questions. There are a lot of other things going on in Queensland today other than trying to create the very best free public health system in the nation. But if that is what we are talking about today then I am happy to talk about that.

In relation to this matter, if the honourable member had listened closely he would have heard me cover this. At the moment, prior to contracts, a doctor, an SMO, can actually be moved anywhere in this great state. They can be sent from Brisbane to—I do not know—Mount Isa, hypothetically. That can happen now. Under this new system they are employed by the health service and they have the security of employment that they know they will continue to be within that health service and cannot be transferred out of that area. I think that is a vast improvement—a huge improvement—along with the other things I outlined earlier.

I again go back to performance. We have seen so many great, positive things happen over the last couple of years. If I go to emergency department waiting times we see that in December 2013 Queensland exceeded the national annual benchmark for treating, discharging or transferring ED patients within the clinically recommended time frame of four hours. Queensland's figure of 78.6 per cent was the best monthly performance for 2013. The story just continues to improve.

*(Time expired)*

**Mr DEPUTY SPEAKER:** The time for question time is over.

# SPEAKER'S STATEMENT

## School Group Tours

**Mr DEPUTY SPEAKER:** Before reading the next order of the day, the schools visiting the parliament today are: Northgate State School in the electorate of Nudgee; and Clare State School in the electorate of Burdekin.

# MATTERS OF PUBLIC INTEREST

## Member for Redcliffe; Queensland Health, Employment Contracts

**Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (11.03 am): From the outset, I welcome the new member for Redcliffe, Yvette D'Ath, to the Queensland parliament. Finally, Redcliffe has an honourable member; a very honourable member and someone who will stand up in this House and be passionate about the concerns of the Redcliffe electorate and each and every day fight for her constituency.

I want to briefly touch on that by-election because there are a lot of messages that came out of that by-election. It was very clear that the people of Redcliffe were very upset with Scott Driscoll—the person whom this government had supported for a considerable period of time. But the people of Redcliffe were also very concerned about other issues, including the cost of living. People are hurting out there in Redcliffe as they are right across Queensland. They are very concerned about the high costs of electricity. The prices are continuing to go up. They are concerned about their water bills.

What we also saw on election day was the number of people who are concerned about what is happening in Redcliffe. They are concerned about the firefighters and the fact that this government will not sit down and talk to them about their wages and conditions.

I stood at a polling booth in Redcliffe with the new member for Redcliffe and talked with doctors who are very concerned about this government. They are very concerned about this Premier. They are very concerned about the health minister. They are very concerned that this government is not listening. Why are they concerned? The doctors were prepared to take the time to talk to me about how they believe these new Newman 'WorkChoices' contracts for doctors will impact on the public health and safety of patients going into our public healthcare system.

This government is not about listening. This Premier can talk about a pledge to listen to Queenslanders, but what has he learnt since the Redcliffe by-election? Absolutely nothing! If the Premier were an honourable man, if the Premier were a true statesman, the Premier and the health minister would sit down today and talk about the concerns that doctors are raising with us across the state.

Just a couple of weeks ago the member for Mulgrave, the shadow Treasurer, and I sat down in Cairns with concerned doctor specialists and talked about the impact of the employment conditions that this Newman government wants to put in place. What are they concerned about? They are concerned about the unfair dismissal provisions. What the doctors are saying to me is that if they have any concern whatsoever about the way the hospital is administered or how patients are being treated and they speak out they can be sacked. That is what they are concerned about.

What else are they concerned about? They are concerned about the lack of fatigue management provisions in these contracts. I have read some of the legal advice that has been forwarded on and some of that legal advice is very clear. These contracts are not better than the working conditions that these doctors are currently working under in our hospital system.

Labor will always stand up for a strong public health system in Queensland. Labor will stand up and support our wardies, support our nurses and support our doctors.

**Honourable members** interjected.

**Madam SPEAKER:** Order! Members!

**Ms PALASZCZUK:** Today there is a crisis in our health system and the blame is squarely falling at the Premier's and the health minister's feet. The only person from this LNP government that I can see who is prepared to stand up and say anything is the assistant health minister—a qualified

specialist—Dr Chris Davis. I am pleased that he is here in the chamber because I want to read from the letter he wrote to MPs. It states—

Dear Fellow MP

Significant numbers of senior doctors familiar with the detail of the government's proposed doctor contracts have rejected them, and already some of the best are voting with their feet.

Legal advice, including that from a major medical indemnity organisation has highlighted the risks. These include dismissal clauses that could result in patient outcomes being compromised, removal of binding independent arbitration and the power of the employer to unilaterally vary the contract.

He goes on to say—

Contracts that could harm patients and be detrimental to the broader community make my position in this government untenable.

The solution that the assistant health minister proposes to the government is very clear, and I quote—

The solution I propose is a return to the negotiating table to achieve an agreement with the medical profession (as in other leading jurisdictions) that provides a framework for reasonable and fair senior doctor contracts that are in the public interest.

He goes on to say—

I would be pleased to contribute my experience to such negotiations, having not been involved thus far.

I table a copy of that letter.

*Tabled paper*: Letter, undated, in relation to proposed doctor contracts, from the member for Stafford, Dr Chris Davis MP, to Liberal National Party MPs [4579].

Here we clearly have a qualified and highly regarded medical specialist, who is now a member of the LNP government, raising issues of concern with the government in the party room. The Premier was indicating today that there were other concerns raised in the party room. Who else raised the concerns, because I know that doctors have been going along and wanting to meet with individual MPs?

The time to listen is now. If the Premier is genuine about listening, if the Premier cares about the future of our public health system in Queensland, this Premier will sit down today and sort this mess out. Make no mistake: doctors are already starting to walk and doctors will continue to walk. Only last week I sat down with some female specialists. One of these doctors was in tears. She was literally in tears that a government could be so cold, so callous, to not care about their concerns, to not care about the public hospital system, to not sit down and negotiate.

The assistant health minister has offered his expertise and experience to sit down and sort this mess out. But what do the rest of the LNP members do? They say nothing. They say absolutely nothing. I sat there this morning aghast at the health minister and his comments on the radio. It was absolutely disgraceful and it was shameful. This minister should stand aside and let a qualified doctor who has experience and integrity sort this mess out.

**Government members** interjected.

**Madam SPEAKER:** Order, members!

**Ms PALASZCZUK:** Minister, as a member of the cabinet, why aren't you listening to the doctors?

**Government members** interjected.

**Madam SPEAKER:** Order, members! Leader of the Opposition, I would ask for your comments to be directed through the chair. I call the Leader of the Opposition.

**Ms PALASZCZUK:** We need go no further than the *Courier-Mail*—'Critical condition' and 'Prescription for disaster', and I table those articles for members opposite.

*Tabled paper*: Bundle of documents in relation to proposed doctor contracts [4580].

This is indeed a crisis. This government and this Premier have learnt nothing from the Redcliffe by-election. They have learnt nothing. They will never listen to Queenslanders. A Labor government would govern for all Queenslanders. That is what a future Labor government would do. I would stand up and I would govern for all Queenslanders. This government is so arrogant. Those opposite are so out of touch. They do not understand the hurt they are inflicting upon Queenslanders right across this state. It is shameful. It is disgraceful. They have not learnt the message from Redcliffe. It was a 17 per cent swing. It is a government out of touch. It is a government not listening. It is a government that will not even sit down with the specialists in the state and sort out their contracts. It is a disgrace.

*(Time expired)*

## Rural Financial Counselling Service

**Hon. JJ McVEIGH** (Toowoomba South—LNP) (Minister for Agriculture, Fisheries and Forestry) (11.13 am): As I have explained in this House a number of times, we now see that 70 per cent of the state of Queensland has been drought declared. I have also explained that the LNP government announced just last month an additional $20 million drought package. That was in addition to the $11.2 million we announced in May last year, taking the total to $31 million. Of course I have explained to this House previously that we have been in contact with rural producers right across the state in relation to this developing drought since as early as December 2012, particularly in the Gulf Country and North-West Queensland. We are now making a record contribution—more than previously has been done by a Queensland state government and, as the Premier has announced recently, more will be considered if necessary, pending continuing advice from regional areas on rainfall, pasture conditions and stock conditions as this so-called wet season comes to a close in the coming weeks.

This proves that this side of the House has been well and truly busy dealing with these challenges for well over 12 months, but it seems in some cases that some commentators, particularly those opposite, have only just suddenly realised we have a drought. I must say that the opposition has never asked me a question as Minister for Agriculture in this House during this parliament—has never asked me a question. I hear them commentating and suggesting though that we have abolished rural financial counselling services. Nothing could be further from the truth. Again, this represents more misleading statements from the opposition.

The facts are that the government will ensure that primary producers adversely affected by specific disaster events across the state have access to targeted financial counselling help as part of the state government's overall response to assist the recovery process. For example, the recovery phase of Tropical Cyclone Oswald included the government engaging professional service providers up to the end of 2013 to provide financial counselling assistance to flood affected primary producers in the Bundaberg, North and South Burnett regional council areas and in the Scenic Rim, Southern Downs and Lockyer Valley regional council areas. That was in accordance with the commitment and explanation I made in 2012 to the then President of AgForce Queensland, Brent Finlay—now the National Farmers Federation president—in terms of responding to crises wherever they develop around the state and targeting assistance rather than having it spread too thinly.

In October 2013, in response to a request from the rural financial counselling services in Roma, for example, for funding to meet the demand for financial counselling in south-west Queensland, I agreed to provide additional assistance to appoint two temporary full-time rural financial counsellors for the south-west and Maranoa up until 30 June this year. Of course we will continue to review those positions as conditions unfold in the coming months. In the last 10 months, therefore, the Queensland government has stood by its commitment to make available funding with a combined total of well over half a million dollars to provide targeted financial counselling assistance in hot spots of demand. Negotiation with the federal government is well and truly underway for 2015 shared funding and beyond.

The federal government's Rural Financial Counselling Service provides counselling for those affected by natural disaster and drought events as well and, under a longstanding commitment with the federal government, we share the cost between two rural financial counselling Queensland service providers based in Longreach and Roma. Due to the severity of the current drought, we continue to provide additional funding to those particular services. These organisations currently employ 18 full-time and seven part-time counsellors throughout the state. The Rural Financial Counselling Service itself has six full-time and four part-time counsellors, so we are certainly ramping up as required. Counselling is therefore provided at present in centres such as Longreach, Emerald, Mackay, Roma, Charleville, St George and throughout the gulf region. We are closely monitoring the conduct of these services and are prepared to commit more as required based on local demand.

I have been in close consultation with the banks so that they are aware of these issues. I compliment particularly the likes of Lifeline that are running out their own initiatives. I work very closely with the Minister for Health, Lawrence Springborg, and the Minister for Communities, Tracy Davis, on financial counselling services and community support services right across the state, and we will continue to do so.

*(Time expired)*

## Law and Order

**Mr HATHAWAY** (Townsville—LNP) (11.18 am): I rise today to speak briefly on an issue and solution that impacts on all of our great state and, more importantly to me, the good citizens of Townsville. That issue is law and order and how our government is making significant inroads into the protection of its people. Our record as a government in this area speaks for itself. Our relevant ministers, the Attorney-General and Minister for Justice, the Hon. Jarrod Bleijie, and the police and emergency services minister, the Hon. Jack Dempsey, who is in the chamber, have been extraordinarily busy in this regard with the introduction of legislation. More important than legislation and policy is translating that into positive action.

I will touch on a few examples. Anti-hooning legislation now saves thousands of police hours in processing and getting the hoons off the streets. Through blue-tape reduction we have seen further hours of savings and efficiencies within our police force. Over 600 extra police are now patrolling our streets. Last sitting week we and the people of Townsville particularly welcomed amendments to the Youth Justice Act. As a parliament and a government we have seen a raft of legislation that is some of the toughest and most effective in this country. We have seen the resourcing of our police and emergency services to an unprecedented level but one which is required to stay in step with the growth of our state and one that is required to stay a step ahead of organised crime.

Recently my colleagues Sam Cox and David Crisafulli and I joined our local police on a Friday night shift to see how our actions as a government translate into effect on the ground. We visited the Flinders Street East drink-safe precinct, where we saw the positive effect on the ground. It was high-visibility policing. It was keenly welcomed by all stakeholders—police, street chaplains and, more importantly, the punters on the street. It was also firmly supported by our government's recent drug and alcohol violence survey in which about 3.4 per cent of the respondents were from Townsville.

While the Friday night was a quiet night, there were still two or three idiots that required intervention simply because they lacked the judgement on consumption of alcohol and perhaps drugs. This number would have been far higher, despite the drink-safe precinct's uncharacteristically low patronage on that night, without the visibility of our police and street chaplains and the assistance and cooperation of the Townsville Liquor Accord traders.

We took the occasion to visit the Townsville police communications centre. The complexity of calls to service in variety, location and frequency requires the OIC of the communications centre to judiciously and expeditiously allocate resources or crews to deal with the highest priority and highest risk to the public. I welcome innovation through technology. I look forward to the outcome of the mobile data trial. This system, I am sure, will have a far-reaching and force multiplier effect through improving the situational awareness for our officers on the ground and thereby enhancing their own safety and the speed and effectiveness of their response. It will also improve the situational awareness of the tasking agency to know where its assets are located and which unit is best positioned to respond to an incident. In military parlance we call this 'blue force tracker'.

On the night throughout our patrol we witnessed and heard operational calls for service on a variety of complex tasks that, without a quick and effective response by our officers, could have quickly transitioned into a high-risk situation for public safety. We saw about 100-plus youths loitering with intent and general public nuisance. We saw an assault on an individual by a group of four offenders. We saw a potential assault expanding into a melee on the closure of a suburban hotel. There was a serious motor vehicle accident with a near fatality. Interestingly, there were more than five calls to the service for domestic violence. This has its own inherent risk because they can morph very quickly into dangerous situations. Those sorts of incidents really soak up the resources of our police. It is surprising how quickly, even on a quiet night by police standards, these incidents across our city can quickly soak up our assets. The public do not see this activity and therefore tend to have a poor understanding of the level of effort being provided across our city.

In closing, can I say that what we did see was the professionalism of our force—the de-escalation, the calming, the compassion and concern. Even when confronted with active belligerence, the officers remained firm, fair and polite in the execution of their duties.

*(Time expired)*

## Mining Industry

**Hon. TS MULHERIN** (Mackay—ALP) (Deputy Leader of the Opposition) (11.23 am): The people of Moranbah have been betrayed by the Newman government. Before the election the LNP insisted it was 100 per cent against fly-in fly-out workforces. The large number of people in Moranbah

and other mining communities in Central Queensland who believe FIFO is sucking the life out of their communities mistakenly believed they could take the LNP at its word. Now they are learning the sad facts that so many people across Queensland have come to understand over the past two years: the LNP and the Newman government breaks its promises without batting an eyelid.

The decision to turn 900 temporary accommodation units at Buffel Park into permanent accommodation for fly-in fly-out workers is a huge blow to Moranbah. It is precisely what the LNP promised would not happen. It is a complete betrayal. In allowing mining companies to dictate where they can recruit from, the Deputy Premier has condemned local people in Moranbah and people in Central Queensland to the scrap heap.

We are now hearing reports that workers leaving Central Queensland—towns like Moranbah, Mackay and Rockhampton—are relocating to the Sunshine Coast and Cairns so they can be considered for permanent work with mining companies rather than working for subcontractors. It is a farcical and deeply damaging situation caused by the Newman government's failure to stand up for choice. This is post code apartheid. Labor's position on fly-in fly-out has been consistent in government and in opposition. On this side of the chamber we believe that workers should be free to decide where they live. On this side of the chamber we believe that the opportunity to work in the mines should be available to those who live in local communities close to the mine sites. On this side of the chamber we believe it is important to support places like Moranbah to help them not just survive as communities but thrive, develop and enjoy the benefits of the wealth they helped to create.

The consequences of a 100 per cent fly-in fly-out workforce would be dire for places like Moranbah. People who live hundreds of kilometres from the place where they work have no stake in the local town. People who sleep in work camps on the remote outskirts have no interest in the wellbeing of schools, shops or medical centres. They make no contribution to local government finances. Populations will shrink, businesses will leave and services will abandon the locale as they become unviable. Those who want to stay will have difficult decisions to make.

The Newman government's lamentable capitulation to the multinational mining companies is not defensible. The Deputy Premier has sanctioned post code apartheid. It is deplorable. In Moranbah there is justifiable anger and resentment at this latest broken promise. In recent days there have been some attempts by the LNP to pinpoint the blame for 100 per cent FIFO in Moranbah on the previous state Labor government. I can understand the desperation of people like Michelle Landry and George Christensen to distance themselves from the Deputy Premier's shameful decision, but I want to set the record straight here and now. In government Labor did not support 100 per cent fly-in fly-out. In government Labor made it a condition of project approval of BMA's Caval Ridge Mine that the company must build 400 homes in Moranbah and the Bowen Basin. In government Labor required BMA to ensure that 80 per cent of its workforce across all operations resided within the region. In government Labor ensured that BMA made substantial financial contributions to support Moranbah communities including up to $5.5 million towards youth and community services and $2.5 million towards redevelopment of the Greg Cruickshank Aquatic Centre.

All these decisions against the interests of Moranbah happened on the Deputy Premier's watch. He is familiar with flying in and flying out. Today we learnt the Deputy Premier has continued his practice of flying by charter plane to and from his electorate when commercial services are available. In July to December 2013, the Deputy Premier's charter flights cost taxpayers more than $91,000. He is again on track to chalk up a bill of around $200,000. Maybe if he took a commercial flight he might listen to the community's concerns about fly-in fly-out. It is time the Newman government stopped trying to divert attention from its abysmal judgement and started listening to local residents who are desperately concerned about the future of their communities.

## Newman Government, Achievements

**Miss BARTON** (Broadwater—LNP) (11.28 am): It gives me great pleasure to rise today to talk to this House about what the Newman government has been doing over the past two years as we approach our second anniversary. I am incredibly proud to be a member of this government as we have delivered for the people of Queensland over the past two years and as we will continue to deliver for the people of Queensland over the next 12 months and beyond. When this government came into office there were challenges, one of which was the $80 billion of Labor debt. That challenge is $450,000 every single hour of every single day of Labor interest on the $80 billion of Labor debt.

I have worked very hard in my electorate of Broadwater over the past two years and I am very proud to have been able to deliver for that community. I have scrapped the T2 lanes that Labor put in place. I have begun dredging the Broadwater that the Labor government refused to look at. I have put flashing lights at the schools which Labor promised to deliver but never did. I am incredibly proud of my record as I have delivered tens of millions of dollars worth of commitments to my community. Of course it is not just my community that this government is delivering for; it is delivering for all of Queensland across the cities and across the regions, and that is something about which we are incredibly proud. We are not a city-centric party; we deliver for all Queenslanders and for all of Queensland.

Across Queensland we have seen this government invest in schools. We have seen this government focus on fixing the maintenance backlog that was left by the failed Labor government. Instead of focusing on the things that they were focusing on, we have focused on fixing the broken windows and ensuring that children in our schools have access to resources. We have made sure that instead of worrying about whether or not nurses are being paid, we are actually making sure that patients in our hospitals have access to quality services. We have made sure that emergency wait times in Queensland are some of the best in the country. We have made sure that, instead of reading reports about ambulances being ramped, we are reading reports about increased services that this government is offering to Queenslanders in the area of health. I have listened to my community over the past two years. I have doorknocked in 37 degree heat; I have doorknocked in 15 degree cool. I have ensured that I hold regular mobile offices because, like the rest of this government, we are committed to listening to Queenslanders. Over the next 12 months we will certainly be listening to Queenslanders as we talk about the choices that we face.

I spoke about the $80 billion Labor debt. What we are paying in Labor interest is $4 billion a year. That is incredibly scary when we think about what we could be delivering for our communities; when we think about the 20 new schools that we could be building; when we think about the thousand extra teachers; when we think about the thousand new hospital beds; and when we think about what that actually costs and the money that we would have left over to invest in services. It is a stark contrast to a government that wants to listen to the people and talk about their choices. We either continue to pay massive amounts of Labor interest on incredibly large Labor debt, which is higher than the debt that is experienced in New South Wales and Victoria, or we talk about how we can, with Queenslanders, deliver for our future. That is what this is all about; it is about delivering the infrastructure and reforms that we need in this great state for our great future.

I really look forward to having this conversation with Queenslanders. I know that the Treasurer looks forward to talking to Queenslanders about what they want us to do as we deal with Labor's debt and Labor's interest. Every single Queenslander has a debt of about $15,000 hanging over their head and that is Labor debt. In the five minutes that I have been on my feet, this government has paid $40,000 in Labor debt—in five minutes. That is absolutely disgraceful. The Labor Party does not have a plan for Queensland's future. The Labor Party does not want to listen to Queenslanders, but the Newman government is committed to listening to Queenslanders as we work together for our future. I look forward to hearing what Queenslanders have to say as we deal with the $4 billion in Labor interest we pay every year on the $80 billion Labor debt that is their legacy that we will fix.

## Asset Sales

**Mr PITT** (Mulgrave—ALP) (11.33 am): When announcing his so-called 'asset sales listening tour' yesterday on ABC Radio, the Treasurer said, 'We come to this saying, "Here is the problem, perhaps Queenslanders should listen to what we're saying".' This sounds a lot like the Treasurer is going to embark on an asset sales lecture tour rather than a listening tour. According to the Treasurer, the problem is not that he is not listening. Apparently the problem is that we are not listening to his hollow justifications for asset sales. Why else would the Treasurer task public relations firm Phillips Group, which charges a $20,000 monthly retainer, with the objective of convincing Queenslanders and his own colleagues to support asset sales? It is clear that, when it comes to asset sales, the Treasurer is not listening just as he fails to listen to the ABS on employment or to the Auditor-General on the money lost from the Treasurer's last round of asset sales. If the Treasurer truly was listening he would not have global investment bankers beginning the sales process he says is not currently occurring. Queenslanders need to know that, while the LNP says they are listening, the wolves of Wall Street are getting paid millions of taxpayer dollars to start flogging off their state assets.

In response to both questions on notice and a right to information request, the Treasurer has refused to detail how many millions of taxpayer dollars are going to the likes of JP Morgan and Rothschild to prepare assets for sale. According to the Newman government, this information is secret because it is under active cabinet consideration. The Newman government is not waiting to hear what Queenslanders have to say about asset sales. They already know the answer. The Treasurer need only ask the member for Ipswich West. People do not want to see the sale of our most profitable ports and essential public utilities. Let us now look at the claims to which the Treasurer thinks Queenslanders are not listening.

The Treasurer claims that Labor left him with a black cloud of $80 billion in debt and interest costs of $450,000 per hour based on 'Labor debt'. These statements are untrue, just as the Treasurer's claims of a 'debt crisis' and $100 billion in debt were found to be untrue in 2012. The Treasurer's $450,000 interest figure is not based on Labor debt; it is based on total state debt after the Newman government increased debt by $14.6 billion. Labor left gross debt of $62 billion with nearly half of this self-sustaining debt held by government owned corporations. The total state debt reflected $60 billion in infrastructure investment over a four-year period, which kept Queensland out of recession during the GFC. Excluding the debt held by GOCs, Labor left Queensland with no net debt. The Treasurer certainly will not tell us that the state has total revenue of nearly $6 million per hour. When we look at this interest bill as a percentage of the state's income, it is under eight per cent. Most Queenslanders would be pretty happy if only eight per cent of their income was going towards their mortgage and credit card bills. When GOCs are excluded from this calculation, debt interest makes up less than five per cent of the state's income. To say that this state is going broke is simply rubbish, and it is a completely irresponsible thing for a Treasurer to say. I doubt we will hear the Premier saying that we are going broke while he is on his overseas trade mission. As usual, he says one thing overseas and says another to Queenslanders. While the Treasurer insists we are going broke, he also says that if assets are sold the money can be used to build new football stadiums, in a desperate bid to win votes, rather than the roads, hospitals and schools that we all need.

Queenslanders are not listening to this Treasurer for good reason. The last asset sale that this Treasurer made, with no election mandate, was a financial catastrophe. Seven CBD office buildings were sold for $237 million less than their value and then they were rented back off private sector investors at a cost of $1.2 billion. The Auditor-General has described these ongoing rental costs as 'risks to operating sustainability' of the state's finances. I am not sure what chance Queenslanders will have of lending the Treasurer's ear when he will not even listen to the Auditor-General.

The Treasurer is also not listening to the ABS on employment. When it came to light that Queensland had the highest increase in underemployment over the last year, the Treasurer's response was to dispute the figures. The Treasurer claims that he knows better than both the Auditor-General and the ABS. It is little wonder that he is refusing to listen to the polling in his own electorate, to the thumping result in Redcliffe and to the voices of everyday Queenslanders when they say that they do not want their most profitable ports and essential public assets sold. The Treasurer need only ask his LNP colleagues what their constituents are telling them about asset sales—the same colleagues who rolled him in his bid for a full scale sell-off of Ergon, Energex and Powerlink last year. The Treasurer has not even listened to his own colleagues, given that his stable of global investment bankers is also looking at ways in which the private sector can take an 'equity interest' or ownership take in huge chunks of those electricity businesses.

The only way Queenslanders can make this government listen is by sending them a message at the ballot box that their most profitable ports and essential public assets are not for sale. The message at the next election is a simple one: the LNP will sell your assets; Labor will not. History—

**Government members** interjected.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! Members! The House will come to order. The Manager of Opposition Business has the call.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order, members! The member for Mulgrave has the call.

**Mr PITT:** History is a powerful teacher. On this side of the House we listen to Queenslanders and we learn.

**Government members** interjected.

**Mr DEPUTY SPEAKER:** Order, members!

**Mr PITT:** Queenslanders will be able to cast their vote with that in mind.

## Warrego Highway, Road Safety

**Mr RICKUSS** (Lockyer—LNP) (11.38 am): I rise in this House to say a few words about the previous speaker. I am flabbergasted at some of the comments that have just been made. He appears to think that Queensland is a business. Part of the Queensland economy is taxing people to create a revenue base from which to work. They still just do not get it. We are paying $450,000 an hour or more in interest. I am sure that would buy a new house in the electorate of Mulgrave. Every hour you could buy a new house and this mob over there just do not get it. That is why they have been reduced to seven and now, with the addition of one person, the ALP has just increased its numbers 12 per cent. It is just amazing!

**Opposition members** interjected.

**Mr RICKUSS:** Can you not buy a house in Mulgrave for $450,000? That is the amount of interest that we are paying per hour, and that is just staggering.

Unfortunately, I also rise now on a more serious matter. In my electorate there are quite a lot of roadworks on the Warrego Highway. There was an unfortunate death there yesterday, and I mention this with great sadness. It occurred in a roadworks zone and the vehicles appeared to be travelling at similar speeds, but a 33-year-old woman was killed. My deepest sympathies are extended to the family of the deceased. Unfortunately, incidents like these are traumatic for all concerned, including the emergency services and police. We have a lot of roadworks on the Warrego Highway which extend from Ipswich to Dalby, so I encourage people to allow a few minutes extra and to drive to the speed limits which are posted. People must remember that these are maximum speeds; they are not minimum speeds. People seem to feel that because the speed limit is posted at 100 or 40 or 60, they have to do that speed. If there is a bit of chaos there, please slow down so that you can understand what is going on around you. Look out for the traffic controllers, even though I know we all get frustrated by them. As I say, there are a number of roadworks sites on the Warrego Highway virtually starting from Blacksoil and going right through to Dalby. People, please be patient! There will be a better result in the long term and we will have a good section of road there, part of the Toowoomba range crossing. Most of that will be built on a greenfield site so there will be very little impact on traffic, and that is one of the great benefits of a greenfield site.

Another issue which has come to my attention recently concerns the National Heavy Vehicle Regulator. It has recently, unfortunately, been a bit chaotic. The regulator has let the industry down a bit with permits. Over 2,000 permits have been applied for but fewer than 300 have been issued, and this adds to the difficulties being experienced by heavy transport operators who are already doing it tough. Stuart Sinclair, the CEO of the Australian Trucking Association, has called for better processes to be put in place. I call on all bureaucracy involved to make sure that they get this right. It is difficult, but let's get it right. It is hard enough for these blokes to make a living now and I am sure, as the member for Gregory will agree, they have got to get some of this stuff right. There was a delay of 18 months in its implementation and it still has not really worked, so let's ensure that they really do it right. There are safety issues too with some of the major companies doing self-assessments. Safety is the main responsibility of everyone right throughout the whole regime. It is not solely the responsibility of the truck driver or the mechanic or the boss; it is the responsibility of the whole regime.

**A government member** interjected.

**Mr RICKUSS:** That's right! Let us ensure that they do the right thing and that the vehicles are all up to speed and in good working order. These drivers are trying to work hard so that they can feed their families just like the rest of us, so I urge all of those who are responsible for machinery to make sure that they do the right thing. If there is an issue, report it.

## Queensland Health, Employment Contracts

**Dr DOUGLAS** (Gaven—PUP) (11.43 am): Today the dreadful outcome of a pointless, ideologically driven and base political piece of policy insanity was laid bare in parliament. The combined lack of common sense and blind ignorance of the Premier, Campbell Newman, and health minister, Lawrence Springborg, was there for all to see.

These horrible Queensland Health senior medical officer contracts will not be signed by most medical officers because they are fundamentally wrong. To trivialise them by saying that the contracts which are offered are better than existing contracts by four very third-tier issues is utterly insulting and

will be rejected by all of those medical officers. Clearly it is difficult to understand what versions of the words 'unfair', 'unbalanced' and 'disgraceful' the Campbell Newman government needs to hear about these offensive contracts.

In spite of the Premier stating his intent to listen to Queenslanders after the Redcliffe by-election disaster, it appears that the rhetoric does not match the action, nor does the sentiment match the outcome. The medical officers have every right to claim that these contracts are unfair and legitimately refuse to sign them, despite the motherhood statements regarding their intent and motives from the health minister and today from the Premier. The details are: remuneration cannot be calculated; doctors can be arbitrarily dismissed; if dismissed, there is no recourse to the Queensland Industrial Relations Commission; there is no other dispute resolution process; shiftwork must be undertaken at the discretion of the HHS or Queensland Health; rosters can be changed without notice; there are no overtime or on-call payments issued except in extreme circumstances; further directives can be issued which cannot be challenged; and those directives are not specified. Would anyone here sign such a piece of nonsense?

Remember too that the officers have only seven weeks to decide. According to the health minister, the negotiation has finished. Eight months have transpired. The negotiations have been totally one-sided and are essentially composed of 'These are the contracts; sign them or else.' I have been on radio stations on multiple occasions with the minister and that is the attitude.

Honourable members, they have decided. They are not signing. Some are leaving, some have left and most are planning to leave. A very small number—seven to eight, according to the director-general—have been given honeymoon deals by their respective health and hospital services, but they are foolish because later directives can remove their initial benefits at a whim. The Premier says that doctors are secure because they cannot move to another HHS. Well, we will see about that, won't we?

The situation is deteriorating. The local boards have appointed bullies to engage in none-too-subtle coercion tactics. At this point I will name Dr Will Butcher at the Gold Coast Hospital as engaging in such activity, and I call on the minister to suspend him immediately for doing so.

The whole process is wrong. No reasons were ever given why it was needed and nothing was ever negotiated. Inflammatory statements by the minister escalated the conflict. The medical profession have legitimately claimed that this Campbell Newman government is arrogant, is not listening and is using the Auditor-General's report in a manner that is dishonest and has resulted in a new low for relations between doctors and the government. The goodwill which was previously freely given and trust as such is evaporating rapidly, and I am certain for the government these will be nearly impossible to regain.

The implications of mass resignations are that critical hospital services will cease in Queensland. For those who need direction on those, that is emergency, trauma, intensive care—take these down—advanced surgery and critical specialists, including anaesthetists. Think of all of your local hospital boards. Patients will not be admitted and chaos will ensue when emergency departments overflow. Patient deaths and major adverse outcomes are likely. Junior staff will not be supervised. Trainee surgeons and physicians will lose training as accreditation is withdrawn; years of training will be lost. If this escalates, the costly rebuilding of the human infrastructure of Queensland Health will be horribly painful. It gets worse: we will be the laughing-stock of the nation.

The doctors are not holding out for more money, which is what the health minister and the Premier would have you believe; it is about terms and conditions that are fair for doctors. If the minister is incapable of engaging in constructive dialogue, then I ask all LNP members to remove him and put someone else in who will—but do it quickly! Do not underestimate the damage that has already been done and the speed with which medical professionals will pursue their own career options. If members think that having so many clinicians abandon the health system will not collapse it, then you are greater fools than I take you for.

At this point I congratulate the actions of the member for Stafford, the assistant minister, Chris Davis, for what is a very difficult thing that he has had to do. I do not care what has happened subsequently. I think it is very important that he took that step and whatever comes of it, I congratulate you, Assistant Minister.

Hear me today: the Queensland health system and Queenslanders' public health is at very severe and immediate risk, and you all have a role in its resolution and you should do so—

*(Time expired)*

## Reedy Creek, Quarry

**Ms BATES** (Mudgeeraba—LNP) (11.48 am): I rise today to speak on the proposed Gold Coast quarry by Boral in Reedy Creek in my electorate. This quarry will also affect the member for Currumbin's constituents in the Tallebudgera Valley and also the member for Burleigh's constituents. Despite the people of Reedy Creek making it abundantly clear that they did not and they do not want this quarry, the project has been recommended for approval by the Coordinator-General. Members who table petitions get a response in writing from the minister which they forward to all petitioners. The approval process is not held to the same standard—that is, not responding to submissions and classifying almost 4,000 submissions as form letters. These so-called form letter submissions encouraged by myself and the stop the quarry group should have held significant weight. They relayed the concerns of residents who were under no obligation to sign their name to such concerns and the sheer number of submissions should have made it clear how broad the concerns of the community were and still are.

I have heard it said that residents should have known the quarry was a possibility when they were buying into the area. Boral says the project has been on the cards for years. I reject this and my own personal experience is that this is not the case. I personally purchased a property—my own home—in Reedy Creek in 2011 when talk about the quarry was in full swing and not once was the looming quarry raised with me either during the mechanics of the sale or was it discovered during the conveyancing process. I was aware of the issue myself, but not all purchasers would have been as informed as me. If a potential purchaser asks an agent a specific question—for example, if there is a quarry on the cards—they are obligated to tell you. I would argue that this is the wrong way around. Agents should have an obligation to be forthcoming with such information. My personal story is not definitive, but it does reinforce the stories I have had relayed to me by Reedy Creek residents who feel that they have been unfairly treated.

Let us put aside the fact that this quarry was a legacy from Andrew Fraser and look at the conditions placed on the development. Reedy Creek is the most congested suburb in my electorate by a long way. It has suffered from infrastructure not keeping up with population growth. Essentially it is Old Coach Road that is the bottleneck. This is the same road that is now proposed by Boral as the primary entry and exit point from Reedy Creek for its trucks, which are set to trundle down the road at a rate of one truck every minute.

It was a few weeks ago that I was contacted by a constituent living on Bridgeman Drive who said it took her 15 minutes to travel the two kilometres from home to Scottsdale Drive up Old Coach Road. Adding numerous trucks to this road will have an extraordinary impact and the deal struck on behalf of Queenslanders does not include an obligation on Boral to invest in the change to local road infrastructure that will make the most impact—the connection of Bermuda Street to Old Coach Road. Instead, the recommendations are focused around Gold Coast City Council road infrastructure. Minimal improvements are to be made to Old Coach Road and an obligation on Boral to pay minor maintenance costs has been introduced. We will see minor changes made to Old Coach Road by the introduction of a slip lane for access to the M1 that relate to Queensland state government infrastructure that will cause absolute chaos. This 800-metre stretch of Gold Coast City Council road services three schools, with a total of more than 2,000 students. We really need to ensure that this stretch of road's inadequacies will not completely devastate the lifestyle of Reedy Creek residents and make the dropping of kids at school a nightmare for parents of local students.

My colleagues who have been involved in road projects know how much improvements to road infrastructure costs. The roundabout at Kingsmore Boulevard was going to cost upwards of $400,000 when first proposed. The cost of connection of Bermuda Street to Old Coach Road—a necessity not only to reduce the impact of the trucks coming from the quarry but a necessity regardless for the residents of Reedy Creek—would be in the millions. So all Queensland taxpayers are dudded by this approval because when Reedy Creek comes to a standstill it is the state government that will be expected to foot the bill, and that means every Queenslander is footing the bill.

This was never the case originally and when I was first briefed on this project the plans included linking the quarry to Bermuda Street. It is now listed only as a possibility in the planning documents. The Coordinator-General also had the opportunity to include this as a requirement for approval but he did not. This is the only change to local road infrastructure that would make an impact that local motorists would notice in the wake of the arrival of hundreds of trucks. The process has failed and the quarry needs to be revisited. If Boral wants to build this quarry against the wishes of residents, it should make a significant contribution to Reedy Creek Road infrastructure. Without the

Bermuda Street connection, the quarry's impact will be extraordinary on my local residents. Some 6,500 cars hit that roundabout every morning between 7 and 8.30 and I am not going to have a truck a minute every hour adding to that.

## Western Queensland, Rural Crisis

**Mr KATTER** (Mount Isa—KAP) (11.53 am): The western areas of Queensland are currently experiencing a rural crisis that was primarily driven by failures in our agricultural industries but which has now deeply rooted its talons into the businesses in the towns and the local councils as well. Much of the focus to date has been on cattle producers, but I want to draw the attention of the House to the impact the crisis is having on the towns and the councils in particular. At the outset it should be acknowledged that this rural crisis is not just as a result of the drought. It is not just as a result of the bushfires. It is not just as a result of the live export ban. It is not just as a result of the high Australian dollar or BJD. It is a combination of these combined with a deep malaise in agricultural economic policy over the last 20 years. The legacy of these impacts represents a huge threat to the viability of our towns, western towns and councils over the next five years or more. I have been disgusted by the ignorant nature of some media commentary suggesting that we should not support an ailing industry as it interferes with the effectiveness of the market economy. What a simplistic emperor's new clothes type approach. Are we seriously considering standing aside apathetically, watching the collapse of the social and economic fabric of these large regions in pursuit of some economic ideology?

At the heart of this debate is the argument that we need to be competitive. What does this mean? We have an average tariff subsidy in agriculture of three per cent in Australia when the average across the OECD is 20 per cent. We were not offering any support at all until our industry was at least into double figures. These same commentators who pontificate from their academic ivory towers suggest that our producers are not efficient. If they pulled their head out of the sand and visited some of these operations, they would see that they are very low-cost operations, there is no alternative land use out there and they are actually very innovative and effective managers who operate on a shoestring budget. They are not the same as the larger corporate entities that would be the likely buyers if these people move off the land.

This 'bigger is better' approach was proven to fail and there is now empirical data to show that that was a failure in policy. Many of the people who were told to get bigger are now being blamed for expanding and going into debt and being part of the rural debt problem. I am sure we can all agree that that is completely unfair. Unfortunately, the issues that have contributed to the rural crisis have been indiscriminant. In my travels I have met families who have been on the land for 50 to 120 years making a good living through very bad droughts and very bad economic conditions, but unfortunately the good times are not matching the bad times now and they just keep slipping further and further behind. If members want any evidence of that, they only have to look at the figures on rural debt.

This is a terrible problem that is now affecting the towns. It is going to have an enormous impact. There is little to no livestock available for sale for the next two or three years, and that means that no money is going into the towns. Anecdotal reports suggest that at least 30 per cent of the industry is in trouble and could likely be foreclosed on by banks. There are no livestock transactions. That means no livestock haulage, that means no new tyres, that means no new motorbikes bought in town. There is then the threat of people leaving town who work in other services. There are the mental health issues and other threats like loss of services.

The impacts on these councils and towns are a very serious threat. After one visit to one local council I was informed that over 80 per cent of its rate base comes from rural residents but it will not expect to get a lot of those rates over the next couple of years. The council will not have the capacity to collect those rates because the people simply do not have any income. At least 50 per cent of one council's income comes from Transport and Main Roads contracts in capital and maintenance works. In this one particular region there will be no capital works for four years. As I said, 50 per cent of their income comes from roadworks, and that is the same for most of those western councils. If those roadworks are not there, these people are not viable, and that is even without taking into consideration the rates issue in that councils cannot collect the rates.

If you add all of that together, there are some very serious problems to address for these councils that will take significant input from government which will create a very big problem for government. I can give members a list of names of people who have maxed out their credit card and maxed out their overdraft facility. Unfortunately, the assistance available at the moment is not

specifically tailored to assist these people. Rather, it is more suited to those people who are not in financial trouble. In particular, the loan financing package is for people who are not really in trouble and can weather that refinancing option.

There are some very big problems. We cannot do nothing. While we are building bridges and buildings in Brisbane, we cannot watch an industry out there in the west collapse. It is not an option to have these families who have been there for 100 years replaced with large corporate entities. There are some answers out there. There are some progressive mayors and councillors who are providing answers. They are coming together shortly to provide some of those answers to the government. I strongly urge people to recognise this problem.

*(Time expired)*

## International Women's Day

**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (11.58 am): This Saturday, 8 March, is International Women's Day—a day for all Queenslanders to think about the important role that women play in our community. International Women's Day is held globally each year to celebrate the economic, political and social achievements of women. Locally, this is the perfect opportunity to promote the great opportunities that are available to women in Queensland. As the minister responsible for women's policy, I am dedicated to raising awareness right across government of the great benefits that can be gained from increasing female participation in the workforce and society. As we strive to grow a strong four-pillar economy and achieve a four per cent unemployment rate by 2018, engaging females in the workforce and encouraging them to take the opportunities available is not just a luxury; it is a necessity.

Queensland is a great state and I can say that the opportunities are knocking for Queensland women. This is thanks to the strategies in our four pillars—tourism, agriculture, resources and construction—where the green shoots are already appearing and women are being given the chance to thrive. In tourism, recent research shows a $1 billion boost in overnight visitor expenditure in Queensland, providing a range of opportunities for women in this booming industry. The Newman government is encouraging female workers to enter and stay in the resources industry through its annual contribution of $100,000 over three years to the Women in Resources Sector Strategy. This strategy funds the Queensland Resources Council to deliver the Women in Mining and Resources Queensland Mentoring Program, which is designed to retain women in the mining industry. This strategy is supported by the Supporting Women Scholarships. These scholarships are designed to open up new opportunities for Queensland women of all ages to enter non-traditional fields such as agriculture, engineering and earth sciences. Importantly, the scholarships are not just restricted to those entering university for the first time but encourage women at all levels of experience to seriously think about working in an industry that they might not have thought about before. If we do not attract females to typically male dominated industries, we will not be able to address critical skill shortages, meaning that our productivity and economic growth will lag.

The Queensland government is a proud supporter of three International Women's Day events this year: the Brisbane International Women's Day Breakfast hosted by United Nations Women Australia; the Black, Bold and Beautiful Indigenous Women's Luncheon; and the Many Threads exhibition in Cherbourg. These events are only some of the many important events being held across the state to mark International Women's Day. For any member interested in attending other events to celebrate women, there is a longer list on the Department of Communities, Child Safety and Disability Services online events calendar.

The Queensland government is committed to enabling women to take advantage of the opportunities available here in Queensland. We will be doing this not only on International Women's Day but also all year round through the Office for Women. A key Office for Women service is Women's Infolink. This service connects Queensland women with free and confidential support, service referrals and information on a range of topics. This service enables women and girls to find a service, access information, or download other resources that they might find useful. I encourage all members of parliament to promote this service to women in their electorates. It is a service for all Queensland women no matter where they live. Women can call the free telephone service, email or go online to find information that they need.

The Newman government is growing Queensland's four-pillar economy and with that growth comes significant opportunity. I encourage all members, and women and girls in their electorates, to use the tools available to find out more about how to embrace the opportunities available.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! The time for matters of public interest has expired.

# TAFE QUEENSLAND (DUAL SECTOR ENTITIES) AMENDMENT BILL

## Introduction

**Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.04 pm): I present a bill for an act to amend the TAFE Queensland Act 2013 to provide for the establishment and regulation of dual sector entities and to end the Central Queensland University Act 1988 for related purposes. I table the bill and explanatory notes. I nominate the Education and Innovation Committee to consider the bill.

*Tabled paper*: TAFE Queensland (Dual Sector Entities) Amendment Bill 2014 [4581].

*Tabled paper*: TAFE Queensland (Dual Sector Entities) Amendment Bill 2014, explanatory notes [4582].

This bill will provide for the establishment and regulation of dual sector entities. A dual sector entity is one that provides both higher education and vocational education and training—or VET. It is also allowed to use the word 'TAFE' to describe the delivery of its VET courses and can receive state assets under a transfer regulation. Dual sector entities have operated successfully for a number of years in Victoria and the Northern Territory and this bill will ensure that Queenslanders can also benefit from this model of tertiary education. Given the convergence between higher education and VET, it is timely to provide for dual sector entities in Queensland.

The bill will facilitate the establishment of Queensland's first dual sector entity by providing for the merger of the Central Queensland Institute of TAFE—or CQIT—with the Central Queensland University. The state finalised a merger and transfer agreement with Central Queensland University in 2013. The government is introducing this bill to now give effect to the agreement. The merger between CQU and CQIT is expected to bring significant benefits to Queenslanders in the Central Queensland region and the Queensland economy more generally. The merger will provide for an entity that better integrates VET and higher education, provides better articulation between VET and higher education courses, can respond to the changing skills needs of the region, offers a broader range of courses to students and is more responsive to industry workforce needs.

The bill provides for dual sector entities to be prescribed in a regulation and any transfer of matters, such as assets, student enrolments and staff from the state to a dual sector entity will also occur under a regulation. Central Queensland University will be prescribed as a dual sector entity under a regulation to be made under the provisions in this bill.

It is possible for an entity to have registration as both a higher education provider and a registered training organisation—an RTO—and there are a number of such entities in Queensland already. This bill, in providing for dual sector entities, allows the government to transfer TAFE institutes to another entity, such as a university, and to monitor the use of transferred assets by the dual sector entity. It allows the dual sector entity to operate as a provider of VET by using the protected term 'TAFE' in relation to its products and services.

Dual sector entities may receive significant government assets such as land and buildings and it is necessary for the government to monitor the use of these assets to ensure that the government's investment is protected. The bill, therefore, includes a number of provisions which require a dual sector entity to submit plans and other information to the minister. These provisions are similar to the requirements imposed on other statutory bodies such as TAFE Queensland and the former statutory TAFE institutes.

I now turn to the provisions in the bill that provide for accountability and governance of dual sector entities. To protect the state's significant investment, the bill takes the approach of requiring accountability in relation to the entity's entire operations, not just the VET operations transferred to it by the state. This is necessary because it is difficult to separate higher education and VET operations at a dual sector entity. Indeed, one of the objectives of establishing a dual sector entity is to encourage integration of higher education and VET to make it easier for students to progress from VET qualifications to higher education qualifications. Given the close integration between VET and higher education, the entity will be required to report on all its operations to ensure that the government's investment in the dual sector entity is protected.

In the event that reporting on an entity's entire operation is no longer required, the bill allows for a regulation to exempt an entity from the general accountability obligations and to limit accountability to its VET operations only. This allows for a regulation to be made when an entity is established or at a later date exempting it from the requirement to report on its higher education operations.

The bill provides for the dual sector entity to complete an operational plan in relation to its operations and to submit that plan to the minister for approval. All statutory bodies prepare operational plans. These provisions provide additional detail about what is required in the plan and will require that the plan be submitted to the minister for approval. The bill clarifies the relationship between this operational plan and the plan that must be prepared under the Financial Accountability Act 2009. The bill ensures that the period for the two operational plans align so that the entity is only required to prepare a single document to meet its obligations under this bill and the Financial Accountability Act 2009.

The bill also includes a requirement for quarterly reports to be provided to the minister. The operational plan will prescribe the detail which must be included in the quarterly reports. Dual sector entities will be required to notify the minister of proposed significant actions such as selling, leasing or mortgaging property transferred to the entity. The minister will have reserve powers to give directions to the dual sector entity if satisfied it is necessary to give the direction in the public interest. The entity will be consulted on the direction and will be able to advise whether it has a concern about its financial viability as a result of the direction.

Finally, the dual sector entity may be required to pay a return to the state. This requirement only applies to the entity's VET operations and recognises that the entity has received significant assets from the state. The bill also includes a requirement for the minister to review the VET operations of a dual sector entity every five years. This will ensure that the dual sector entity is operating efficiently and effectively.

Dual sector entities will be allowed to use the protected term TAFE in the delivery of training products and services and the bill amends the TAFE Queensland Act 2013 accordingly. The bill also includes an amendment to the Central Queensland University Act 1998 to amend the membership of the university's council. The bill provides for the next person appointed as a member on the council, after the university is recognised as a dual sector entity, to be a person with knowledge or experience of VET. This will ensure that the university's governing body includes a person with experience relevant to the university's new role as a dual sector entity.

The TAFE Queensland Act 2013 already provides for a regulation to be made to transfer matters such as assets between relevant entities. The bill amends the TAFE Queensland Act 2013 to recognise dual sector entities as relevant entities allowing for the transfer of assets, staff and other matters from CQIT to Central Queensland University. The bill amends the functions of TAFE Queensland to provide TAFE Queensland with a general function to advise the minister about matters relevant to its functions or matters referred to it by the minister. This function will allow TAFE Queensland to respond to requests for advice which the minister may make. As the principal provider of VET in Queensland, TAFE Queensland has significant expertise in the delivery of VET and it is appropriate that it have a function to provide advice to the minister.

This government has been unreserved in its commitment to the economic prosperity of this great state. Boosting productivity, addressing skills shortages and increasing workforce participation are central to making this happen and the merger between CQU and CQIT is no exception. Dual sector entities are just another example of how this government is growing a strong four-pillar economy and I look forward to seeing the benefits for Central Queensland and across Queensland. I commend the bill to the House.

## First Reading

**Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.12 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

### Referral to the Education and Innovation Committee

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.

## FURTHER EDUCATION AND TRAINING BILL

### Introduction

**Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.12 pm): I present a bill for an act to streamline the regulation of apprenticeships and traineeships, to establish a robust and modern legislative framework for training and to make minor and consequential amendments to other legislation as stated in schedule 1. I table the bill and explanatory notes. I nominate the Education and Innovation Committee to consider the bill.

*Tabled paper*: Further Education and Training Bill 2014 [4583].

*Tabled paper*: Further Education and Training Bill 2014, explanatory notes [4584].

The Queensland government has a significant reform agenda for Queensland's vocational education and training sector. As part of this, we have committed to a range of reforms that will make the apprenticeship and traineeship system in Queensland simpler and more flexible, encourage broader participation and improve skills outcomes for training providers, industry and employers and aspiring and current apprentices and trainees. The bill repeals the Vocational Education, Training and Employment Act 2000 and establishes a new regulatory framework for apprenticeships, traineeships and other training related matters which is streamlined and meets the needs of industry and government. The bill will reduce red tape for employers and apprentices and trainees and bring Queensland into line with the approach of other jurisdictions.

By way of example, the bill changes the time frame for registration of a training contract to 28 days from the commencement of employment. Currently the employer is not required to lodge the training contract until after the end of the probationary period, which can be 90 days. During this time the employment status of the apprentice or trainee is uncertain as only a person with a registered training contract can be treated as an apprentice or trainee for employment purposes. A shorter time frame is consistent with the practice in other states and will resolve the employment status of apprentices and trainees sooner.

The bill adopts a modern drafting style. For example, it includes a detailed statement of the matters the chief executive takes into account when deciding whether to register a training contract. It incorporates into the act existing requirements in regulation, approved forms, guidelines and policies. Stating these requirements in a single place will allow users of the legislation to quickly locate the criteria and understand how the chief executive makes registration decisions. The bill now includes specific provision for school based apprenticeships and traineeships to recognise the unique needs of school students doing an apprenticeship or traineeship and to ensure they are receiving genuine training opportunities.

The bill streamlines and simplifies the process for suspension, cancellation and amendment of training contracts. Unlike the VETE Act, the bill relies primarily on the parties to the training contract to resolve their issues and lodge documentation with consent. Suspension and cancellation of training contracts will now occur by consent of the parties. The bill provides for a suspension or cancellation form to be lodged with the chief executive and take effect seven days after it is lodged. During the seven-day period either party may withdraw their consent. This simplified process reduces red tape whilst maintaining protections for the parties. If one party feels they were coerced into signing the form, they have seven days to withdraw their consent. The chief executive will retain the discretion to cancel a training contract in specific circumstances. This power will be used where the parties were not able to reach agreement or the contract has been frustrated and it is necessary to cancel the agreement. For example, in some cases employers terminate employment of an apprentice without dealing with the training contract. This provision will allow the chief executive to act to cancel the training contract.

The bill includes a process that will allow an apprentice or trainee to permanently transfer a training contract to another employer. This is a significant reform and one that will provide significant benefits for employers and employees. A permanent transfer may be necessary for a number of reasons. For example, an apprentice or trainee may find an employer who offers improved conditions

or better training opportunities. Currently this issue is dealt with by cancelling the first contract and registering another training contract. The current process is time consuming and overly bureaucratic. The bill addresses this issue.

The bill will remove unnecessary duplication of rights and processes in the VETE Act and industrial relations legislation. Existing duplication between laws regulating apprentices and trainees and industrial relations has allowed apprentices and trainees to pursue multiple options for compensation in relation to the one event, increasing costs for employers. This is a major red-tape reduction providing a clearer process for resolution of issues between apprentices and trainees and their employers. It will reduce complexity for employers and reduce barriers to employing apprentices and trainees. It was an issue identified by the Skills and Training Taskforce. Industry has lobbied for reforms in this regard via the Skills and Training Reform Board.

The amendments in this bill will, as far as possible, result in apprentices and trainees being entitled to the same protections as other employees in the workplace. Apprentices and trainees employed under the Queensland industrial relations system will now have access to notice of termination and unfair dismissal under the Industrial Relations Act 1999. The majority of apprentices are employed under the national industrial relations system and will rely on rights under the Commonwealth Fair Work Act 2009 instead of the VETE Act.

The bill also provides for the regulation of group training and principal employer organisations, or GTOs and PEOs. A GTO or PEO is an organisation that provides training and employment opportunities for apprentices and trainees. It does this by finding host employers. In some cases, an apprentice or trainee may work with multiple employers each week and in other cases the GTO or PEO may find a permanent host employer for the apprentice or trainee. The GTO or PEO remains the employer of the apprentice or trainee and is responsible for compliance with this bill. The bill updates the existing provisions in the VETE Act to recognise current practice in the regulation of GTOs and PEOs. The bill also incorporates a number of matters currently dealt with in forms, guidelines and procedures into one place to provide a clear and comprehensive system for the regulation of GTOs and PEOs.

The bill provides for the issue of certificates of achievement and implements a reform of this government that allows employees to use alternative training pathways to obtain recognised qualifications. Not every employee can commit to a three- or four-year apprenticeship. The certificate of achievement allows for a range of training experiences to be documented and recognised in accordance with government policy. This certificate of achievement can be used to demonstrate the completion of work based training, increasing employment opportunities for that person and helping employers to access the skills they need to grow their businesses.

The bill also repeals the Higher Education (General Provisions) Act 2008. Since 2012, the Tertiary Education Quality and Standards Agency, or TEQSA, established under Commonwealth legislation, has regulated the higher education sector. State governments no longer have a role in the regulation of higher education providers. The Higher Education (General Provisions) Act 2008 was used by the Queensland government when it regulated higher education providers. As all higher education providers in Queensland are now regulated under Commonwealth legislation, this act is no longer necessary and can be repealed.

The Department of Education, Training and Employment has conducted preliminary consultation on reforms proposed in this bill with stakeholders in the training sector and received some initial positive feedback. In order to progress this bill as soon as possible and deliver the benefits of reduced red tape to industry, the government did not release a consultation draft of the bill. The government welcomes comments from stakeholders on the bill and anticipates that the examination of this bill by a committee of this House will allow further feedback to be provided. I commend the bill to the House.

## First Reading

**Hon. JH LANGBROEK** (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.21 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

### Referral to the Education and Innovation Committee

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Education and Innovation Committee.

## QUEENSLAND TRAINING ASSETS MANAGEMENT AUTHORITY BILL

### Introduction

**Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (12.22 pm): I present a bill for an act about the management of State-owned training assets for the provision of vocational education and training, in accordance with sound commercial principles, and for related purposes. I table the bill and explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

*Tabled paper*: Queensland Training Assets Management Authority Bill 2014 [4585].

*Tabled paper*: Queensland Training Assets Management Authority Bill 2014, explanatory notes [4586].

This bill delivers on the Queensland government's commitment to boosting front-line services and marks an important point on the road towards a new and improved vocational education and training sector, otherwise known as VET. Last year, my colleague the Minister for Education announced major reforms to the VET sector. Through this bill, the Queensland government continues that program of reform by giving all existing and prospective training organisations equal access to VET facilities, which in recent times have been substantially underutilised.

The government understands the link between the state's economic growth and the skills of its people. Within the first 100 days of office, this government commissioned the Skills and Training Taskforce, the first ever industry-led review of Queensland's vocational education and training sector. The task force concluded that there was significant room for improvement in the way VET is provided in this state. Specifically, the experts said that Queensland's TAFE structure and facilities management reduced its competitiveness. A major contributor to this problem was that the majority of our TAFE assets are grossly underutilised.

For example, let us take a look across the river: we have a beautiful facility at South Bank. It is one of the best VET facilities in the nation. It is modern, and it is located on the edge of the CBD and close to public transport. Despite all of that, it is used only 51 per cent of the time. Between 6 pm and 9 pm, which are the traditional night-class times, it is empty 95 per cent of the time. The public-private partnership agreement for that facility, put in place by the previous government, has forecast cash outflows of $1.3 billion over the remaining life of the agreement to 2039. Those sorts of numbers do not stack up next to utilisation rates that struggle to hit 50 per cent. South Bank TAFE is not alone. TAFEs across the state are 60 per cent empty. We can do better than this.

One of the recommendations of the independent Commission of Audit was that asset management should be separated from TAFE and transferred to a specialist entity with skills and expertise in owning and managing those kinds of assets. By creating a new body to manage the property side of things, we can free up TAFE to concentrate on doing what it does best: the delivery of vocational education and training services. In the VET sector, the ability to deliver effective training often depends on access to appropriate facilities. Sadly, those facilities are frequently out of the reach of otherwise qualified trainers. However, when our state's TAFE assets are sitting dormant more than 50 per cent of the time, it is nothing more than common sense to make those assets available to other registered training providers, as well as keeping them freely available to TAFE.

This legislation will pave the way to allowing existing or prospective non-government training organisations to expand the availability of VET, particularly in regional areas. To that end, this bill will establish an independent body, the Queensland Training Asset Management Authority, or QTAMA, to provide for the efficient and effective management of state owned training facilities primarily for the provision of vocational education and training. The bill achieves those objectives by establishing QTAMA to be the specialist owner and manager of the state's training assets, with an experienced board appointed by the Governor in Council; and to enhance competition and improve utilisation by providing access to state training assets to all registered training organisations on a non-discriminatory commercial basis.

A statutory body was chosen as the most appropriate vehicle for QTAMA because it is an independent body under the government umbrella that can be directed by an experienced board while having a strong governance framework. This board will consider all options on how to improve use by

attracting existing and prospective trainers, and will look at various lease-rental options for those trainers based on their needs and circumstances. Establishing QTAMA as a statutory body allows the government to retain oversight of its investment in training assets through the governance, accountability and reporting framework provided for in the bill.

The VET sector is undergoing major reform all around Australia and initiatives such as this prove that Queensland is leading the way. This bill will lead to the creation of a stronger and more sustainable way of managing our training infrastructure and has the capacity to substantially boost the availability of VET in the regions. I for one think this is a thoroughly worthy goal. I commend this bill to the House.

### First Reading

**Hon. TL MANDER** (Everton—LNP) (Minister for Housing and Public Works) (12.27 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

### Referral to the Transport, Housing and Local Government Committee

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.

## DISABILITY SERVICES (RESTRICTIVE PRACTICES) AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 20 November 2013 (see p. 4056).

### Second Reading

**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (12.27 pm): I move—

That the bill be now read a second time.

I thank the Health and Community Services Committee for its consideration of the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. I also thank everyone who took the time to make a submission to the committee. I now table a copy of the government's response to that report.

*Tabled paper*: Health and Community Services Committee: Report No. 37—Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013, government response [4587].

While the set of amendments in this bill are modest, their significance cannot be underestimated. All the amendments are directed towards achieving benefits for clients. These benefits will flow from improving plans, increasing safeguards, and enabling and supporting service providers to focus their attention on client service, rather than red tape.

The committee has made 11 recommendations. I am very pleased that the first recommendation is to recommend the passage of the bill, which supports the rights of clients who are subject to restrictive practices. This bill is the culmination of a review of the framework that regulates the use of restrictive practices, such as seclusion and restraint. These practices respond to the care needs of adults with intellectual and cognitive disability. The regulation system for such practices is designed to support a positive behaviour support approach and to reduce or eliminate the need for restrictive practices for the client.

This is such an important policy area to get right. Too little regulation and oversight can have negative impacts on the rights and quality of life of a relatively vulnerable group of people. However, too much regulation can actually get in the way of having quality supports delivered to clients. In this review we have worked hard to get the balance right. We have made some important changes to enhance safeguards, empower adults and their families, ensure we have an effective reporting and monitoring system and remove red tape to enable service providers to focus their time on the direct client supports. These changes are also being supported by a comprehensive range of educational,

training and practice reforms. These reforms will be led by the Centre of Excellence for Clinical Innovation and Behaviour Support. The centre will assist clients and family members as well as service providers.

I will now address the committee's specific recommendations which include reference to these broader reforms. With regard to recommendation 2, the committee recommends that I inform the parliament about the impact of the restrictive practices framework on clients who receive self-directed funding, particularly whether the costs incurred by host providers to comply with the legislation will be paid from an individual's self-directed funding and who would be responsible for preparation of a positive behaviour support plan for an individual who uses self-directed funding to purchase services from several service providers.

The Department of Communities, Child Safety and Disability Services is committed to providing greater choice and control for people with disability. The Your Life Your Choice self-directed support framework places choice and control in the hands of clients and helps prepare them for the NDIS. As more people choose to self-direct their supports through Your Life Your Choice, service providers will start to receive more of their funding from host providers or directly from a person with a disability, rather than through grants issued by the department.

While choice and control are vital, so too is ensuring that clients receive quality care and have their rights promoted and upheld. This is particularly important for clients with challenging behaviours who require restrictive practices. If an adult under Your Life Your Choice requires the use of containment in the provision of a particular support, there will be a requirement that the support be purchased from a funded service provider under the Disability Services Act 2006. This would ensure the adult is not being contained without appropriate oversight and has the benefit of an evidence based model of care that will reduce or eliminate the use of restrictive practices. In the case of an adult under the Your Life Your Choice framework, the funded service provider will meet costs associated with compliance with the restrictive practice framework, using the funding provided to the service provider directly by the adult or through the adult's host provider.

The funding for an adult who requires positive behaviour support and restrictive practices is set at a level which recognises their high and complex needs. The Centre of Excellence for Clinical Innovation and Behaviour Support will be developing a suite of resources and training to support service providers to better understand the restrictive practices framework and implement positive behaviour support in their organisations.

In terms of who is responsible for the development of a plan where a client is self-directing and accesses multiple service providers, responsibility depends on the restrictive practices that are proposed to be in place for the client. For adults where a service provider proposes the use of containment or seclusion, the chief executive of the Department of Communities, Child Safety and Disability Services is responsible for the development of the positive behaviour support plan. For restrictive practices other than containment or seclusion, the plan is developed by the service provider. Where there are multiple service providers, the plan should be developed by the service provider that provides the majority of support to the client where the use of restrictive practices is required.

With regard to recommendation 3, the committee recommends that I address concerns about possible confusion regarding the interaction of clause 9(2) of the bill, which would amend the definition of chemical constraint. This amendment is important and helps make sure adults with impaired capacity get the health care they need. There is currently some confusion among service providers about whether they need to seek chemical restraint approval when using prescribed medication, such as a sedative, to enable an adult to receive a single healthcare treatment such as going to the dentist.

This amendment clarifies that the use of medication prescribed by a doctor for the purpose of enabling the provision of a single instance of health care to an adult with an intellectual or cognitive disability does not require approval as chemical restraint. This type of medication is obviously an important part of an adult's health care and for a client under these new arrangements this amendment clears up this confusion and ensures that there are no legislative barriers in the restrictive practices framework to adults receiving the health care they need in a timely way.

Based on the definitions of chemical restraint under the restrictive practices framework and health care under the Guardianship and Administration Act 2000, consent to the use of the medication to facilitate or enable the provision of health care to an adult with impaired capacity will be dealt with under the provisions for health care of the Guardianship and Administration Act 2000. On

this basis, the government does not consider that further amendment to the clause is necessary. However, I can advise that the guideline on chemical restraint being developed by the Centre of Excellence for Clinical Innovation and Behaviour Support will provide additional guidance to service providers on the circumstances in which the proposed amendment applies, and how it relates to consent processes under the Guardianship and Administration Act 2000.

With regard to recommendation 4, the committee has recommended an amendment to clause 13 of the bill to provide that the adult, people in their support network such as family members and carers, and the adult's treating doctor are encouraged and given the opportunity to participate in the development of the adult's positive behaviour support plan. The Disability Services Act 2006 already provides for consultation with these people in the sections prescribing requirements for the development of a positive behaviour support plan. Therefore, the government does not consider the proposed amendment necessary within this particular section which describes a positive behaviour support plan.

However, I recognise that engagement with the adult and their support network early in the process is vital to developing practices to meet the needs and goals of the adult. This is why the department is also developing a policy and a statement to ensure early engagement with the adult, their family members and other supporters, including a guardian, advocate, family members or key healthcare provider, in the assessment and planning process.

More broadly, the changes to positive behaviour support plans, through the legislation, and the model plan and guidelines will make a real difference to the quality of support a client will receive. At the moment, a client may have a plan that is over 100 pages long. A plan such as this for the client is at risk of becoming impenetrable for support workers on the ground who are focused on meeting that clients' direct care and support needs.

How can we expect a client to be provided with the right care and support in the context of challenging behaviours and high and complex needs when these strategies are embedded in such a complicated plan. The format lent itself to information being duplicated and key guidance being split across various parts of the document. The same client supported under the new model plan will see the benefits to their quality of life through support workers being able to see clear, succinct and up-to-date information on their activities and goals. It will also have clear guidelines as to appropriate and safe restrictive practices tailored to their particular needs.

With regard to recommendation 5, I have also been asked to inform the parliament about the proposed timing of the introduction of the provisions about positive behaviour support plans and respond to stakeholders' concerns about whether and when service providers would be required to rewrite existing positive plans. I am pleased to advise on this point that it is proposed that the amendments will commence by mid-2014. This will allow time to communicate the amendments to those affected, develop and roll out the web based reporting system and deliver training, develop new guidelines and revise resources in the light of the changes. This will be done in close consultation with representatives from the disability sector, continuing our ongoing engagement on these reforms.

I can also advise that a service provider is only required to have regard to the model positive behaviour support plan when a plan is being developed. Therefore, existing plans will not need to be rewritten. When service providers prepare new plans for clients, the legislative amendments, model positive behaviour support plan and new resources will help to ensure they are easier to understand and implement and reflect best practice in achieving better lives for clients which is central to this whole bill.

With regard to recommendation 6, the committee recommends that I describe the intended operation of proposed sections 123OA(1)(c) and 123ZDA(1)(c) to clarify the circumstances in which a service provider may use a restricted practice without express authority, particularly if there is no positive behaviour support plan or the adult is transferring to a new service provider, and the consequent scope of immunity for service providers. Firstly, it is important to note that these amendments allow service providers to get on with the job of providing timely and quality services to clients. This is the priority. It is also important to note that the proposed time-limited immunity provisions do not apply in all circumstances where there is a delay in a restrictive practice authorisation being granted. It applies only in the specific cases identified during the review.

The amendments introduce the following two circumstances where a funded service provider, or an individual acting for the service provider, may have time-limited immunity from civil and criminal liability in the use of restricted practices. The first circumstance is where a service provider has sought a short-term approval for a new practice in relation to an adult who is already subject to a

positive behaviour support plan or respite/community access plan being implemented by the service provider and the decision for the short-term approval has not yet been decided. The second circumstance is where the Adult Guardian is the guardian for a restrictive practice matter and the consent of the Adult Guardian to use a practice has expired before the Adult Guardian has decided whether to provide a new consent to the use of that practice.

While these delays occur on an irregular basis, when they do occur it impacts significantly on the capacity for service providers to have legal certainty about the actions they can take to provide appropriate client services and keep their clients safe. There are certain requirements that must be met before a service provider has immunity in these circumstances, including that the use of the practice is the least restrictive way of ensuring the safety of the adult or others, and it is necessary to prevent the adult's behaviour causing harm to the adult or others.

Importantly, there is also a requirement for the service provider to be implementing a positive behaviour support plan or respite/community access plan for the adult. This is a very appropriate safeguard. It ensures that an automatic immunity around the use of restrictive practices only applies where an adult is being supported under a positive behaviour support approach, where their needs and behaviour have previously been assessed and a plan to address those needs has been developed.

With regard to recommendation 7, the committee recommends that I provide the parliament with information on the steps being taken to ensure that decisions on short-term approvals and consents by the Adult Guardian and short-term approvals by the chief executive are made in the shortest time possible that is consistent with sound decision making. I can advise that the government is committed to addressing delays in restrictive practice authorisations as is apparent in these legislative reforms and also by supporting improved practices. The additional guidelines, training and resources for service providers will help reduce delays in decision making by ensuring decision makers are provided with all the relevant and necessary information they need. The department and the Office of the Adult Guardian will also work together to prepare guidance to service providers about what type of information is needed for a short-term approval and to ensure that the information being provided to service providers is consistent.

With regard to recommendation 8, the committee recommends that I inform the parliament of the policy considerations that led to the introduction of the immunity provisions in the bill, in particular the considerations and any incidents that informed the 30-day period for immunity. What we strongly heard during the review was that service providers were experiencing significant uncertainty about what they could lawfully do to keep their clients and other people safe when there are delays in approvals. It was noted that there tended to be delays in short-term approvals and consents of the Adult Guardian. These provisions ensure that support workers are not exposed to liability in the use of restrictive practices in these cases. This allows service providers to have the legal certainty to be able to provide proper care and support to clients in their services. This is a practical change that will help ensure that clients are getting the services they need.

The department has been advised by some service providers that it can take up to a month for decisions to be made, and it can be longer if the documentation that has been provided by the service provider requires amendment before a decision is made. The 30-day maximum immunity period ends as soon as a decision is made, so it may be a shorter period in practice. However, a time frame of up to 30 days is considered appropriate given that there have been delays of up to this length in the past. The maximum of a 30-day period is necessary to provide service providers with the certainty they need to ensure continuity of their services to clients. Over time it is expected that the need for these immunity provisions will be reduced as delays in decisions are addressed through better practice. Further, operational pressures are likely to be reduced as fewer restrictive practices are required as clients' lives and behaviour are improved as a result of more effective positive behaviour support strategies.

With regard to recommendation 9, the committee has asked that an amendment be made to clause 31 to provide that the new statement for clients and families about the use of restrictive practices include contact details for relevant disability advocacy and legal advice services. It is important that clients and their families are aware of the organisations that can support them to exercise their rights. I agree that the statement should include these contact details. However, it is not necessary that the bill be amended to provide for this requirement. The Centre of Excellence for Clinical Innovation and Behaviour Support is developing this statement and will include the contact

details of these organisations. The centre will undertake consultation with key representatives from the disability sector on the statement, including seeking input on the disability advocacy and legal advice services that should be referred to in the statement.

In relation to the query from the committee about when the statement needs to be provided to an adult and their family, the bill provides that this must occur when the service provider starts considering that restrictive practices need to be used on an adult. Of course in some cases there will be the need for the urgent use of a practice to support a client, and it will be this critical incident that drives consideration of the need for the use of a restrictive practice. Where possible, the statement should be provided and explained to the adult and their family prior to a short-term approval being sought. So to consider this section as it will apply in practice to improve the lives of a client, it is important to note that it is about ensuring there is early engagement and discussions with the adult and those close to the adult about the potential need for restrictive practices to ensure that their views are properly considered. As such, the statement must be provided to the adult and to the people with a continuing involvement in the adult's life—for example, family members and friends involved in the ongoing support.

The statement will be in plain language recognising the communication support that is needed for this client group. The statement will be explained to the adult in the way they are most likely to understand. The Centre of Excellence for Clinical Innovation and Behaviour Support will develop the form of the statement in consultation with the key stakeholder implementation working group. As a result of this change, the adult and their supporters will be better equipped to express their views and have input into the process, and it is important that this happens early on. Without this input, the supports and strategies for the adult are less likely to be ideal. For example, it is the adult and their family who know that the adult enjoys cooking but not riding a bus and does not like people to be around when he or she is eating. The adult's family is likely to know what helps the adult to calm down and to explain why an adult may be responding a particular way. The reforms will help to ensure that in the future this adult and their supporters have their voices heard and properly considered.

With respect to recommendation 10, the committee has asked that I advise the parliament on the expected timing of consultation with the disability sector about reporting requirements that are proposed to be included in a regulation. The department will start consulting with the disability sector on the reporting requirements and the reporting system in the first quarter of the year. This will occur through an implementation working group that will also provide input into the development of new resources and guidelines. I am particularly pleased with the very close engagement we have had with the disability sector throughout this review, and we will continue our ongoing consultation with the sector through the implementation phase and beyond. I would like to acknowledge and thank all of those stakeholders who have helped to inform this package of reforms for vulnerable adults in our community.

With regard to recommendation 11—the final recommendation—I have been asked to inform the parliament of the rationale for using only two of the three limbs of the definition of harm in section 123E in the notes inserted in the definitions of various restrictive practices. The bill makes changes to the definitions of restrictive practices to make it clearer what types of actions require approval as a restrictive practice. This will address some confusion and avoid service providers using their time and resources to apply for unnecessary approvals. The purpose of the notes that have been inserted into definitions is to make it clearer in the act that the use of a restrictive practice must be in response to the behaviour of an adult that causes not just physical harm to a person but also a serious risk of such harm. Section 123E of the Disability Services Act 2006 defines harm to be—

(a) physical harm to the person; or

(b) a serious risk of physical harm to the person; or

(c) damage to property involving a serious risk of physical harm to the person.

For readability it was not considered necessary to include the full definition of harm in the notes to these definitions. The proposed amended definitions refer specifically to the section where the full definition of harm is located, and the crux of both the second and third limb of the definition of harm is about an action involving a serious risk of physical harm to a person. These amendments to the definitions of restrictive practices will also be complemented by guidelines on each restrictive practice to help provide further clarity on the actions that require approval. I thank the Health and Community Services Committee for its consideration of the bill and its very valuable feedback. I commend the bill to the House.

**Mrs SCOTT** (Woodridge—ALP) (12.52 pm): I rise today to contribute to the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013, which was introduced into the House by the Minister for Communities, Child Safety and Disability Services on 20 November 2013. At the outset I would like to put on the record that the Labor opposition will be supporting this bill. However, we do share some of the concerns that stakeholders in the disability sector have about various areas of the bill which I will outline later.

This bill will amend the regulatory framework in the Disability Services Act 2006 and the Guardianship and Administration Act 2000 that applies to the use of restrictive practices such as seclusion or restraint by funded disability service providers on adults with intellectual or cognitive disability in response to behaviour that results in physical harm or a serious risk of physical harm to the adult or others.

In 2006 the Labor government commissioned retired Supreme Court judge William Carter to report on restrictive practices in the disability sector. He noted that these practices could be unlawful if exercised outside a regulatory framework. The regulatory frameworks were then introduced under two acts—the Disability Services Act and the Guardianship and Administration Act. A Centre of Excellence for Applied Research and Training and a specialist response service to assist disability service providers were also established under a Labor government.

Consultations were held across the state in 2010 in response to concerns that the requirements of the legislation were too administratively burdensome. A discussion paper was released in July 2013 and at the same time a working group including the Public Advocate and the Adult Guardian considered the issues. As we know, the National Disability Insurance Scheme will commence in Queensland in 2016 and be fully implemented by 2019. The NDIS will have a national restrictive practices framework that is currently under development. In fact, these changes have taken into account the pending transition to the NDIS and align with work occurring on a draft national framework for reducing the use of restrictive practices.

These state amendments have two main purposes. One is to make sure that safeguards for clients are enhanced by introducing reporting requirements on the use of restrictive practices and the other is to enable service providers to focus on clients by streamlining administration requirements and red tape. Service providers will be required to provide a statement to adults, their families and carers about the use of restrictive practices.

The legislative changes are in two key areas and can be summarised as follows: firstly, there will be enhanced safeguards for clients by emphasising the need for a positive behaviour support approach including the proviso that restrictive practices cannot be used as a form of punishment. Further to that, these amendments will require reporting to the department on their use and provide a statement regarding the use of restrictive practices. The second aim is for these amendments to simplify the restrictive practices framework, clarify key definitions in the framework, reduce the prescriptive requirements in a positive behaviour support plan and increase the appointment of a restrictive practice guardian for two years from one. This bill will also enable a client to move to a new service provider with less red tape. Included is a provision for time-limited immunity from civil and criminal liability in circumstances where there are delays in approval or consent.

The Health and Community Services Committee in its report has made 11 recommendations to the minister for her consideration. In addition, 18 submissions were lodged during the Education and Innovation Committee's consideration of this bill. The submissions received provided valid analysis and raised some concerns that I will now document. Firstly, the Teralba Association raised the need for more and better training of disability sector staff and installing a blanket training program that all service providers and carers must complete before any restrictive practice on a person's freedom is introduced. I completely agree that training is crucial to these changes.

Options Communication Therapy and Training Centre in its submission advocates for communication training for the client and staff, particularly for people with complex communication needs which place them in consideration for any restrictive practices. The Office of the Public Advocate provides support for the overall intent of the bill. However, it does provide some well-considered recommendations and, further, expressed concern the bill seemed weighted more towards addressing resourcing and administrative issues for service providers and decision-making bodies than on safeguarding the rights and interests of the adults whom the legislation purports to protect.

The Anti-Discrimination Commission Queensland supports the improvements to the regulatory regime for restrictive practices. However, it has concerns regarding the necessity for immunity provisions and would also like the bill to allow for independent advocates—legal and social—to be involved in the planning and decision-making process on behalf of the adult.

In its summary of recommendations, Carers Queensland advocates strongly on behalf of the individual client as opposed to the state funded service provider. Multicap is generally supportive but does make the point that the improvements in people's lives have come from increased awareness, investment of resources and increased access to expertise.

Sitting suspended from 1.00 pm to 2.30 pm.

Debate, on motion of Mrs Scott, adjourned.

## SPEAKER'S STATEMENT

### Notice of Motion

**Madam SPEAKER:** Honourable members, the notice of motion given by the Leader of the Opposition this morning contains superfluous words that make the notice of motion irregular in terms of standing orders. I note that the intention of the notice of motion is clear but reference is simply made to the wrong standing order. I understand that the notice of motion was the subject of advice by the Clerk prior to the House commencing today but advice was given in error. In accordance with standing order 70(2), I have ordered that the motion be amended to comply with standing orders and a resupply of the notice of motion will be distributed.

## DISABILITY SERVICES (RESTRICTIVE PRACTICES) AND OTHER LEGISLATION AMENDMENT BILL

### Second Reading

Resumed on motion of Ms Davis—

That the bill be now read a second time.

**Mrs SCOTT** (Woodridge—ALP) (2.31 pm), continuing: The Adult Guardian is supportive. However they do provide some comments on aspects of the bill and they have concerns regarding the restrictive practices regime applying only to state funded services. The Australian Medical Association Queensland advocates that a higher degree of training should occur to protect patients who may be subjected to restrictive practices. While the Queensland Law Society is supportive of the principles, they want a requirement for independent advocacy for the adult through their organisation and other interested persons in the development of the positive behaviour plan.

The Queensland Council for Civil Liberties advocates that restrictive practices are a last resort and references the United Nations Convention on the Rights of Persons with Disabilities. Life Without Barriers welcomes the proposed amendments but wants a whole-of-government, holistic approach in relation to restrictive practices. Centacare is also supportive but has concerns regarding the level of resourcing and the funding implications of these changes to the legislation. Endeavour broadly supports the legislation and requests that collecting data and any reporting process while meeting the needs of all stakeholders does not create an impost on organisations. Quality Lifestyle Support recognises this legislation is required to protect and enhance the lives of people with a disability. Queensland Advocacy Incorporated opposes extended immunity, advocates for free legal representation to every person subject to restrictive practices and calls for an increased emphasis on training.

UnitingCare generally supports the changes while calling for more resources and increased funding for training. National Disability Services supports the bill in principle while suggesting some clarifications and also calls for an increase in training, mentoring, supervision and support for staff. Finally, an anonymous submission strongly advocates for the closure of the Wacol centre. The one overriding and recurring theme in the submissions received is the plea for better resourcing and more training for the staff, workers and carers in the disability sector. I also lend my voice to this call.

There are valid concerns in the disability sector that these changes need resourcing and training before the implementation of this legislation. The opposition is not opposed to this legislation but, as I have outlined, has some reservations. In conclusion, I would like to thank the hardworking secretariat of the Health and Community Services Committee. The committee has worked tirelessly over the past few months and has been diligent in its duties.

**Mr RUTHENBERG** (Kallangur—LNP) (2.35 pm): I rise to speak in support of the bill and make a short contribution to this debate. This is a bill that the committee paid special attention to as we were very aware that the bill seeks to provide a means to restrict a person's rights under certain circumstances. The report stands on its own and I encourage members to read it.

What are restrictive practices? Restrictive practices currently regulated under part 10A of the Disability Services Act include containment, which prevents someone from leaving a particular premises; seclusion, which confines an adult to a room; chemical restraint, which is typically the use of medication; physical restraint or mechanical restraint, for example, using a device to restrict the movement of an adult or to prevent self-injury; and restricting access to objects. Restrictive practices are used on adults with intellectual or cognitive disability in response to behaviour that results in physical harm or a serious risk of physical harm to the adult or others. These behaviours are known as challenging behaviours. Challenging behaviours, as explained by E Emerson in his book *Challenging Behaviour: Analysis and Intervention in People with Severe Intellectual Disabilities,* second edition, Cambridge University Press 2001, are culturally abnormal behaviour or behaviours of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy or behaviour which is likely to seriously limit the use of, or result in, the person being denied access to ordinary community facilities.

The challenge here is that we have competing rights, and finding the right balance to those competing rights is always going to be difficult. Ensuring vulnerable people are protected from themselves or, indeed, others are protected from them while ensuring they are not restricted beyond what is necessary will always be difficult. Addressing the needs of the individual to ensure minimum use of restrictive practices is the goal. I think the bill strikes a good balance and I think it will serve to protect vulnerable people in our community well, or as well as we are able.

When we have competing rights, we will always have differing opinions depending on where one's experience or focus lies. This inquiry was no different, and I thank all those who made submissions to our inquiry and who attended our hearings to give us the benefit of their wisdom. I think it is important to properly understand the policy objectives to be given effect by this bill. I will now quote from the committee's report. It states—

The *Disability Services Act 2006* (the Disability Services Act) is intended to safeguard the rights of adults with a disability, including those with an intellectual or cognitive disability who exhibit challenging behaviour. Section 19 of the Disability Services Act sets out the human rights principle:

> *People with a disability have the same rights as other members of society and should be empowered to exercise their rights.*

This is, indeed, an important principle. This principle is one we have to keep in the back of our minds as we look at restrictive practices. It goes on—

The Bill amends the Disability Services Act and the *Guardianship and Administration Act 2000* (the Guardianship Act) in relation to the use of *restrictive practices* by service providers that receive funding from the Queensland Government. Restrictive practices such as seclusion and restraint may be used in certain circumstances on adults with intellectual or cognitive disability in response to challenging behaviour. Such behaviour results in physical harm or a serious risk of physical harm to the adult or others.

The Explanatory Notes indicate that the Bill is a response to a review of the regulatory framework (and Government service response) to address the needs of adults with intellectual or cognitive disability and challenging behaviour, improve their quality of life, and reduce and eliminate the use of restrictive practices.

Again this is an important focus and aim, and that is that restrictive practices cannot be used for the purposes of punishment. Restrictive practices can only be used for the purposes of protection. It continues—

Those consulted during the review sought changes, including non-legislative changes. The explanatory notes state that the legislative changes identified in the review are—

... to improve the care and quality of life for adults with challenging behaviour; enhance protections for these adults; and streamline processes and reduce red tape for disability service providers.

I think the bill adequately accomplishes that. Let us talk about improved protections for clients. The report states—

In summary, the Explanatory Notes state that the following amendments to the Disability Services Act and the Guardianship Act achieve the policy objective of improved protection for clients:

- positive *behaviour support approach* emphasised for all adults with intellectual or cognitive disability and challenging behaviour, not just where restrictive practices are required
- *restrictive practice is not punishment* outline that service providers should not use restrictive practices as punishment
- *reporting on use by service providers* provide for reporting on the use of restrictive practices to enable monitoring and measuring effectiveness in reducing the use of restrictive practices, and
- *service provider required to provide a statement* a statement must be provided to the adult and those close to the adult about the use of restrictive practices to enable understanding of the framework, complaints and participation in planning and decision making.

This is very important. The reduction of red tape and streamlining processes for service providers is also a significant aspect of the bill. It continues—

In addition, the Explanatory Notes list the following amendments as reducing red tape for service providers:

- *amended definitions of restricted practices* clarify that restricted practices are used to respond to behaviour that causes, or has the potential to cause harm, to make it easier to determine the practices that require authorisation
- *positive behaviour support plans* reduce the prescriptive requirements
- *appointment of a guardian for a restrictive practice* amend maximum appointment period from 12 months to two years.

This is a common-sense expectation. Short-term plans are not required. The requirement for a plan for a short-term approval is removed. This, again, will help significantly to move the process on. It goes on—

- *clarify when a short term approval can be sought* to support the transition of an adult to new service providers
- *time-limited immunity from civil or criminal liability for service providers* when a short term approval to use a restrictive practice has been sought, or the Adult Guardian's consent has been sought, and the request has not been approved or the approval or consent is not given before an existing approval or consent to use a restrictive practice expires.

Again, Madam Deputy Speaker, it seems to be a very practical approach to ensuring that service providers and their clients are able to adequately ensure that their quality of life is preserved. The report further states—

- *clarify definition of chemical restraint* to exclude medication for a single instance of health care

Imagine a service provider having to take their client to the dentist and needing to provide them with some premedication, for example, that could restrict their cognitive capacity. This is really a common-sense approach in trying to allow service providers the dignity of knowledge of what they are doing and ensure that the clients are able to be dealt with in a dignified manner. It continues—

- remove requirement for policies on the use of restrictive practices to be kept and implemented policies will be monitored administratively.

Again, that is a good straightforward move. It is important to note there has been a lot of consultation with various stakeholders including, for example, disability service providers, families and carers, clinicians, advocate organisations and statutory bodies. It is no wonder that the committee found that the bill should be passed.

I thank the minister for her response to our recommendations just now, most of which you will note were really about clarification on a few areas, and that came out of some of the comments through the hearings. Minister, I accept the responses to our recommendations. I think they well justify why the bill is written the way it is. I also thank the committee staff led by the very capable Sue Cawcutt, our research director, for their work on this report, and I am happy to support this bill as I think it strikes the balance we are looking for.

**Ms BATES** (Mudgeeraba—LNP) (2.45 pm): I rise to speak in support of the Disabilities Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. This bill helps meet the government's commitment to reducing unnecessary red tape so our service providers can focus their efforts and resources on delivering top-quality services to Queenslanders. We do not want our dedicated disability service providers to be tied up in paperwork and process, when what they what need to focus on is providing the best possible personalised care and support for vulnerable clients.

What I am most impressed with in this bill is the way that red tape for service providers has been stripped out of the framework without compromising the rights of clients. This bill gets the balance right, and there is a real benefit in the additional requirements on service providers as part of this bill. The introduction of reporting by service providers and strengthening client and family engagement will help ensure that clients receive the best support possible and that the need to use restrictive practices is reduced and eliminated. However, the government realise that there are a number of other requirements that do not result in direct client benefit and which actually divert resources from the support of these clients.

The bill reduces the number of prescriptive requirements for positive behaviour support plans. This means that the requirements of a plan will not include unnecessary information that does not help service providers support the client day to day. This will make these plans easier to understand and implement on the ground and improve outcomes for clients, especially as plans will be guided by a best practice model, positive behaviour support plan and guidelines being developed by the Centre of Excellence for Clinical Innovation and Behaviour Support.

The regulatory burden for service providers is also being reduced through the amendments that clarify the definition of 'restrictive practices'. This will mean that service providers are clearer about when they need to seek authorisation for certain actions under the framework and so will not waste valuable resources. Providing the Queensland Civil and Administrative Tribunal with more discretion to determine the length of guardian appointments and removing the requirement for a short-term plan to be developed for a short-term approval will also reduce the time that service providers spend on administrative matters and allow them to focus their resources on improving the support for their clients.

This bill brings the focus squarely back to the support of clients and allows service providers to get on with the part of the job that they are most passionate about—supporting people with disabilities to live the best lives they can. I commend the bill to the House.

**Mr HATHAWAY** (Townsville—LNP) (2.48 pm): I rise today as a member of the Health and Community Services Committee to speak on the Disabilities Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. The bill amends the regulatory framework in the Disability Services Act 2006 and the Guardianship and Administration Act 2000 that applies to the use of restrictive practices—for example, as we have heard already today, seclusion and restraint—by funded disability service providers on adults with intellectual or cognitive disability in response to behaviour that results in physical harm or a risk of physical harm to the adult themselves or, indeed, other people.

These amendments are about fixing the deficiencies of the legislative framework, and I welcome the minister's second reading speech today in which she addressed a number of the recommendations that our committee made. The amendments in this bill focus on three key areas, as we have heard. The first and foremost is reducing red tape for funded disability service providers, and the goal of that is quite simple. It means that all of the red tape that can be reduced can be directed into care outcomes for the client. The other areas are enhancing safeguards for adults subject to restrictive practices and the workers who support them and improving the care and quality of life for adults with an intellectual or cognitive disability who may be exhibiting some challenging behaviours.

Our committee held a public briefing and a public hearing in Brisbane in December last year, although I was not available for the public hearing. The committee also received about 18 submissions from a number of organisations and support services that are involved in the sector. AMA Queensland stated in its submission that it supports the intent of the legislation in that it appears to protect the rights of patients whilst providing an adequate level of safety for its staff. AMA Queensland believes the need for restraint should always be based on an individual assessment of the issues. Again, today we have heard that this is the key to finding the balance—the balance between a patient's right for their self-determination and the balance between the patient's right to protection from harm and other people for protection from harm.

Clause 13 of the bill proposes to replace current section 123L of the Disability Services Act to provide that a positive behaviour support plan for an adult with an intellectual or cognitive disability is a plan that describes the strategies noted in that clause, and I also note the minister was talking about a model positive behaviour support plan. These strategies will be used first and foremost to meet the adult's needs. They will also support the adult's development of their skills and maximise the opportunities through which the adult can improve their quality of life. They should also reduce the intensity, frequency and duration of the adult's behaviour that can lead to harm to themselves or

others. The committee looked in detail at the fact that it would always be beneficial for an adult client in this case to have a positive behaviour support plan and the people who are from their support network such as their treating physicians and the like to have an opportunity to participate in the development of that positive behaviour plan.

I noted that a number of submissions raised concerns—and we also heard the minister herself talk about it today—about the length of the positive behaviour support plan documents which could be an impediment to providing that support for positive behaviour. We heard that some of these plans can be up to 100 to 150 pages in length. The issue relates to when a decision needs to be made in accordance with that plan what particular section of those 150 pages you need to quickly get to. The department stated in its public briefing that this creates difficulty for not only the support workers but also the decision makers who use those plans for their decisions. The department advised that amendments to the prescriptive requirements had the potential, as we heard today, to take these plans from 100 and 150 pages to 20 pages whilst still ensuring that in those 20 pages the needs of the client are being met. We also heard about the long and repetitive nature of these plans. It was suggested that these plans as they stand at the moment focus on compliance rather than what is best practice and rather than what is most important—that is, that the individual client's needs are met.

Clause 31 proposes to insert new section 123ZZCA in the Disability Services Act to require a relevant service provider to give a statement about the use of restrictive practices to the adult and an interested person—an 'interested person' being someone with a sufficient and continuing interest in that adult. The proposed new section requires that the statement must contain why the service provider is considering using restrictive practices, how the adult and the interested person can be involved and express their views in relation to the use of restrictive practices, who decides whether restrictive practices will be engaged, and how a complaint may be made or a review of those restrictive practices sought. It also requires the service provider to explain the statement to the adult in a way that can be understood while taking into account the person's disability and communication ability, as well as their age, culture and other impacting factors.

The department told the committee that during the department's review of the regulation of restrictive practices the feedback emphasised the need to involve families and the adult's network as early as possible, to empower them to exercise their rights and to make sure that they understand what those restrictive practices, are how they might be used, who would be making the decision and what avenues there are for complaint and review. Today we have heard from the minister the importance of having that positive behaviour support plan in place at the earliest point of time. In recommendation 9 the committee recommended to the minister that she introduce an amendment to clause 31. However, we heard that the minister will instead ensure that those contact details for those advocacy groups are contained in a policy statement and, I am sure, will be available at the earliest possible time regarding a client's planning phase and will no doubt be available on numerous websites.

The committee sought advice from the department about the proposed reporting requirements. I note that the minister indicated in her speech that it has already had detailed working groups with service providers in this regard, and we heard the minister talk about the plan to implement this change in legislation with the service providers. A number of service providers raised concerns with the requirements and the potential administrative burden. The department advised that it is currently working on introducing a web based reporting product, and this was something that was sought after by the service providers. It is my understanding that it is also considering whether there still needs to be a paper based option for those service providers that might not actually be IT enabled or the like.

In summary, the amendments in this bill are about reducing red tape. This bill has been designed with the Your Life Your Choices framework in mind. It is about reducing red tape for funded service providers, enhancing the safeguards for adults subject to restrictive practices and providing protection for the workers who support them. It is about reducing this red tape so that those efforts and energies can be further developed and invested in actually providing client outcomes. Most importantly, it is about improving the care and quality of life for adults with an intellectual or cognitive disability. I commend the report and the passage of this bill to the House.

**Mrs FRANCE** (Pumicestone—LNP) (2.57 pm): I rise to speak in support of the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. This bill and the other policy and practice changes demonstrate the government's strong commitment to promoting the rights and improving the quality of life for people with disabilities. These reforms put the rights of people with disabilities front and centre and ensure they can express their views and have genuine input into how they are supported to live their lives. This is so important in relation to adults who are

within the restrictive practices framework. As the Public Advocate stated in her submission to the parliamentary committee, we know that challenging behaviours are not a failure of the person exhibiting them and that behaviour serves a purpose. It may be the only way an adult with intellectual or cognitive disabilities can express that they are frustrated, upset or in pain and that something in the way they are living and being supported needs changing. These reforms recognise that the adult, their family and supporters are likely to have the best knowledge about what a person's preferences and needs are and what may be contributing to challenging behaviour. They also recognise that these adults and their families need active support to be able to express their views in relation to the use of restrictive practices and to speak out if they consider practices are being misused or strategies are not adequately addressing challenging behaviour.

I am strongly supportive of the new principles in the bill that set out how disability service providers should be providing disability services to these adults, in particular, these principles that ensure that disability services respond to the adult's needs and goals and ensure that the adult, their family and friends are given the opportunity to participate in the development of strategies for the support of the adult.

Another significant reform in this area is the requirement for service providers to give a statement to clients and their families in relation to restrictive practices. This formal engagement mechanism will mean that the adult and those close to the adult will know when a service provider considers that the use of restrictive practices may be necessary. It will also describe how they can have their say during the authorisation process and what they can do if they are not happy with decisions and supports put in place. The statement will be in plain language with a picture guide that can accompany it, recognising the communication support that is needed for this client group. Service providers must also talk through the statement in a way that the adult is most likely to understand.

The Centre of Excellence for Clinical Innovation and Behaviour Support will also deliver awareness training to professionals and service providers working in the disability sector on working with adults with impaired capacity to assist them in understanding their rights. Family members, carers and others in an adult support network will also have access to education resources on the restrictive practices framework developed by the Centre of Excellence for Clinical Innovation and Behaviour Support. This will ensure that they understand the purpose, requirements and process of the framework and how they can participate. There will also be information sessions for family members, including family members who act as guardians for restrictive practice matters, to support them to understand the roles and responsibilities of people under the framework.

A new policy will also be developed for service providers to ensure that the adult and those close to them are fully consulted during this process. The Centre of Excellence for Clinical Innovation and Behaviour Support will also be a central contact point for advice to clients and their families about the restrictive practices framework and positive behavioural support. These are practical, responsive and necessary changes that will have a real impact on empowering adults and their families to speak out. This will help ensure that these adults are being properly understood and getting the support that is right for them. I commend the bill to the House.

**Mr HOPPER** (Condamine—KAP) (3.01 pm): I acknowledge and commend the minister's attempt to find the balance regarding the use of restrictive practices by disability service providers in relation to their clients. I think this is good legislation. I understand from the explanatory notes that the basic objective of this bill is to reduce and eliminate the use of restrictive practices in relation to managing adults with intellectual or cognitive disability—challenging behaviour—whilst aiming to improve their quality of life.

It appears that this amending legislation is derived from a 2006 report by the Hon. WJ Carter QC titled *Challenging behaviour and disability—a targeted response.* That report states—

> The progressive deinstitutionalisation of the intellectual disability sector in Queensland which commenced in the late 1970s was effectively completed in the mid to late 1990s. Challenging behaviour was a feature of institutional life. Information now available from one respected source establishes that in 1989 70% of residents at Basil Stafford Centre and 54% of residents at Challinor Centre exhibited various forms of challenging behaviour.

The report went on to state—

> The literature clearly supports the view that the transition from institutional to community living relieved to some extent the incidence of challenging behaviour but it remains a matter of considerable concern to those engaged in service delivery, including families and government and non-government service providers and carers. Such behaviours can constitute a serious risk of injury to the person the subject of the disability, those with whom the person lives and those with responsibility for the care of persons with intellectual disability.

...

Challenging behaviour which is exhibited not only by persons with intellectual disability but also by those with mental illness and in some cases with physical disability not only may put at the risk of injury the particular person and others but also it potentially deprives the person of access to the community and in some cases denies that person the opportunity to engage in the normal affairs of community living. It is therefore a matter of considerable significance. It needs to be addressed in a way which enhances the prospects of the person's personal development and enhances that individual's opportunity to establish a quality life. Services and service delivery should be designed and implemented to achieve that objective.

The report was comprehensive in its analysis of challenging behavioural issues relating to adults with intellectual, cognitive or psychological disabilities. The bill appears to address some of those issues raised in the Carter report. However, I would like to bring a few of my concerns about this bill to the attention of the minister. One of the concerns that I would like to raise is that there appears to be no reference to young people with intellectual, cognitive or psychological disabilities within the amendments relating to restrictive practices. The research arising from a 2009 survey of disability, ageing and carers indicates that there are four million people in Australia—18.5 per cent of the population—who have a disability. Of that figure, 3.4 per cent are children aged zero to four; 8.6 per cent are people aged 25 to 34; 40.1 per cent are people aged 65 to 69; and 88.3 per cent are people aged 90 years and over. So 3.4 per cent of children in Australia have a disability and, therefore, could be identified as having intellectual, cognitive or psychological impairments. What also should be a matter of interest to the minister is that there appears to be a gap in research in that there appears to be no numbers relating to young people aged between the ages of four and 25. As the minister would appreciate, restrictive practices are utilised not only used on adults with intellectual, cognitive or psychological disabilities but also to deal with behavioural issues displayed by some young people within the same disability spectrum. Therefore, I ask the minister to omit a section within this bill to acknowledge young people with intellectual, cognitive or psychological disabilities.

I agree with the minister that there must be the development and implementation of policies and procedures in relation to restrictive practice regarding adults and young people with intellectual, cognitive or psychological disabilities. A regulatory system of policy and procedures will create certainty and confidence within government and non-government disability service providers when engaging in restrictive practices. A positive example, although not perfect, is the policy and procedures governing protective actions at the Brisbane Youth Detention Centre. I understand that that centre used to be under the control of her department. However, it is now under the control of the Attorney-General's department. I suggest that the minister engage with the Attorney-General to gain an understanding of that centre's policy. I am not saying that the minister does not understand it; I am just asking that she engage with the Attorney-General and look at the centre's policy and procedures that relate to protective actions. This package provides a wide spectrum of reporting, complaints, training, monitoring and compliance and the rights and liberties of service providers and their clients.

I suggest this system to the minister because the Brisbane Youth Detention Centre staff engage with young people who have intellectual, cognitive or psychological disabilities on a daily basis. That is why I have asked the minister to include provisions relating to young people within this bill. I believe that the restrictive practices would not be used as punishment. They would be used as a last measure to stop an individual from harming themselves or others.

The restrictive practices, as mentioned in the bill, are physical restraint, seclusion, restricting access and chemical restraints. I ask the minister to remember that restrictive practices are an essential tool for front-line disability workers to utilise when they have exhausted every other avenue. Sometimes our front-line workers have to put the safety of themselves, others and clients first and foremost. For example, if you have a person with an intellectual, cognitive or psychological disability who is having an episode, it is very difficult—or impossible—to talk them down. Therefore, the front-line worker must make a decision to use these restrictive practices. I say to the minister that it is very confronting for our front-line workers when they have to engage a client in a restrictive practice. It is not a practice that is taken lightly.

I commend the minister for allowing a time for civil liability cover for our front-line workers. However, I encourage the minister to move quickly on the development and implementation of a restrictive practices regulatory system, which will ensure confidence and protection for the front-line workers and their clients within the disability sector.

I remind the minister and every other member of this House not to throw the baby out with the bathwater. In a perfect world there would be no need for restrictive practices, but, unfortunately, there is no such thing. I commend the minister for this legislation.

**Mr SHUTTLEWORTH** (Ferny Grove—LNP) (3.10 pm): I rise in the House this afternoon to speak in the debate on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill as a member of the Health and Community Services Committee. It should be noted from the outset that this legislation is the result of consultation with disability service providers, families, carers, clinicians, advocates and statutory organisations with the aim of ensuring an improved level of care and quality of life for adults with challenging behaviour, increasing protections for these adults and providing more efficient processes and reduced burdensome red tape for the service providers. It was determined also that changes should refocus efforts away from administration back towards patient centred client care, provide additional resources that inform the adult and their families of their rights and how these can be exercised, ensure effective and ongoing monitoring of the use of any restrictive practice and compare them to the client outcomes and provide further training and support for the service providers in the development and implementation of positive behaviour support plans.

It is important to understand the reasons for this legislation and to better understand the environment in which any form of restraint might be applied. It is understood and widely accepted that the use of restrictive practices for a proportion of adults with intellectual and cognitive disabilities is in the best interests of both the adult and their carers to mitigate the high level of risk of self-harm or harm to others. Although the use of restrictive practices is undertaken typically as a result of challenging behaviour, it is also understood that the practice might incite challenging behaviour. When the environment that that adult is surrounded by is not well understood by the provider of care at the time an individual may become challenging while trying to communicate and express physical or emotional need. This was highlighted to our committee by Jodie Cook, the Public Advocate, during the hearing of 17 December.

Without in any way wanting to trivialise what it might be like, if I can analogise for those of us fortunate enough not to have witnessed this firsthand, think for one moment about the last time that you waited an inordinate amount of time for a telecommunication support desk provider. Finally someone answers the phone, but you discover that you might as well be speaking in different languages because the point you are wanting to raise is not being heard. The help desk provider is either not hearing you or choosing simply to ignore your point of view. You are advised to go online to www.carrierofyourchoice.com. Clearly their ears must be painted on because you have just spent 30 minutes saying that the issue is that you cannot connect to the internet. In frustration you slam down the phone, only to discover that you have now severed the last link available to you in which to communicate your issues. Fortunately events such as this are irregular for most of us, but imagine now the frustration felt by those with cognitive or intellectual disabilities who face this challenge on every point they want to make, with every interaction they have. It is little wonder, therefore, that there are times when the levels of anxiety and frustration present as physically charged outbursts.

That said, clearly there is a need to ensure the prevention of harm to both that adult and their carers is maintained. It is important to understand, too, the types of practices used and the regulations that may apply to their use. There are some six forms of restrictive practices available to the service provider in response to an adult's behaviour that has either caused harm or presents a risk of causing harm to themselves or others. They are: containment, which is simply to contain an adult within a particular premise; the act of seclusion, which is to confine that adult to a single room; chemical restraint—that is, the use of medication; physical restraint; mechanical constraint; or restricting access to objects. Each of these constraints must be applied in the least restrictive way to manage the behaviour and ensure reduced risk of harm to the adult or to their carers.

The stated purpose of the regulation is to protect the rights of an adult with an intellectual or a cognitive disability by regulating the use of restricted practices by funded service providers in relation to that adult in a way that has regard to the human rights of those adults; safeguards them and others around them; maximises the opportunity for positive outcomes and aims to reduce or eliminate the need for use of the restrictive practice; and, finally, ensures transparency and accountability in the use of that restrictive practice.

There is already an apparent eagerness of service providers to engage in delivering these practices in a responsible manner as evidenced by the Endeavour Foundation during the public hearing of 17 December when Carol Bunt stated that before the introduction of the restrictive services framework over 900 clients were subject to restrictive practices which has reduced to well fewer than 100 currently. At present throughout Queensland there are 594 adults subject to restrictive practices who have a positive behaviour plan in place. There remained a slight level of confusion regarding the use of chemical restraint as opposed to the administration of medication caused by the interaction of

clause 9(2) and the Guardianship and Administration Act. The minister outlined in her second reading speech this morning that the administration would occur in accordance with the existing healthcare regulations and the centre of excellence will provide additional guidelines in this regard.

There was an overwhelming level of support throughout the submissions we received for the changes proposed that address and reduce the red-tape burden faced by service providers and there was a great deal of support for the further development of positive behaviour support plans. There was, however, a level of concern for how the costs of this would be managed by service providers that are not funded directly by the department yet may be a provider of choice for adults engaged in self-directed funding models such as Your Life Your Choice, an initiative introduced by this government, and the onset of the NDIS to come into play in future years.

It is encouraging to hear the minister in her second reading speech indicate that the department has considered at length the committee's recommendations and outlined in response to recommendation 2 that where containment restraint was undertaken this must occur through funded providers and that with other forms of restrictive practices the costs of compliance with the behaviour support plan be undertaken through the centre of excellence. It is also now quite clear that the responsibility for the development of the positive behaviour plan for those individuals who self-direct their funding to multiple providers rests with the department in cases where containment or seclusion is undertaken and in all other cases the responsibility rests with the majority service provider. Clarity provided by the minister this afternoon will assist greatly in the transition of care from funded providers through to the self-funded provision of care under Your Life Your Choice or the future NDIS models.

Throughout the public hearing and within many of the submissions there was a great deal of attention paid to the use of behaviour support plans and it is clear to understand why when the strategy is to meet the adult's needs, support the development of skills, maximise opportunities to enhance their quality of life and effectively manage and reduce behaviour that is likely to cause the adult or those who care for that adult harm. The plan should provide a service provider with a clear, individualised and targeted plan that will achieve these strategic outcomes and will also provide a clear indication of the events that might have occurred previously, any early warning signs or triggers that when identified could ensure that less restrictive means are needed to circumvent an escalation of adverse behaviour and, critically, any specific information about the type of restrictive practices used, the dosages, the time periods for exclusion or restraint and, importantly, the name and details of any treating doctors. It was discussed at length also that stakeholders—that being the adult, their support networks, families, treating doctors—are all encouraged to be provided with the opportunity to participate in the development of the adult's positive behaviour support plan. This was effectively addressed in the minister's second reading speech earlier today where she identified and understood the value of early engagement with key stakeholders and stated this would be undertaken and accommodated by the department through guidelines and plans.

In further alignment with the key mantra of our government to reduce red tape, this legislation introduces significant changes to ensure the burden of compliance is reduced on service providers. One key area where the attention is focused is on the capacity to provide a service for a limited time with immunity while applications and approvals are underway. This will ensure continuity of care for individuals transitioning through the system from one service provider to the next, while ensuring during this period the adult is subject to restrictive practices only when the adult's behaviour may cause harm to the adult or others. The restriction is to be the least possible and a positive behaviour support plan or respite and community access plan is to be implemented. Today, the minister outlined how these decisions and approvals will be undertaken in the shortest possible time.

Throughout the debate this afternoon, the Centre of Excellence for Clinical Innovation and Behavioural Support has been highlighted several times. It will play a key and pivotal role in ensuring training for service providers; providing additional information to family and support networks around what restrictive practices are, in fact, and how they can be undertaken; and providing guidance and further advice as to how those can be managed through good behavioural plans into the future. It is also very important to ensure that, in an increasingly competitive environment, service providers are provided with a capacity to reduce their overheads in terms of red tape and burdensome administrative reports, ensuring the greatest amount of effort and revenue is directed solely towards fantastic clinical outcomes for the adults in their care. Overall, this bill presents a range of activities that will be undertaken to ensure that changes will deliver increased accountability and transparency for service providers in the provision of care towards adults with cognitive disabilities or challenging behaviours. It will also ensure that monitoring of restrictive practices and reporting undertaken by the

service providers into the future is thorough and provides the adult with the protections they require and achieves the outcomes that they need, while also ensuring that the service providers are not overcome with burdensome administrative tasks.

As I draw towards the end of my speech, again I acknowledge the sterling efforts of the Health and Community Services Committee secretariat. Given that the consultation and public engagement required for the preparation of our report No. 37 was undertaken at the end of the year when many conflicting events often consume our attention, their efforts and attention to detail were as thorough as they were at any other time throughout the year. I thank the minister and her department for the preparation of the bill and for the explanations that were given during the briefings to our committee. Also, I acknowledge the input that we received from the public submissions. It gives me great pleasure to thank the minister and to support the passage of this bill through the House.

**Mrs FRECKLINGTON** (Nanango—LNP) (3.23 pm): It is with pleasure that I rise to support the Disabilities Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. I start by thanking the minister for bringing such important legislation before the House. Also, I thank the minister for visiting the wonderful electorate of Nanango a couple of weeks ago. The minister was able to provide comfort and support to many of our disability service workers at an event in Kingaroy. She met with many of the service providers from my electorate. It was a fantastic evening. It is so important that our government gets out of George Street and supports our support workers, for example, the ones in the disability services area. Again, I thank the minister for her time. I know that a lot of people in my area really appreciated the minister being available. It was fantastic that we were able to talk to so many of those people.

Before I get into the heart of the disability services bill, it is really important to mention the hard work of the disability support workers. There is a reason they work in such a difficult area. I acknowledge people such as Rosemary Braithwaite from Graham House in Murgon. In 2007, Rosemary founded the South Burnett disability art show, which is now an annual event. It is a fantastic event. I commend Rosemary for the hard work she has done over the years in relation to the art show. I acknowledge Craig Lucas, the chair of the organising committee. I congratulate Doug Henderson who has just retired after many years working with SB Care. His position has been ably taken over by Cheryl Dalton. It is wonderful that those people really understand the disability sector and are able to put on wonderful events such as the South Burnett disability art show. I congratulate all those hardworking locals from my electorate.

This bill amends the Disability Services Act 2006 and the Guardianship and Administration Act 2000 in relation to the use of restrictive practices by service providers that receive funding from our government. People who are subject to restrictive practices generally have intellectual or cognitive impairment and may have multiple disabilities. They are vulnerable people and, therefore, it is important that practices that restrict their rights are used with great care. I know that the minister has handled this matter very delicately.

There are several aspects to this new legislation, but in my role as assistant minister for regulatory reform I am keen to focus on the three key areas of red-tape amendments and how they will benefit both the service providers and, in turn, the clients they support. We came to government with a mandate to reduce red tape. It is fantastic when we get to stand in this House and tell the people of Queensland about the great work of our hardworking ministers. Red-tape reduction in this bill is important because it enables us to help service providers who are loaded up with extra paperwork. That also assists everyday Queenslanders, because administration costs are expensive for the people of Queensland and burdensome to government.

The first change that creates a significant reduction in red tape is the amendment to the definition of 'restrictive practices' in the current legislation. This amendment is about reducing the confusion that service providers have identified around understanding when a restrictive practice is classed as a restrictive practice and, therefore, when it requires authorisation. These amendments focus on inserting notes into the legislation that provide definitions. Defining all of these terms gives clarity to the service providers, which means that they need to be less tied up in burdensome administration. Instead, they can be working with their amazing clients. The notes are designed to provide clarity for providers. In the past it was the absence of clarity that resulted in some service providers applying for unnecessary approvals, which is time consuming and takes resources away from front-line client services.

Secondly, red tape will be reduced by streamlining the prescriptive requirements for positive behaviour support plans. At present in Queensland, nearly 600 adults are subject to restrictive practices and have a positive behaviour support plan. The behaviour support plan for an adult with an intellectual disability describes many strategies that meet the adult's needs; supports the adult's development skills; maximises opportunities through which the adult can improve their quality of life; and reduces the intensity, frequency and duration of the adult's behaviour that causes harm to the adult or to others.

It was interesting to note in the committee's review of these legislative amendments that it was advised that positive behaviour support plans can currently be up to 100 to 150 pages long. This is the type of reduction in red tape we have been talking about. Thank you to the minister for having the common sense to introduce this legislation. These amendments will see these plans reduced to 20 pages. The legislation is simplifying these plans. This will make it easier for service providers who, in many cases, are not actually employed for their administrative knowledge but for the way they provide services and provide for people's needs. This will simplify the process and will reduce the burden of paper work. The plans will become a practical tool which is what they were originally meant to be.

The third red-tape amendment that is worth mentioning in the House is that the bill focuses on providing flexibility to QCAT—the Queensland Civil and Administrative Tribunal—to approve the appointment of a restrictive practices guardian for up to two years. Currently, a guardian can only be appointed for one year, which means returning to the application process annually. Our service providers have raised concerns that the process for appointing and reviewing the appointment of guardians for restrictive practice diverts resources from the care of clients. To my mind, it is also extremely stressful for the families because they have to go through this process as well.

Granting flexibility to QCAT for the approval to be for up to two years is common sense. That is the principle that underlies a lot of the legislation that we have brought before this House. Whilst this bill makes this change it will ensure that safeguards are maintained and that appointments can be revoked if necessary.

There are many more red-tape-reduction initiatives that the minister has brought before the House in this bill. Again, this is part of a broader package of reforms aimed at improving the operation of the regulatory framework. The reforms focus on building the capacity of service providers to implement positive behaviour and maintain protections for clients.

I have some amazing providers in my electorate such as SB CTC, Kilcoy Country Companions, Blue Care disability services and St Mary's Centacare. We also have amazing local area coordinator Juliette McAleer. These providers provide an invaluable service to the disability sector within my region.

I congratulate the minister for this bill and the committee that reviewed this bill. This is what our government is about. It is about getting on with the business of providing services to the most needy in our communities. This is one bill that will enable our service providers to put the money where it should be and that is in the direction of clients.

**Dr DOUGLAS** (Gaven—PUP) (3.33 pm): This is legislation that one can assess in one of three major ways with subcategories. Firstly, we could speak of repairing legislation. Secondly, we could speak of initiating better practices. Finally, we could speak of reviewing public views to see where we should be going. One might also say that it is such a difficult area that when we need to legislate we need to do so quickly. One should be positive and open and vice versa if we were to be negative. At any one time it is easy to have all three views of each of these three major areas. That is the difficulty in not only looking after these people but also implementing this type of legislative step. I can see the minister nodding. I know that that is what she means. That is why I put that in my opening comments.

This is a piece of legislation that struggles to give justice to a challenging subgroup in our community who remain both hidden and isolated. That said, there are some very good aspects of this legislation that will probably make the collective lives of a good part of that group a little more secure or even better for enacting it.

The presentations today of the members of the committee are all representative of what was heard in those hearings and contained in the submissions. I was looking for something that might sum this up. There is a beautiful quote from Mary Sarton, which members may have heard. It states—

Without darkness, nothing comes to birth, As without light, nothing flowers

Much of what is done in this area embraces these concepts. It follows that the legislation should mirror these concepts. This perfectly sums up why it is important to address difficult problems, especially those with conflicting perspectives, as this area of legislation attempts to address. I support the legislation.

I thought the committee's recommendations once modified did justice to the bulk of the submissions from a very diverse group of people in response to what was a reasonable first legislative step. If the minister follows these then we probably will not get into too much trouble. If not, then I think there would be a bit of trouble—and not from politicians but from the families and carers of those individuals and probably the service providers.

I restate that the message from all—and of course I am a doctor so I would probably put it slightly differently—is that we must always address the needs of patients. I know that they are all called clients but they are patients. Anyone can really look after those who can look after themselves, but it takes a special type of person to look after someone who cannot and/or will not look after themselves. It takes a special type of understanding, self-sacrifice and tolerance to look after those who not only do not respect those who are assisting them but possibly do not respect themselves.

The legislation originally developed out of recommendations from the Carter report, which has been said before, in which restrictive practices were examined and progress to regulation recommended to ensure patients' rights are protected and conversely that those managing those challenged individuals are given some measure of protection for what they may have to do. Since 2008—it is interesting to think that it took us that long—there has been a progression to a greater definition and the rules applying to looking after these people.

As has been said by multiple speakers, this bill has an ambition of reducing red tape for funded disability service providers, of providing better safeguards for patients and carers alike and a meagre aspiration of providing a better quality of life for the patients. That obviously has to be the objective from the word go, and it should be.

The submitters had a lot to say on what they thought was being proposed and what was needed. None supported everything that was said by everyone else, but most of them had similar aspirational goals. They want a positive behavioural support plan that is agreed on, implemented, in place early and capable of being legislatively reviewed at some stage. I think if we keep looking at those steps it may be one way of addressing this area.

What needs to be sealed is what is being talked about here. There are mechanical, physical and chemical restraints which may lead to and/or include restriction of access, seclusion which often includes restriction of free movement beyond the narrow confines. It is rather strange that years ago when I was doing medicine we actually had to learn all these things in the old context of medicine. It was one of those silent things that was never discussed. If we did not have to learn all the principles that went with this we would never be any good at this. It just so happens that in time people forgot what they were taught. It is not to say that the teachers were wrong. It is just that sometimes the implementation of things that we learn and may think will never apply we have to apply. I will get to that in a second.

There are plenty of subgroups within this. I congratulate the submitters, I thank the secretariat and I give credit to the chair of the committee, the member for Kallangur, who did very well under a difficult regime of management and review. I believe a lot of good came from the process. But with these difficult areas there may have been too little time for those affected people. I think there were a lot of people who wanted to say a lot more. We could have listened for months and months and probably taken a lot more submissions.

The recommendations that came from the submissions, I believe, are a reflection of concerns of the vast bulk of the submitters. What was pleasing was the detailed consideration of the positive behaviour support plans and all the things needed to maximise their benefit and reduce their chance of failing. There was agreement from service providers to those amendments or changes to the support plan, which was pleasing to hear.

Recommendation 6 really needs clarification. I hope to hear more from the minister regarding the authority issue. Recommendation 7, with regard to short-term approvals, was rather well discussed by the member for Ferny Grove. Service providers have a lot of difficulty with short-term approvals and limited authority, which is not changing.

I want to get to the difficult area which probably led to my input into some of the recommendations, particularly recommendation 4 and a couple of others. There has been ongoing concern and historically a greater degree of concern about service providers that in all fairness is possibly exaggerated. There has been considerable discussion about whether there is an industry in providing services to this subgroup of disabled adults about which we are speaking today. A similar concern has always been raised about the issue of foster care in Queensland for much the same reasons. There has, however, been only a select few cases where this truly has occurred with certain individuals. Their parents and relatives often feel excluded from their care and unable to have input into restrictive practices and positive behaviour support programs.

Remember that these are people who have largely had to give their children up for guardianship for reasons primarily financial and to some extent because they need to access the whole range of services because of the difficulties that apply when you are still have care and responsibility of that person. Some of those people were able to participate in the hearings, and we were probably not entirely able to mitigate their concerns or reassure them to the level that we would wish. I saw some of them in my office subsequently and they have corresponded with me at great length. I do not know whether they were entirely reassured, but I think they certainly want to be heard and I will explain what might work for them and for individual members with regard to dealing with them. Most members will have some of these people in their electorates.

As a GP, I am well aware of what has occurred or what was said to have occurred at the Basil Stafford Centre and the Challinor Centre, amongst other places. Whilst I never looked after patients there, I did work at the Ipswich Hospital and I do know what has occurred in the past. We need to be constantly vigilant because, despite all the best intentions of legislation and all the goodwill in the world from service providers, particularly all those involved, it does sometimes happen. So from time to time we need to be very mindful that afflicted people are indeed human and they do become neglected and occasionally that neglect borders on the criminal.

We must all advocate on their behalf positively. Certainly the points made by the advocate were very strong on this issue, and I understand her concerns. This is where I am getting to the point with regard to individuals. This is very much an individual area. These people will occasionally have to come and see members. I think members need to be very mindful and sensitive to the concerns of these people and be prepared to both give them time and advocate individually on their behalf occasionally when it occurs and understand that the concerns, whilst they might seem trivial and might be difficult to understand intermittently, need to be communicated upwards because occasionally they can be very significant. Maybe this was what was occurring years ago with regard to what was going on particularly at Basil Stafford and Challinor and we overlooked what people were saying to us. I think it was being said to members. That is anecdotal. I think a lot of members really could have done a little bit more for those families.

The point has been well made that near 20 per cent of the population are disabled. Certainly very few fit into the definition needing the types of restrictive practices that we are discussing in this bill. But as a society we must all realise that the world is not perfect. With so many disabled people, it can be that at times we all become almost oblivious to those handicaps and that it is appropriate to positively affirm on their behalf, even for things like limited visual capacity, hearing loss, people who have lost limbs—a variety of things. This should be seen in the same way. I think sometimes it is easy to pick and choose the types of disabilities you want to be interested in, you want to help, and those that you find too difficult or you would prefer that other people might help. I think we need to take on the whole quantum and be willing to accept that there is a spectrum of these things.

Equally those workers who participate in these areas and work for the service providers all need our support. They are not just an asset. They do care about those affected and they do need the basic protections that this legislation proposes. There is a framework of protection within this legislation for their activities, and that is good. It will have to be affirmed and probably reviewed. If we do not, we will lose staff in this area just as we have lost staff in aged care, not just because we pay them so poorly but probably because we do not respect what they do.

Rather than say anything about what was wrong in the past—and clearly there were a lot of things done incorrectly and patients suffered—what is not said here nor acknowledged is the overall percentage of these patients who are no longer under their own parents' guardianship. It is indeed very small, but we need to acknowledge that they did not give up that guardianship because they do not love their children. In most of the cases—in fact, I think in nearly all of them—like all parents they do not just love their children but they love them more than you could ever imagine, and they give up their children because they do love them so much. People need to understand that. They have this

very exceptional situation—and I cannot say I entirely understand it, but I have lost one of my children, so I know what it is like to lose one. It is not that they do not necessarily want to care for them nor is it because they have insufficient resources, whether that be financial or physical. It is because they are trying to do the very best thing and they transfer that guardianship to the state and then they try to get the greatest access to what they need, and they need everyone's support to achieve that. This sort of legislation will improve one small part of that.

It is the aspirational goal of the National Disability Insurance Scheme to address some of those things. Of course the default option is 'your life is your choice', but it is not being seen as a second tier option. Even so, as I say, most of these parents—and I know that there are some who do not—take a very active interest in their children forever, as they should, and so do their carers and by default the organisations that take on those difficulties. I think a lot of people forget the endurance of some of the organisations like Endeavour, WI Bush, Xavier homes—you name it. There is a variety. I have had a lot to do with all of them. I can tell you intergenerationally they still remember each of the children and generally that is because the families participate in their care. Under the system at the moment we are trying to optimise it, but we should never underestimate that it really does take a whole community to look after some people, and that is reasonable and fair.

As parliaments and parliamentarians follow, there will be times in the future when we will need review, change and modifications. I do not know the time frame. Generally it may be a shorter time frame than that of most legislation. We should not debate that. We should just do it, as the chairman did in this case and the secretariat. I congratulate them for the time they took. It was probably more demanding and enduring than many others, but it was very productive. It reflects a maturity of a system and a sense of compassion towards those whose start in life and the burden of their life itself is far greater than most of us will ever experience. So to do small things in this area is to do great things for these people.

**Miss BARTON** (Broadwater—LNP) (3.47 pm): I rise today to speak to the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. At the outset, I would like to place on the record not only my acknowledgement of the great work that the Health and Community Services Committee has done, led by the member for Kallangur, but also my acknowledgement and appreciation of the great work the minister has done in this space over the past two years.

As I am sure you are aware, Madam Deputy Speaker, this government has long been committed to investing in the disability services sector. I know that this minister in particular is very, very passionate and she has a very compassionate heart. I know that she does everything she can to make sure that this government is delivering better services in a better way for everyone. That is what this particular bill is really about. It is about making sure that we can look after the carers, it is about making sure that we can look after the families and it is about making sure that we can look after the clients. I am sure everyone would agree that that is not an easy thing to do. We have to work very hard to strike the right balance. The minister herself alluded to that in her second reading speech. But I do feel that we have made the right call here and we have struck the right balance.

One of the big challenges is making sure that we do not go too far but also that we do go far enough. Of course that is a unique challenge that we see in this particular space. To this end, the government has made sure that it has consulted widely to make sure that we make the right decisions because we risk so many lives if we do not get the call right here. I know that the government and the committee made particular endeavours and were very much committed to making sure that we consulted with Queensland broadly.

I would like to thank the opposition for its support of the bill. When we talk about disability services and looking after families and clients, it is really important that all members of the House work together as a team to look after the community. Ultimately, that is what this is about. What I am sure we would all like to see is a reduction in excessive restrictive practices. I am sure we would all hope that as a result of this bill restrictive practices, where used, are used in the right way, for the right reasons and with the right people. I am sure that is what we will see due to the enhanced safeguards in the bill.

The Assistant Minister for Regulatory Reform in her contribution on the second reading debate touched on cutting red tape. As I am sure everyone in this House is well aware, this was one of the key commitments of the government in the lead-up to the 2012 election. Over the past nearly two years we have worked incredibly hard across the entirety of government to cut red tape and deliver for the people of Queensland.

I touched on consultation earlier. It is really important to note that this government is committed to listening to Queenslanders across-the-board on all issues. The extensive consultation that the government has undertaken on this bill is a further illustration of how committed the Newman government is to hearing what it is that the people of Queensland have to say. When we are talking about restrictive practices, which do have significant impacts on both clients and families, it is really important that we have listened to the people. In particular, I would like to thank the committee for the work it has done. Having had a look at some of the work that the committee did on this bill, I know there were public hearings and the like. It is so important that we give Queenslanders the opportunity to have their say. I particularly acknowledge the great work that the member for Kallangur has done here.

I have had the opportunity to meet with some parents who are constituents of mine whose children are cared for under restrictive practices. It is incredibly difficult for them. I try not to become an emotional person when I meet with constituents, but it can be incredibly difficult when you listen to the challenges that these parents have had to face. Anything we can do to make it easier for them is a good thing, and that is what we are trying to do in this particular space. We are trying to support everyone. It is not always easy, but I really think in the first two years of this government that we have made significant inroads. I know that over the next 12 months and beyond the minister is committed to delivering for the people of Queensland in this particular space. I look forward to working with her on that in the future.

The minister has taken the opportunity to visit the Gold Coast a number of times. I have had the pleasure of going to some community organisations with her. I have also had an opportunity to visit cystic fibrosis organisations, for example. While I appreciate that is not an example of restrictive practices, it illustrates just how committed this particular minister is. That is what we want from someone in this space. We want someone who wants to truly understand what it is that people are going through.

It is really important when we consider the safety and the treatment of clients in this amendment bill we are also thinking about their dignity. That is a really important thing. Restrictive practices are by their nature and name restrictive, but it is important that we do not impinge on human rights. That is why we have worked so hard to strike the right balance and not overregulate what someone is able to do. I am sure that the enhanced safeguards in this legislation, the greater focus that we will have on client services and the delivery of those services will be critical to maintain the dignity of all Queenslanders who are being looked after through a restrictive practice.

I think it will ensure, in particular, that parents are truly able to understand what it is that we are trying to do to help their children. I think for a lot of parents sometimes that can be a very difficult thing, not fully understanding what it is that is happening. It is a very confusing time for them generally. The member for Gaven touched on the fact that these parents love their children so dearly and it is a very confusing time for them. Hopefully we will be able to make it a lot easier for them to not only understand but also cope with and rationalise the decisions that they have had to make as parents. I know that everyone in this government is committed to making sure that we do support those parents.

In regard to some of the changes we are introducing in the bill, if we are looking at the continuity and monitoring of service providers having restrictive practice policies in place, I think monitoring, in particular, is key to ensure that we continue to offer the best possible services and the best quality services that we are able to. There are many forms of restrictive practices, which is why it is so important that we do not just make one decision and stick with it. We need to continually evaluate and make sure that it is the right decision for that particular client. I have no doubt that the changes introduced in this legislation will enhance that to ensure transparency for everyone involved. As I said, this is ultimately about making sure that we can deliver quality services for clients and families. We need to protect clients, families and carers. Protection is a particularly important element of this bill. The last thing that we would ever want to do is make a decision that impinges on the health and safety of any person.

Finally, we are fully committed to making sure that people are able to lead a dignified life. That is something that we want for all Queenslanders, but for those who need additional support we need to offer that support without trying to change or remove their quality of life. It is very important that we maintain a quality of life that is high. People need to lead their life with dignity and with the support they need so they are treated no differently from any other Queenslander. It is important that we treat

them well so that we can continue to support them over the years to come but also because it sends the right message to their families that their children are just as loved as any other child and just as supported.

**Mr WELLINGTON** (Nicklin—Ind) (3.57 pm): It gives me a great deal of pleasure to rise to participate in the debate on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. This is certainly not the first time that this matter has been discussed by members of parliament, and I am certain that it will not be the last. What we are seeing here is an attempt to improve the lot for many of our clients in Queensland. I note they are going through a transitional stage. Many are moving from working for the government in areas like the Accommodation Support and Respite Services to working in the not-for-profit private provider sector.

Many members have touched on the importance of caring for our clients. We have spoken about red-tape reduction. We have spoken about how the proposed new successful private providers will need to undertake significant training programs to ensure that staff are able to properly care for their clients. The key to the success of any program—be it government or not-for-profit—is the staff. Yes, the staff's focus is caring for our clients—caring for all Queenslanders. I have a real concern about the future of many of the current, highly accredited and very dedicated staff employed by the state government in the Accommodation Support and Respite Services.

I note that earlier this morning in a ministerial statement to parliament, the minister spoke about the intention for this new workforce to grow significantly and that there would be many future employment opportunities for new workers to move into this sector. One of the concerns I have when we are focused on providing good carers for clients with disabilities is the need to maximise the resources for our staff. I would hate to see highly trained, very competent and dedicated specialist Accommodation Support and Respite Services staff who have recently been employed by the state government being unable to obtain proper qualified and accredited positions in the not-for-profit sector.

Last year when he was asked this question at a Queensland Media Club meeting when talking about this sector, the Premier said, 'As much as we possibly can we will get everyone to go across and work at the NGO, and that is the pathway the government has planned for them.' It is very easy to make those broad statements that it is the intention of the state government to ensure that as many of the current Accommodation Support and Respite Service workers will go over to the non-government sector. I am concerned about this and I hope in her response the minister will be able to clarify how many staff members are anticipated to be caught up in this transition and what are their possible job prospects? Many of those dedicated workers have real concerns. They have contacted me and I understand they have contacted other members of this parliament about their anxiety and concern regarding what the future holds for them. We have the Premier saying it is intended that many of these highly accredited and very competent and skilled workers in the Accommodation Support and Respite Service will be transitioned to the NGO sector. This morning the minister spoke about the great job prospects. Perhaps in her response to the members' submissions the minister might be able to touch on this.

I also note that there is a focus on trying to reduce red tape. I must admit that some of the requirements that we have seen in the past were simply over the top. It is not only in the disability services sector where we see some paperwork requirements being excessive. There is no doubt that there are other areas where more work can be done. I take my hat off to this government. Whilst I have been critical of some of the decisions, I think there have been some genuine attempts to try to reduce unnecessary paperwork. There is no doubt whatsoever in my mind that the disability sector is one area where there is plenty of room and there have been some significant improvements in reducing unnecessary paperwork. That deals with meeting both past state government accreditation requirements and also former federal government accreditation requirements. There certainly has been some good movement in that direction. I look forward to seeing future improvements in this area. We need to ensure, as other members have already touched on, that as much of the funding that is provided by the taxpayers of Queensland or Australia actually goes towards providing the best care and services available to the clients on whom we are so focused.

I commend the bill to the House. I look forward to future reviews in this very important area of disability services for many of our clients in Queensland. I commend the bill to the House.

**Mrs SMITH** (Mount Ommaney—LNP) (4.02 pm): I rise today in support of the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. Firstly, I congratulate the minister on bringing forward this bill and, of course, acknowledge the hard work of the committee. One of the features of this bill is the reduction of red tape, and many of my colleagues have spoken on this. The reduction of red tape for service providers is yet another example of this government's commitment to its election promises: red-tape reduction.

With the public release of the discussion paper on the restrictive practices framework, many of the submissions received showed strong support for reducing red tape as well as simplifying planning and approval processes and providing additional support and training. Today—and this is why this bill is so important—some adults with intellectual and cognitive disabilities who exhibit challenging behaviours may be subjected to restrictive practices. The behaviours which cause these adults to be subjected to restrictive practices may include punching, kicking, biting or mutilating their own bodies. These behaviours can sometimes put both themselves and others at risk of harm. At this time service providers may use restrictive practices to ensure the safety of clients or carers, support workers or even members of the community. Red tape will be reduced by enhancing safeguards for clients by emphasising a positive behaviour support approach and not just where restrictive practices are required. Importantly, it should be noted that restrictive practices should not be used as a form of punishment.

Service providers will now provide a statement to the adults who are subject to restrictive practices outlining the use of restrictive practices. Challenging behaviour is best dealt with using positive behavioural support which in time will assist these adults to improve their lives, participate far more actively in their communities and eventually reduce or eliminate the use of restrictive behaviours. Positive behaviour support is an approach that is responsive to an individual's need. It does require a fair degree of understanding of a person and their behaviour in order to determine how best to support them. It is best described by learning about their needs and wants and how best they can be supported in relation to their behaviour. Using positive behaviour support ensures the focus is on the individual and is responsive to their needs.

The second main feature of this bill is to facilitate a greater focus on client service delivery by simplifying and improving the framework by amending the key definitions to clarify the purpose of restrictive practices. Put simply, service providers should not use restrictive practices punitively to bring about behavioural modification. The main points here are amending the key definitions to clarify the purpose of restrictive practices, reducing the prescriptive requirements in plans and removing the requirement for a short-term plan for a short-term approval. Another factor is making it easier for a restrictive practice client to change providers and for QCAT to be able to approve the appointment of a restrictive practice guardian for up to two years. Currently it is set at one year. This bill will still require service providers to have restrictive practice policies in place, which will be monitored through the Human Services Quality Framework, but the requirement for these will be removed from legislation.

The bill is part of a set of changes that include policy, practice and communication that follows the review of the restrictive practices framework. The Centre of Excellence for Clinical Innovation and Behaviour Support is leading the development of a range of responses for service providers, families and clients as well as developing a reporting system. The department will continue to engage with the disability sector during the implementation stage. These changes are to be addressed through feedback and ensure a supported implementation process occurs. The department will also form an implementation working group and invite several disability service providers, consumers and advocate organisations and statutory bodies to review and provide input into the implementation phase.

The reduction of red tape rests in our hands and it is our responsibility to both streamline processes and reduce red tape for disability providers, which ultimately revitalises our front-line services. Again, I say well done to our minister. I support the passage of this bill through the House.

**Mrs CUNNINGHAM** (Gladstone—Ind) (4.08 pm): I rise to speak to this piece of legislation and note that it is a very difficult area. It is fraught with misunderstanding perhaps from people who do not have contact with people with profound disabilities. I have certainly received complaints in my office from constituents who visited supported educational facilities and had seen individuals who they felt were being restrained harshly.

The difficulty was that I knew the individual in question and knew that their behaviours could not only be particularly difficult, but particularly violent. Those that had their day-to-day care, including parents and those at school, were not only protecting that individual from harm themselves but they were also protecting staff and other students from harm. It is a complex area where consideration has to go beyond just the realms of one individual and what is happening to them.

I would ask for the indulgence of this parliament to place on the record my profound sympathies to Michelle and Gary Foad. Michelle and Gary had a daughter Rhianna who was profoundly disabled. Rhianna passed away and her funeral was yesterday. Gary and Michelle's lives were looking after Rhianna. She spent a bit less than 15 years at Rosella Park School, our supported learning centre, and I know that those who knew her spoke glowingly of her. While she was nonverbal, she was a great communicator through her actions and the expressions on her face. Gary and Michelle supported her for a month short of 18 years, and I know that when she was born her prognosis was much, much shorter than that. I would like to place on record the wonderful care that Gary and Michelle and others gave Rhianna and the joy that Rhianna gave to all those that knew her.

The Disability Services (Restrictive Practices) and Other Legislation Amendment Bill deals with the regulation of quite severe practices which can involve confinement, seclusion and chemical, physical and mechanical restraints in more extreme cases. My experience with people who provide care for those with these profound disabilities is that they have a great love for those individuals and that they only implement the more extreme restraints when there is no other option left to them. I know that they would find any reduction in red tape much easier in terms of the care that they provide, but they also understand and accept that accountability has to be part of the process.

We talk a lot about people who provide services, but I would also like to place on the record my appreciation, admiration and respect for the many mums and dads who provide care for profoundly disabled children, extended family members who step into the gap and provide care, and to those organisations in all of our electorates who provide not only care during the day but also 24-hour stand-up care and care throughout the night such as the Endeavour Foundation and Mainstay. Mainstay is a community based organisation which is funded out of the department but was initiated through the efforts of Judy Young and others, whose work with the disabled community was recognised this year when she received the Gladstone Regional Council's Australia Day Citizen of the Year award. Ms Young also worked with the Gladstone Linking Agency. Mainstay is the respite home care centre that provides respite for families, and there is also the Cerebral Palsy League and so many others that have been recognised here today. I know that the Endeavour Foundation staff in Gladstone work with more mature Endeavour clients. Every time I go to their functions I am in awe of the wonderful work that they do. They not only respect those individuals, but they work tirelessly to give independence to individuals within the constraints and confines of their disability.

It takes a very special person to work in that area. From the many people who work in schools like Rosella Park to those in residential centres, they are so necessary. We went through a phase of getting rid of disability residential care, and I think when Anna Bligh was the minister quite a number of those facilities were closed down. Then when Kevin Lingard was the minister alternatives had to be identified to be able to provide not only respite but care for people whose parents did not have the ability to look after them in the home.

I do think that there is a growing need. I know that people such as Judy Young do not believe in any kind of residential care and believe that individuals should have individual care, but I also think that there are instances where accommodation is required. Whether that is a home with just a small number of residents or whether it is a larger facility, I think the need will continue. I have spoken with the minister about this, and she is cognisant of the need in the electorate of Gladstone for residential care for people with disabilities, some of whom would be able to reach greater potential with some independence, and others with more major disabilities who need that residential care because their parents are ageing and they are unable or will be unable to provide care.

Madam Deputy Speaker, I commend the minister. Her portfolio is not an easy one. I also believe that whilst accountability must be maintained within the disability sector—indeed, in all sectors—the reduction in paperwork will be welcomed by care providers and service providers. I look forward to the implementation of this reduction in red tape, and I know that the minister would be prepared to give an undertaking that if there is a failing in relation to any of this new legislation that would be looked at. I commend the minister and I commend the legislation and again recognise those wonderful people who provide care for our community members who have disabilities.

**Mr WATTS** (Toowoomba North—LNP) (4.16 pm): I rise to support the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill. This bill makes important legislative changes to the restrictive practice framework. The bill will ensure that there will be effective monitoring of the use of restrictive practices. It will further ensure that clients and their families, who are at the forefront, are fully involved in decisions about their lives and their support arrangements. It will also ensure that service providers can focus on client care and support which ultimately will lead to people having dignified lives.

Legislation on its own, however, can only do so much. I would like to commend the minister and her department on the significant work occurring alongside these amendments to build the capacity of service providers and clinicians to provide positive behaviour support to clients. We know that what really makes a difference in reducing and eliminating the use of restrictive practices is the implementation of a person centred, evidence based positive behaviour support strategy—strategies that recognise and address a person's needs and the functions of a behaviour and provide opportunities for change to that person's environment, support, or skills development and for that person to undertake activities which provide them with a better quality of life.

What are we really talking about here? We are talking about people having a life where they do not need to have the restraints that are outlined and are supported in other ways. Let us just have a look at what we are talking about from an restrictive practices point of view: containment; preventing someone from leaving a particular premises; seclusion; confining an adult in a room; chemical restraint by medication; other physical restraints; a mechanical restraint using a device to restrict movement of an adult or to prevent self-injury; and restricting access to objects. Many of us would take all of these things as highly restrictive practices and unacceptable for a person in society, but unfortunately there are people in our society who at different times might need these practices to safeguard their own safety.

Again, the purpose of regulating restrictive practices is to ensure that, while these restrictive practices might be used from time to time, they have regard for the human rights of the adults involved; it safeguards them and others from harm; it maximises the opportunity for positive outcomes and aims to reduce or eliminate the need for the use of restrictive practices; and—this is very important—ultimately it ensures transparency and accountability in the use of restrictive practices. The minister has done a good job in coming up with some sensible amendments that will not only reduce red tape by clarifying the purpose for which restrictive practices are used but also reduce prescriptive requirements in developing positive behaviour support plans. Why would we want to have interfering red tape to an excessive degree in that area? Obviously we need support plans in place that can reduce the need for these restrictive practices and red tape needs to be reduced in that area.

Providing flexibility in the appointment periods for guardians for restrictive practice matters is also an important area. Again, if restrictive practices are to be used, we need to make sure that they are used only on the occasions where they are needed and to make sure that the guardians are in place to ensure that they are used correctly. Removing the requirement for a short-term plan for a short-term approval is also another important key element of the bill, as is making it easier for a client subject to the framework to transition to a new service provider. Again, red tape involved in changing from a service provider obviously will be very important in Toowoomba, which has Blue Care, Endeavour, which has a big operation in Toowoomba, and the Cerebral Palsy League. If clients choose to move between those different service providers for whatever reason they might choose, reducing the red tape involved in that transition is very good and is something that we should definitely support.

As I said, what would really make a difference in reducing and eliminating the use of restrictive practices is the implementation of a person centred, evidence based positive behaviour support strategy. It is very important to encourage positive behaviour support plans. We need to ensure that these plans meet the needs of that particular individual adult and that it is supporting that adult's development in terms of their skill base and maximising opportunities in which that particular client can improve their individual quality of life. Again, a very worthy objective of a behaviour support plan would be to reduce the intensity, frequency and duration of the behaviour that might cause harm to themselves or to others.

A constituent came to see me recently whose son had a particular episode and the police were called. Normally when the police have been called to help this particular person it has been done well, but on this occasion they were taken to the Toowoomba Hospital and put in the acute mental healthcare unit. Unfortunately, someone did not go through all of the steps that they should have because he was confined and suffers very much from being confined. All they needed to do in this

particular case was leave the door open and the behaviour would have started to reduce, but upon closing the door the behaviour became more and more harmful for both the individual and others who were trying to help. So I think it is important that we have plans in place that will enable the reduction of these kinds of behaviours.

I understand the Department of Communities, Child Safety and Disability Services has made a number of recent changes that will enable it to provide more consistent clinical advice and increase training and support to the various service providers, and I think that will be a great change. Obviously the service providers operating in this area are always going to be striving for best practice, so having improvements in that area is a good thing. A state-wide clinical governance framework has also been developed and will be implemented to ensure consistent clinical practice and expectations. The Centre of Excellence for Clinical Innovation and Behaviour Support has been incorporated into the structure of the department to enable better influence and direct support for people with disabilities and challenging behaviours. The centre will play a central role in ensuring that we see real improvements in the lives of these adults. Over time, it will mean that there is less and less need for the restrictive practices that I spoke about earlier to be used by the disability service providers. I think we would all agree that that would be a good outcome.

Guidelines on positive behaviour support plans and the best practice model plan will provide service providers with a better understanding of how to prepare, implement and review effective positive behaviour support plans. As we know, these are the key to a better life for these individuals. Training in positive behaviour support approach should also have real gains for the clients. The centre will be rolling out training to service providers in all regions of Queensland to build sector capacity in the development and implementation of positive behaviour support plans. The centre will also be training professionals working in the disability sector on how to undertake assessment of adults with challenging behaviour to increase the capacity of the assessors and the quality of the assessments. Ultimately, this bill will reduce red tape, support the service providers and support the clients in having a better quality of life.

*(Time expired)*

**Mr KRAUSE** (Beaudesert—LNP) (4.26 pm): I rise to speak on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. As a member of the committee which reviewed the bill and undertook a public inquiry, I note that there was very broad support for the provisions and the reforms contained within the bill by submitters to the committee. After the bill was introduced on 20 November 2013, the committee held a number of meetings concerning the bill, including public consultation.

One of the main features of this bill is the enhanced safeguards for clients. The bill deals with various issues in relation to providing additional safeguards to clients of service providers who engage in restrictive practices, and it does that by emphasising positive behaviour support, not just where restrictive practices are required. It also emphasises the fact that restrictive practices should not be used as forms of punishment. The bill has a safeguard to require the provision of service provider statements to adults, their families and carers, including improved reporting provisions for restrictive practices. The second main feature of the bill is to facilitate a greater focus on client service by simplifying and improving the framework for restrictive practices, including reforms to the personal care statement in relation to people who are subject to restrictive practices.

The bill forms part of a set of changes that include policy, practice and communication following a review of the restrictive practices framework. This review of the restrictive practices framework commenced in 2010, with 10 consultation sessions held throughout the state. So there has been a long lead time in bringing these reforms to the House. A public discussion paper was also released in July and August 2013 and service providers, advocacy organisations and families of people subject to restrictive practices and any other interested parties were notified of the release of the discussion paper and invited to make submissions. The purpose of that was to identify changes that could be made to this legislation to improve the care and quality of life for adults with challenging behaviour, to streamline processes, to build the capacity of service providers and to equip workers to support clients effectively in a way that is safe for everybody—workers, the clients themselves and their families and the community.

We have been assured that the department will continue its engagement with the disability sector during the implementation stage of this legislation and make changes to address feedback during the implementation process. That will be carried out through an implementation group set up

by the department. The review that we have just carried out identified a number of changes to legislation in addition to other policy responses that should be implemented. I am glad to see that they have been brought forward in this bill.

One of these organisations that will be affected by these changes is Rural Lifestyle Options, otherwise known as RLO, which is a service provider in my electorate of Beaudesert located in the town of Beaudesert. It is a facility that for many years now has been providing residential care for people with intellectual and/or physical impairments and respite for them and for their families. This facility was established through the generosity of a couple who had a son who was severely physically and intellectually impaired. They owned a block of land in Beaudesert and basically donated money to enable the building to be built so that RLO could be established as a respite centre. Later they even donated to RLO the land upon which RLO was built. The generosity of that couple has resulted in the establishment of a terrific facility that serves the entire Scenic Rim and southern Logan region.

RLO receives significant state government funding each year—I think in the order of $2.2 million—to provide that service to all the community. I invite the minister to come to Beaudesert with me one day to visit RLO to see the work that they do there as a significant service provider in that disability space. The bill deals with issues that RLO have had cause to address in the past. I know that Kerrie Grice, who is the manager of RLO, has been involved in the review of the restrictive practices process. I know that when I last spoke with her she was interested to see the outcome of that process, in particular the process for applying to utilise and the framework for the utilisation of restrictive practices.

The committee's report noted the provisions that relate to the approval to use a restrictive practice and also service provider immunity. The present restrictive practices that are available include containment; seclusion; physical, mechanical and chemical restraint; and restricting access to objects. There are different procedures for the approval of each of those different restrictive practices, generally involving application to QCAT. There are also in the bill provisions made for short-term approvals of up to six months in the case of containment or seclusion to be given by the Adult Guardian in certain circumstances and other provisions providing mechanisms for short-term approvals where an application has been made to QCAT but no response has been provided or where a prior approval for restrictive practices has or is going to expire and a renewal application has not yet been determined. These provisions enable service providers to have the confidence of a legislative framework to continue practices that have been applied in the past until a determination is made by the appropriate authority about the longer term care of the person in their care.

I also want to mention specifically the amendments relating to circumstances where a funded disability service provider or an individual acting for the service provider may have a time-limited immunity from civil and criminal liability in the use of restrictive practices. These are circumstances where a service provider has sought a short-term approval to use a restrictive practice other than the ones that they are presently having an authorisation to use and where that decision for the short-term approval has not been decided and where the Adult Guardian is the guardian for a restrictive practice matter and the consent of the Adult Guardian has not been decided before the existing consent expires, as I touched on briefly before.

Service providers had raised concerns that delays in obtaining approvals and consents may expose them to criminal or civil liability. These amendments provide a short-term immunity of no longer than 30 days for those service providers to enable those applications or consents to be obtained or a decision made about other means of caring for their client. There are also safeguards for clients in the provision of this immunity. As I said, it is a short-term immunity for 30 days. There must also be a demonstration that the use of the restrictive practice is necessary to prevent harm, is the least restrictive way of keeping the adult safe and that there is a positive behaviour support plan being implemented for the adult.

During the committee's inquiry into the bill it was noted that these provisions would be subject to alteration or incorporation into a national framework when the National Disability Insurance Scheme becomes effective throughout the nation in the coming years. Nationally, through the Standing Council on Community, Housing and Disability Services, the national framework for reducing the use of restrictive practices in the disability service sector is being developed and the draft national framework sets out broad and higher level principles to guide each jurisdiction in administering their own schemes. As part of that, the NDIS is developing a quality assurance and safeguards framework. It is intended that the national framework will inform the development of the NDIS quality assurance and safeguards framework that will be implemented when the NDIS is rolled

out. So these provisions in the bill are necessary in terms of reforms to the restrictive practices legislation at this time and we should be supporting the bill on that basis, but noting also that when the NDIS is implemented there could be further changes rolled out across the nation. I will be supporting the bill and thank the minister for bringing this important reform to the disability services sector before the House.

**Mr PUCCI** (Logan—LNP) (4.38 pm): Today I will contribute to the debate in favour of the Disability Services (Restrictive Practices) and Other Legislation Amendment 2013. With our government charging forward to reduce red tape in all sectors by 20 per cent by 2018, our local communities across the state are already reaping the rewards of increased efficiency and empowerment in operational decisions and positive growth in their respective industries.

This directly translates to confidence in our abilities and will see Queensland continue to grow and assert us as the leading state in our great nation. This amendment will diligently address current issues that service providers and the broader disability services network face when providing care for patients who are afflicted with either intellectual or cognitive disabilities in response to behaviour that results in physical harm or serious risk of physical harm to others. This bill forms a part of the broader initiative by our government to improve the operation of the framework and outcomes for adults. Reforms focus on reducing red tape for service providers and building the capacity of service providers to implement positive behaviour support in their organisations.

The amendments listed within the bill respond to a review of the regulatory framework and the government's broader response which aims to address the needs of adults with an intellectual or cognitive disability whilst further aiming to improve their quality of life and reduce or eliminate the use of restrictive practices. Throughout extensive consultation with service providers and in keeping with our government's direct engagement with grassroots organisations, key areas were identified that urgently sought reform within the disability sector. As part of our government's community engagement ethos, I was honoured to welcome the Minister for Communities, Child Safety and Disability Services to Logan where we met with a series of service providers and organisations that play a role within our community. Meeting with representatives from Access Community Services Logan, The Spot Community Services, Autism Queensland, Caddies Community Care Centre in Jimboomba and Logan Metro Football Club, the minister was able to hear firsthand of the achievements being accomplished by these groups within the Logan and Beaudesert electorates. The Spot is located in a purpose-built community hub which has enabled it to grow its programs and social enterprises and continue to provide services to the community.

**Mr Krause:** It is in Algester.

**Mr PUCCI:** The Spot is located in Algester. I will take that interjection from the member for Beaudesert. It provides great services to all members of the Logan community. The minister was also able to talk to partners of The Spot that provide a range of services, showing how it is a one-stop shop for the community. Partners that provide services at the community hub include: Access Community Services; Boystown Employment Services; Browns Plains Alcoholics Anonymous; CAPA Dance Academy; David Wells, Clinical Psychologist; MMES Diesel Power Generation; New Mind Weight Loss Solutions; and Open Minds.

In visiting Autism Queensland residents in Logan, the minister and I were able to see the important services provided and how this wonderful facility helped people with autism spectrum disorder. We spoke with the carers and interacted with the residents. The visit was truly informative. Autism Queensland is a community based organisation dedicated to bringing about positive change in the lives of children and adults with ASD. It is Queensland's oldest and most experienced provider of specialised education, training and support services for people with ASD and their families, drawing on expertise gained over more than 45 years.

At Caddies Community Care Centre we were able to gain an appreciation of the many services that are provided to a diverse community, including services for those with a disability. We spoke with several clients of Caddies and gained a greater understanding of the needs of the community and the facility. Providing services such as community outreach, disability care, educational services, family support and sport, these organisations are part of our community's growth and it is pleasing to see that organisations like these are receiving the attention they deserve from our government to cater for the growing population.

Incorporating feedback from disability service providers, families and carers, clinicians, advocate organisations and statutory bodies across Queensland has been essential in identifying four key areas that need to be addressed. Emphasis on a positive behavioural support approach for all

adults with intellectual or cognitive disability and challenging behaviour in funding disability services is needed, not just where restrictive practices are required. The need to reduce the resource intensiveness of the current administrative process to allow a greater focus on client care was evident throughout the consultation. The need for further resources for adults and families so they are able to have a greater understanding of the framework and how they can exercise their own rights was also identified. This will be achieved through the rollout of service providers providing a statement to the adult and those close to the adult about restrictive practices to enable them to understand the framework avenues for complaints and redress and how they, the carer, can participate in the planning and decision-making process. Effective monitoring of the use of restrictive practices, such as physical restraints, seclusions and restricting access to patients, was identified to ensure the continuity of client outcomes. This will be achieved through provisions of reporting on the use of restrictive practices by funded disability service providers to enable systematic monitoring of the use of practices whilst measuring the effectiveness of the scheme in reducing the use of restrictive practices, ultimately leading to improved outcomes for the adult patients.

This bill also amends the definition of restrictive practices to physical restraints, seclusions and restricting access to patients. Such clarity will define the purpose for which the restrictive practices are used and simplify for providers how to determine the practices that require authorisation. This amendment bill will remove the legislative requirement for the department and service providers to keep and implement policies on the use of restrictive practices which will be administered under the department's human services quality framework. This will help to ensure that these practices are consistent with all providers and are not simply used for punishment.

The bill will provide flexibility in the appointment periods for guardians for a restrictive practice matter from 12 months to up to two years to allow service providers to focus more of their resources on the care of clients. This bill will also provide time-limited immunity for civil or criminal liability where a service provider has sought a short-term approval or the consent of the Adult Guardian as a guardian for the restrictive practice matter. With the amendment we will also see the removal of the requirement for a short-term plan for a short-term approval thus reducing the regulatory burden associated with guardians and carers seeking approval for those within their charge. Ultimately, the removal of this requirement will eliminate unnecessary complexity within legislation without compromising current safeguards.

I commend the efforts of the Health and Community Services Committee, the minister, her department and departmental staff. I also thank the minister for her recent visit to the Logan electorate where her tour of service providers was a great success and a great opportunity for our local groups to remain front and centre in the minds of our state government. I excitedly look forward to continuous improvements within the disability service sector and the benefits they will have for patients, families and carers in Logan. I support the passage of this bill through the House.

**Mr CRANDON** (Coomera—LNP) (4.48 pm): I rise to make a short contribution to the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. First of all, I note that challenging behaviour, which is the focus of this particular bill, is described as 'culturally abnormal behaviour(s) of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit the use of or result in the person being denied access to ordinary community facilities'.

That said, the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill amends various aspects of the legislation. For example, clause 4 amends part 10A, which will be headed 'Positive behaviour support and restrictive practices'. Clause 5 states—

**123A Purpose of pt 10A**

The purpose of this part is to protect the rights of adults with an intellectual or cognitive disability by—

(a) stating principles to be taken into account by funded service providers in providing disability services to those adults with behaviour that causes harm to themselves or others; and

(b) regulating the use of restrictive practices by funded service providers in relation to those adults in a way that—

(i) has regard to the human rights of those adults; and

(ii) safeguards them and others from harm; and

(iii) maximises the opportunity for positive outcomes and aims to reduce or eliminate the need for use of the restrictive practices; and

(iv) ensures transparency and accountability in the use of the restrictive practices.

Clause 7 inserts new section 123CA, which states—

(1) This section applies to an adult with an intellectual or cognitive disability if the adult's behaviour causes harm to the adult or others.

One very important aspect is the next subsection, which states—

(2) A relevant service provider must provide disability services to the adult in a way that—

(a) promotes the adult's—

(i) development and physical, mental, social and vocational ability; and

(ii) opportunities for participation and inclusion in the community; and

(b) responds to the adult's needs and goals; and

(c) ensures the adult and their family and friends are given an opportunity to participate in the development of strategies for the care and support of the adult; and

(d) involves—

(i) positive behaviour support planning informed by evidence-based best practice; and

(ii) the implementation of strategies, to produce behavioural change, focussed on skills development and environmental design;

…

(f) recognises that restrictive practices should only be used—

(i) when necessary to prevent harm to the adult or others; and

(ii) if the use is the least restrictive way of ensuring the safety of the adult or others; and

(g) recognises that restrictive practices should not be used punitively or in response to behaviour that does not cause harm to the adult or others;

I note that the Health and Community Services Committee has prepared a thorough report that made 11 recommendations. Those recommendations have been responded to by the minister. Not all the recommendations have been accepted, but certainly there has been a thorough explanation as to why not all of the recommendations were accepted and they all make very good sense.

As other members have said of their own electorates, within my community there are some absolutely fantastic organisations that look after people. I am talking about residential facilities, respite care and day-care facilities. They do a wonderful job. They engage with young people and they provide an opportunity for them to be a very positive part of the community. I need to bring the attention of the House to one particular case about which I have written to the minister. Once again I acknowledge that other members also deal with these types of matters on a daily basis. Certainly, over the five years that I have been a member of this place, I have had my fair share of concerns brought to me by family, in particular, in relation to the care of their child or loved one. We look into those situations and we find out what is going on. Sometimes we are able to make a difference. I hope that we will be able to make a difference in this particularly sad and difficult case.

I have received a handwritten letter from one of my constituents who is trying to get help for his 36-year-old son, David, who has Down syndrome. David's mother passed away the day after Mother's Day last year. David attended the Endeavour home at Kingston for a few years. He was very well liked by clients and staff. The father says that David needs this very much in his life, which highlights the benefit of these care facilities. Endeavour does a wonderful job right around the state. My constituent makes the very strong point that his son 'needs this very much in his life'. David was taken out of the residential care facility because prior to her passing his mother had indicated that she would like David to go back to live with family. In fact, he did do that. His brother and family picked him up and took him to live with them at Stanthorpe to experience a normal life, if you like. My constituent indicated that, unfortunately, he did not have a say in the matter, which was agreed to by the rest of the family. Sometimes these things are done with everyone's best interests in mind and certainly those of the individual most concerned.

Sadly, I have to report that on 16 December last year David was brought back to live with his father. His father makes the point that he was very happy to have his son back. He lives in Eagleby and while his son was living in Stanthorpe he found it difficult to visit him on a regular basis. However, because David had been taken out of the Kingston home, he cannot be taken back; it is as simple as that. The problem is this: my constituent is 81 years old, he is a pensioner and his only income is his pension, although clearly he receives money on behalf of David. He lives in a housing commission home, he is 81 years old and he has a 36-year-old son who can be difficult at times. In his letter he makes the point that you have to understand people such as David to be able to live with them and to add value to their lives. Unfortunately, David was a bit too much of a handful for the family at

Stanthorpe, so he came home to his dad. His dad desperately needs to get him back into some sort of facility that will be good for David. Of course, at 81 years of age I think we can all appreciate that he is not going to be around forever and how much care can he take of a son with Down syndrome? I finish on that note.

I commend the minister for bringing this bill before the House. I commend the committee for its hard work. Looking through the report, I see that a lot of work was done and a lot of feedback was received from the community. That has created a bill that will improve the lot of those people in our community who need the type of support that is needed in the case that I referred to.

**Mrs MENKENS** (Burdekin—LNP) (4.58 pm): I am very happy to support the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill. Certainly I pass on my congratulations and commend the minister for introducing this bill to the House. As another speaker has said, this is a difficult area. Minister Davis does not have an easy portfolio. The disability services area is one of the saddest areas to deal with, but I know that the minister deals with this area with compassion and professionalism, and certainly I commend her for that.

I commend the committee, under the leadership of the member for Kallangur, for the amount of work they put into the consideration of this bill. As I understand it, there were a large number of submissions. The minister consulted very widely and received a lot of submissions which assisted in the formation of this bill. Given the large number of submissions to the committee it means that this particular amendment bill has ownership by the community.

The bill amends the regulatory framework in the Disability Services Act 2006 and the Guardianship and Administration Act 2000 that applies specifically to the use of restrictive practices. This is the term used to assist in the care of adults with intellectual or cognitive disability when they exhibit behaviour that may cause harm to themselves, to their carers or to other people. It is sad that this type of legislation has to be implemented. There is a genuine need across the sector for such legislation.

The current provisions covering restrictive practices, part 10A of the Disability Services Act and Guardianship and Administration Act, were brought in following the recommendations of the Carter report in July 2006. The Hon. WJ Carter QC was commissioned by the previous government to review the use of restrictive practices. He proposed fundamental reform of the response by government and the disability sector to the proper care and support of persons with intellectual disability and challenging behaviour. It is worth reading the Carter report. I met with Justice Carter not long after he wrote that report.

Justice Carter's detailed recommendations covered service delivery and coordination, assessment, a centre for best practice and many others. The earlier legislation came about as a result of those recommendations. There were concerns expressed about the earlier legislation. Service providers outlined quite a few difficulties with implementing the regulatory processes. The minister listened and was aware of those concerns. She certainly listened and consulted widely. That is why she implemented a review of this framework contained in the earlier legislation. This is how the legislation we are debating now came about.

Often people ask what intellectual disability and cognitive impairment are. Definitions of these are contained in the Carter report and in various other publications. A person with intellectual disability is defined as a person with a score of approximately two standard deviations below the mean on an individually administered intelligence test and displaying a lack of competency in at least two of the following skill areas before the age 18 years—that is, communication, self-care, home living, social and interpersonal skills, use of community resources, self-direction and a raft of others. Cognitive impairment is described as a delay, reduction or abnormality in cognitive function such as learning, reasoning, memory, problem solving, decision making, organisation, perception and many others. This could be experienced by people who have a disability diagnosis such as autism or other pervasive development disorders or acquired brain injuries.

Challenging behaviour is defined as culturally abnormal behaviour of such intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy. It could be behaviour which is likely to seriously limit the use of or result in the person being denied access to ordinary community facilities. Sadly, there is a small group of adults with an intellectual cognitive disability who exhibit severely challenging behaviour and represent a significant risk of harm to themselves or others in the community.

The aims of this bill are to amend the restrictive practices framework in the Disability Services Act 2006 to actually enhance the protection of and outcomes for clients. The purpose of this bill is to provide safety and support for those people who have these severe types of disabilities. It is also to streamline the processes and reduce the red tape that service providers found took far too much time and made it very difficult for them. We are streamlining and reducing red tape for those service providers so that they can focus their resources on the care of clients. So often we hear that service providers are spending far too much time on paperwork, which has a cost associated with it. They should be focusing on the care of clients because that is what they are there for. The main aim of this bill is to build the capacity of the disability sector and to give them far more time to focus on the work that they are meant to be doing.

One of the submissions to the committee came from AMA Queensland. They put the situation well. They stated—

AMA Queensland wishes to stress that the patient's needs and rights should always be the first consideration when considering the application of restraint.

That of course is the No. 1 issue. AMA Queensland also stated—

... the need for restraint should always be based on individual assessment of the issues.

That is certainly outlined in this legislation. They note that the issues can span ethical, legal and medical domains. They also said that the key is finding the balance between the patients' right to self-determination, protection from harm and the possibility of harming others.

When we start looking at this bill we find that there are many key stakeholders. There are the adults who are subject to restrictive practices and there are the enormous number of family members who have had the concern of looking after their family members. Then there are the carers—the providers. There are also the decision makers under the framework and the funded disability services.

Before my time runs out, I must mention the wonderful disability services in the Burdekin. We have Queensland Flexi Care in the Burdekin. I know that the minister has met with Brenda Anne Parfitt several times. They are doing a marvellous job. We have Flexi Care in Bowen. Of course there is the wonderful work that the Endeavour Foundation is doing not just in the Burdekin electorate but right across Queensland.

*(Time expired)*

**Mr MOLHOEK** (Southport—LNP) (5.08 pm): It is a pleasure to rise this afternoon and speak in support of the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill. I commend Minister Davis on the tremendous work that she, her colleagues and the department have done in bringing forward these legislative changes. As my colleagues are no doubt aware, it was my great pleasure in the first 12 months of government to spend a considerable amount of time travelling to various parts of the state with the minister not only visiting child safety service centres but visiting many of the wonderful disability service providers across Queensland. We went to places like Cairns, Townsville, Mackay, Bundaberg, Toowoomba and many places around the south-east and Brisbane. Of particular pleasure was visiting some of the service providers in my electorate like FSG and the Southport Special School. We spent time before the election visiting the school and speaking with the principal and some of the teachers and students at that school. We also visited the Musgrave Hill Preschool.

The people who work in the disability services sector are doing some great work, but what they do not need is the onerous burden of extra paperwork and the layers of complexity that were brought in by the previous government when the first legislation to regulate the use of restrictive practices was introduced in 2008 in response to a report by the Hon. William Carter. I note that back in January 2010 the member for Inala mentioned in a speech to the House that she had visited one of the disability service centres in Maryborough. She talked about sitting down with one of the workers and how the worker told her that it actually took six months to complete a comprehensive assessment in relation to a positive behaviour support plan. She went on to say that these plans are important because they are dealing with vulnerable and challenging clients, which they are indeed. But she also said, 'I would rather have a fully comprehensive system and not scrimp on anything to make sure that we get it right.'

The previous government have certainly done that. That is the Labor way—layer upon layer of red tape; layer upon layer of regulation; layer upon layer of expense, increasing the administrative burden on those people who are working on our front lines. We have seen that in so many areas

since we have come to government. You do not have to go any further than to look at the health system and the challenges that we saw coming into government with the huge waiting lists, the ramping of ambulances at hospitals and the redeployment of staff into administration areas rather than into front-line services like nurses and doctors. As Minister Davis and I travelled around the state in that first year when I was her assistant minister, the story that we heard from many of the staff in those child safety service centres and disability service centres was what a relief it was to have the layers of administration removed above them, to be able to have direct access to the department, to get answers on day-to-day issues and to be freed up to get on with the important work that they do. It is just so important that we support this legislation and that we understand the need to reduce the burden of red tape. This is just another area where our government, the Newman government, is working to reduce some of those burdens on our front-line workers, who are delighted to see money being directed away from unnecessary admin and more funds going into real service provision.

The other thing I want to touch on is that this bill introduces a significant level of accountability and care. One of the blunders by the former government in drafting the legislation previously was the omission of any requirement for service providers to report on the use of restrictive practices. That lack of reporting is a real concern, especially given the potential risks and deprivations associated with the use of restrictive practices. Service providers themselves have noted that a lack of reporting of restrictive practices is of particular concern and a significant oversight of the previous government. I note that the committee received submissions from the Anti-Discrimination Commission of Queensland. They made the point that the rights of disadvantaged people can be infringed when restrictive practices are imposed on a person without their consent. These are fundamental human rights that everyone is entitled to have respected: the right to equal recognition before the law; the right to access to justice; the right to liberty and security of the person; the right to freedom from exploitation, violence and abuse; the right to the integrity of the person; and the right to their privacy.

I note also that UnitingCare in their submission raised concerns about the lack of clarity and the lack of accountability around these restrictive practices. The National Disability Services Office of Queensland actually wrote to say congratulations to the minister and the Department of Communities, Child Safety and Disability Services on their work to review the regulation in respect of the authorisation of restrictive practices within current legislation. They went on to say that they support the amendments to the legislation because they believe that there is a need for adequate safeguards to be in place for people with disability; that we need to provide safeguards for the workforce; that there is a need to reduce the cost of compliance for organisations; that there is a need to deliver clearer and unambiguous guidelines to stakeholders; and that there is a need to improve the statutory responsiveness and outcomes.

I note that in the committee report there is also an obligation to report back to the families of those people who are being looked after where restrictive practices are applicable. What are these restrictive practices? They are things like containment or seclusion, chemical restraint, physical restraint, mechanical restraint and restricting people's access to objects. It is sad that we need to have these practices in place. In fact today I was speaking with Vicki Batten, who is the CEO of the Family Services Group on the Gold Coast—one of the largest disability service providers in Queensland whose head office is in my electorate. On a monthly basis they look after some 3,500 clients. They look after the daily living needs of some 300 clients across the state.

Vicki's heartbeat in this is just outstanding because she herself describes the organisation as 'a large organisation with a large heart', an organisation that is 'truly committed to providing freedom, social justice and growth for all people in our community'. Vicki's comment to me was that she would rather we did not need these restrictive practices at all. In fact, their organisation is committed to a process where they seek to employ none of these restrictive practices. They actually train their staff to work with their clients in such a way that they would rather foster a greater sense of understanding and care and compassion. In treating those clients with great respect and great care, they find that many of the behaviours can be well managed and many of those behaviours can actually be turned around and many of those people within their care can enjoy much greater levels of care and support.

In fact, when you visit their website FSG talk about their passion. Their passion is one of actually wanting to make a real difference in the lives of their clients. Their passion is to enhance the lifestyles of the people who come within their scope of service provision. What an incredible organisation they are. They were established back in 1979. They have celebrated more than 30 years of service to both the Gold Coast and right across the state of Queensland.

Some of the other organisations in my electorate that I am particularly proud of that also share these views and welcome these legislative amendments are organisations like the Southport Special School, established back in 1970. Last year we saw the delivery of some new facilities there—a new library, new classrooms, new staff facilities and a kitchen. This particular school looks after some 200 young people under the age of 18 on a daily basis. There is the Musgrave Hill special preschool, with some 80 or 90 young children that it takes care of on a weekly basis. It is also a great pleasure to have the Arundel Park Riding for Disabled within my electorate—in fact, I should say that it is within the member for Broadwater's electorate, but we both enjoy a great association with the riding school.

I am proud to be a part of the Newman government. I am absolutely pleased to be part of a government that is really committed to delivering front-line services, to diverting the money away from unnecessary red tape and to being highly accountable to the communities it serves. I believe that within this legislation we see yet another example of our government's commitment to move the funds and the support where it is most needed. It is my great honour to stand in the House tonight and commend the great work of the minister and her department.

*(Time expired)*

**Mr JOHNSON** (Gregory—LNP) (5.18 pm): It is with much pleasure that I rise to speak to this piece of legislation, the Disability Services (Restrictive Practices) and Other Legislation Amendment 2013. I was minister for transport and main roads in the Borbidge government, and that is a heavy-duty role and takes in a heavy portfolio considering the hours concerned. I remember one day I had to attend an accident trauma briefing at one of the hospitals for Dr Cliff Pollard, who was a part of our road safety program. That briefing drove home to me which portfolio was the toughest in the state, and that is the one that Minister Davis is managing of Disability Services and Child Safety. I do not think any of us can comprehend the magnitude, the depth and the complexities of this portfolio due to the issues that it encompasses. Many people are probably not aware that for every person who is killed in an accident on our roads, probably another four receive some serious injury. A lot of those injuries are head injuries which afflict those people with a disablement such that they can never again lead a normal life. We see this happen to so many families today, whether through a drug related illness, alcohol, violence or an unexpected accident which occur on a daily basis. All these things impact on the Disability Services budget. Most times the burden is pushed back on to the person's aged parents. At a time when they should be enjoying their twilight years or getting close to enjoying their retirement years, they find themselves again shouldering a burden. This legislation goes a long way towards helping those people who find themselves in this situation to obtain some sort of support.

Under 'consultation', the explanatory notes state that the purpose of the discussion paper was to improve the care and quality of life for adults with challenging behaviour or at risk of causing physical harm. Many years ago I visited the aged persons home in Longreach. It was not long after I was elected, so it was probably back in the early nineties. I was talking to a couple of people there and one bloke, who was probably about 60 and was in the early stages of dementia, punched me pretty hard in the stomach. I was a bloke who was pretty fit and could cop a blow, but what if this had happened to some of those female staff or elderly staff who work in those institutions? A lot of people do not understand what they go through. It can be very difficult. Those people are saints in my eyes. Anyone who works in the medical profession or in those sorts of situations is a very special person.

Clause 9 of the legislation amends the definition of 'chemical restraint'. We do not like talking about these things but in this modern day and age we have to make these changes to legislation so that we can protect those who work in that environment. It is such a sad situation that many of us do not understand exactly what those people do in the workplace on a weekly or daily basis. That is why we have these pieces of legislation, and a lot of thought goes into them. I heard the member for Southport talk about travelling around the state with the minister when looking at different services. Those people see things that a lot of people never see. The support staff would see and do many things on a daily basis that a lot of us would never dream of seeing and doing.

This legislation is vitally important. An important aspect is the streamlining process to reduce red tape for service providers. The member for Burdekin touched on this. It is a very important part of this legislation and I will tell honourable members why. This will get rid of that red tape and even bureaucracy in a lot of cases—and that is something for which this government should be applauded: cutting down that echelon of red tape. In the case of the minister's portfolio area of Disability Services, it will allow more money to be injected into services for these unfortunate people. None of us knows who those people are going to be. Some family is going to be stricken with the suffering of a family

member in that way; it is probably happening this very hour in Queensland. Please the Lord it is not. However, we know it is a fact of life that these situations do occur. Whether it is due to an accident or stroke and whatever the outcome may be, these people are our responsibility. Like aged persons in aged care facilities, they are our responsibility. Unfortunately, I do not have parents alive anymore, but many people in this House have aged parents. It is our responsibility to ensure those aged people are given the quality of life that they deserve in their later years. Nothing changes in the area of people with disabilities but those beautiful people who are out there providing that service to give those people a quality of life.

That takes me back to the many different operations in my own electorate such as the services where volunteers visit people in their home such as Spiritus, Anglicare and all those sorts of groups. They are wonderful organisations. The beautiful part is that a lot of these people give their time just because they want to do it. That is the good part about it.

Returning to the bill, the disability services department is developing guidelines and a model plan for positive behaviour support plans. I think this is very important. The minister covers this in the legislation. The reason I think it is so important is that family members and others can seek advice and the use of restrictive practices can be monitored. We have to train more people to be professionals in this field. I know there are some good nurses and doctors out there, but every day we are learning that there is another way forward that is creating an environmental problem in the area of health and safety. I speak of road accident victims, assault victims—all these people.

I wish to now touch on the neighbourhood centre in Emerald. For 30-odd years a lady called Lorna Hicks was been the custodian of the neighbourhood centre. Lorna Hicks, an older lady who retired from this role last year, those other ladies and men at the centre and people like Councillor Paul Bell—who has provided a lot of support and hard work behind the scenes for that neighbourhood centre; he has worked very closely with them over a number of years—provide services to people who need that help, who need a heart to love them and to care for them and to make certain they are looked after. As far as I am concerned, these people are saints in our environment. They are people who care; they are people with compassion and understanding. I do applaud these people. Now a younger lady, Sherie McDonald, has taken over the role. Sherie comes from a good family background and is a lady who will provide a great service and great stability to the neighbourhood centre in Emerald. I say to the minister that we are very grateful for the money that goes into that centre from her portfolio. We are truly thankful for it. Whilst a lot of these people are working on a voluntary basis, they are providing care, love and comfort to someone less fortunate than themselves.

I pray every day that more people do not fall into this category in our communities. It is a way of life and something that unfortunately happens. No-one knows when we are going to find one of our loved ones or a close friend subjected to this type of environment. I say here today that we have to support the minister and support the departmental people, who do such an outstanding job in delivering these important services to those less fortunate than us in our community.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! I call the member for Burleigh. You have two minutes to start your speech.

**Mr HART** (Burleigh—LNP) (5.29 pm): I rise to speak to the debate on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013 introduced by my very good friend the Minister for Communities, Child Safety and Disability Services and member for Aspley, Ms Tracy Davis.

When we start talking about disability services, it is a very uncomfortable area for a lot of us to talk about. There is no doubt that restrictive practices are another very difficult area. That is exactly what this piece of legislation discusses. I think that the policy objectives mentioned in the explanatory notes cover off very well on exactly what this piece of legislation is about. The explanatory notes say—

The Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013 amends the regulatory framework of the *Disability Services Act 2006* and the *Guardianship and Administration Act 2000* that applies to the use of restrictive practices (for example, seclusion and restraint) by funded disability service providers on adults with intellectual or cognitive disability in response to behaviour that results in physical harm or a serious risk of physical harm to the adult or others.

Challenging behaviour is described, as we have heard from many members here tonight, as 'culturally abnormal behaviour of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy'—

Debate, on motion of Mr Hart, adjourned.

# MOTION

## Newman Government, Anticrime Gang Laws

**Hon. A PALASZCZUK** (Inala—ALP) (Leader of the Opposition) (5.30 pm): I move—

That this House:

- acknowledges that the Newman government's anticrime gang laws are not workable and, in some cases, are impacting on innocent Queenslanders;
- notes the Premier's comments after the Redcliffe by-election, claiming that he and his government would listen to Queenslanders more; and
- in line with that promise:
  - requests the Legal Affairs and Community Safety Committee to urgently undertake a public inquiry into anticrime gang laws to deliver workable laws that Queenslanders can support;
  - instructs the committee to consult with stakeholders and interested parties including the Queensland Law Society, the Bar Association of Queensland, the judiciary, the police, representatives of recreational motorcyclists and the public;
  - instructs the committee to undertake any other investigations, enquiries or inspections it deems necessary; and
  - instructs the committee to report back to this House by Friday, 9 May 2014.

Saturday, 22 February 2014 marked a pivotal moment in the history of Premier Campbell Newman and the Liberal National Party government. It was a day when the residents of Redcliffe sent a message to the Premier through the ballot box that they have had enough of this arrogant, uncaring know-it-all government. They were echoing the concerns shared by hundreds of thousands of other Queenslanders across the state. Queenslanders are growing increasingly accustomed to a government that has simply stopped listening. Redcliffe was a massive wake-up call to the Premier, and in the hours after this shattering loss the Premier gave the impression that he had taken the result on board, telling Queenslanders—

I'd just say to Queenslanders the government will be listening more and consulting more in the future. We've got the message and we will do the right thing in the future.

Has the Premier really changed his way and is he genuine in his claim that he is now prepared to finally listen? Through tonight's motion I am offering the Premier a chance to walk the talk. I am offering the Premier an opportunity to put his words into action and actually start listening to the people of Queensland. One of the areas where the Premier needs to start listening is in relation to his anticrime gang laws.

Five months after the Premier and the Attorney-General declared in this chamber that these laws would affect only criminal motorcycle gangs, the truth has been exposed. These laws are completely unworkable. They have gone too far, affecting innocent Queenslanders whose only crime is to ride a motorcycle. It is time for the Premier and the Attorney-General to admit that they got it so wrong. Go back to the drawing board and revise these laws. With their support for this motion, they can do just that by sending these discredited laws to the Legal Affairs and Community Safety Committee for a complete and thorough review.

The opposition warned the Premier about the dangers of rushing these laws through parliament in less than a day. But true to form, he refused to listen. Legal stakeholders urged him to refer the laws to the committee for proper consideration, but he refused to listen to them either. Is the Attorney-General afraid of having the committee look at the laws because he knows what the outcome will be? Perhaps if the Premier had been able to find it within himself to accept our advice, he would not find himself in the situation where his government has rapidly lost the faith of the people of Queensland. Perhaps the Premier would not be in a position where the result of the Redcliffe by-election simply says it all.

Do not get me wrong: Labor acknowledges that criminal organisations pose a threat to the safety and security of Queensland, and Labor has consistently stated its support for laws that target criminal motorcycle gangs—but in a workable, rational fashion. It should be remembered that it was Labor that introduced the Criminal Organisation Act in 2009 to combat outlaw bikie gangs—the toughest laws in Australia and the first to survive a challenge from the bikies to the High Court.

The LNP opposed these laws. The Attorney-General stood up in this House and decried the laws as an affront to the civil liberties of the bikie gang members. The health minister met with representatives of the bikie gangs and vowed to protect their civil rights. At the same time the LNP government's workable laws were debated, the Labor Party raised reservations about their scope and

application and opposed their worst aspect. The LNP said last year that the anticriminal motorcycle gang laws would not affect innocent Queenslanders. As the Attorney-General assured everyone, 'Law-Abiding citizens have nothing to fear from these new laws.' Again he gave more advice and he said—

> The legislation will target only criminal motorcycle gangs. Other law-abiding motorcycle riders will have nothing to worry about.

Those were the Attorney-General's words. They were your words, and these laws have failed. Since then, both the Attorney-General and the Police Commissioner have acknowledged that innocent riders can be affected. In short, it is a mess. But it is the LNP's mess, and they should clean up and fix this mess!

Those opposite are right to ask 'What would Labor do differently?' I am happy to answer that question definitively for the record. I can assure Queenslanders that a future Labor government will make sure we have laws that target organised crime gangs without attacking innocent people. We will start that process by developing, over the coming months, our own workable anticrime gang laws. Where the LNP does not listen, we will. Where the LNP rejects expert advice, we will welcome and embrace it. Where the LNP bungles these laws, we will get them right. We will repeal and we will replace them!

At the end of our consultations we will be in a position to outline new and workable laws that will be implemented by a future Labor government. We will also establish a public judicial inquiry to assess the state of organised crime in Queensland and the need for any additional legislative measures. As the Leader of the Opposition, I heard the message from the Redcliffe by-election. I have listened. Given the Premier's aversion to consultation and his failure to listen, I have been conducting my own consultation in recent weeks. That is because Labor recognises that meaningful and genuine consultation can improve any legislation presented to this chamber, particularly legislation that was cobbled together so quickly by the Premier and the Attorney-General.

I must sadly report to the House that my consultations have confirmed what Queenslanders have already realised—that these unworkable laws lack true support in the community. I have consulted with criminal lawyers; I have consulted with QCs. What was their verdict? The laws in their current state are problematic and they are concerned that these laws are unjust, they are not working and they should be referred to a parliamentary committee for urgent review. I have paid attention to what the Queensland Law Society has said—that these laws put at risk the democratic rights of all people and threaten the fundamental principle of the separation of powers.

Tonight I challenge the Premier of Queensland. If he is a man of his word, he will accept my challenge. If he is willing to consult, he will accept my challenge. Tonight I challenge the Premier to support this motion. I challenge the Premier to support this motion without hesitation and without amendment. If the Premier refuses to accept this challenge, he will simply prove what more and more Queenslanders think—that he and his arrogant government have stopped listening. Premier Newman needs to stand up, accept responsibility and start listening to Queenslanders. Earlier this year we said that these laws could be fixed, and the way those opposite could have fixed these laws straightaway was to get rid of this Attorney-General and put someone in that position with a bit of integrity, decency and honesty—someone like Minister Ian Walker perhaps who could have had a fresh start, worked with the community and got these laws right. Tonight there has been a secret cabinet meeting—a cabinet meeting talking about the underperformance of this government. The only person who is underperforming is the Premier of this state. The Premier of this state is underperforming because he chooses not to listen. He will not listen to doctors. He will not listen to lawyers. He will not listen to workers. A future Labor government will govern for all Queenslanders, not just a few.

**Mr BYRNE** (Rockhampton—ALP) (5.41 pm): I rise to second the motion and use it as an opportunity to reflect on the advice that the opposition has provided to the government from the very start of its ham-fisted, inane butchery of criminal law in this state. I have repeatedly pointed out the ludicrous position that the LNP took in 2009 when its members opposed Labor's Criminal Organisation Bill because it apparently interfered with the civil liberties of criminal motorcycle gangs. Their position then and now was purely a matter of political opportunism crafted and intended to feed the spin cycle. I have observed that comments from LNP members from 2009 when contrasted with their recent utterances provide no greater example of political prostitution and hypocrisy. This is pretty much the approach taken by this government—a government that would much rather have the innocent suffer than its version of the guilty escape. And how ironic that this government has completely opposite sentiments when it comes to dealing with alcohol fuelled violence, but that is an observation for another time!

I do not believe these laws were ever introduced with the intention of surviving a High Court challenge. I submit that they are all about the 'we are tough on crime' mantra and an early election. I have always maintained that a great chunk of this legislation was unlikely to survive a High Court appeal, and I maintain that view. As much as it pains me, let me once again tell the government what needs to be done and the necessary steps to actually degrade organised crime in this state. Dealing with organised crime has many similarities to counterterrorism operations, and in essence those are intelligence activities. We do not deal with the threat of terrorism by turning normal citizens' lives upside down. Real effort goes into intelligence analysis and it is covert, not overt. It is as much about the hearts and minds of the population as anything else; you walk quietly and carry a big stick. So I submit that the performance of this government and its agencies in degrading organised crime has been ineffectual, misdirected and in reality little more than beating a number of bad eggs with feather dusters—in essence, counterproductive.

Let us not forget the game play by the Attorney-General leading up to the original debate—a lot of spin in the media cycle, the complete exclusion of informed stakeholders in development of the legislation, and even going as far as to play games with this parliament by not providing the legislation to the opposition or crossbenches in a reasonable and timely way. It was all part of an arrogant, know-it-all game that was played out by the government. How has that worked out for the government? Pretty badly I would suggest—a complete shambles! This government has managed to achieve this: it has angered every recreational motorcycle rider in this state, it has contributed to a substantial degradation of the reputation of the Queensland Police Service, it has overseen a period where crime stats are going south while the vast majority of serious categories are increasing to proportions not seen in a decade, and it has not laid a glove on organised crime given that I understand that the supply of illegal drugs virtually remains uncompromised.

So let me summarise. Labor's 2009 Criminal Organisation Act is the best piece of antigang legislation passed in any parliament in this country. Unfortunately, this government refused to use it because it would mean it was wrong in 2009. Labor supports laws that will target criminal organisations and those elements of motorcycle gangs who are participating in such. We do not support laws that disrupt the normal lives of law-abiding citizens. Labor backed amendments to specify that these laws would not be used against recreational riders, but we failed on the numbers. There are many elements of the present legislation that are either unworkable or objectionable. This should be clearly evident to those on the other side of the chamber at this point. Labor warned of the potential of these laws to be misapplied and to target and harass innocent people going about their normal lives. Undoubtedly this whole enterprise has been nothing short of an embarrassment to Queenslanders, a disgraceful prostitution of the legal and parliamentary processes and an enterprise entirely focused on political ends. The LNP's laws are a mess and this government should see sense and take the opportunity the opposition is providing to fix them up. If the Attorney-General and the rest of the Newman government had listened and taken advice in the first place, we would not have to be here hopefully trying to fix this mess now. Yet again the LNP will most likely continue the practice of not listening to the experts and the wider community and continue using this massive majority to block our efforts here tonight. The LNP owns this legislation and all of the consequences. The government needs to fix the problem now. Here is the opportunity.

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (5.46 pm): I move the following amendment—

That all words after 'anticrime gang laws' be deleted and the following words inserted:

are working and are helping to combat crime and unlawful activity in Queensland.

I have thoroughly enjoyed the debate from the Leader of the Opposition and the shadow police minister, who, I would suspect, if Queenslanders were viewing his performance they would have no idea that he in fact is the shadow police minister, because this is one shadow police minister who actually does not support the Police Service in this state. Let me deal with a few of the issues relating to the laws and then we will get to the crux of the debate with the opposition leader, because the opposition leader raised some interesting issues. In September last year 50 Bandidos walked down Broadbeach Mall and in front of families and tourists started a brawl.

**Ms Trad** interjected.

**Mr BLEIJIE:** I am not taking interjections from the member for South Brisbane; I am talking about a serious matter. There were women and children dining at Broadbeach who suffered as a result of 50 Bandidos coming to Broadbeach and starting a full riot. That is when the government drew the line in the sand and said that enough is enough. We make it clear that we want to rid the

state of Queensland of criminal gangs. It is a shame the opposition does not agree with that. While we are on the subject of the opposition, let us look at where it stands on this issue, because I am as confused as a scrambled egg as to where the opposition actually sits on this issue. We introduced the laws and it voted for them. It supported the laws. That was fine. The next day the opposition leader gave a press conference and said that she had some concerns about the laws. We then brought a second tranche of reforms in. It then supported the laws.

**A government member:** Did they amend them?

**Mr BLEIJIE:** No, it did not amend them; it supported them. Then it came out and opposed the laws but would not repeal them. Colleagues may remember an article in the *Courier-Mail* headed 'ALP leader says VLAD laws are no good but she won't repeal them'. So those opposite said, 'They're no good but we're not going to get rid of them.' Then the opposition leader said, 'Let's have a parliamentary inquiry.' Then it went from a parliamentary inquiry to a judicial inquiry. Then today we have a motion on the books from the Leader of the Opposition and now it is back to a parliamentary inquiry, which is what this motion refers to. I guess those opposite have had seven positions for each member over there, but—lo and behold—because the new member was sworn in today they had to come up with an eighth position on the laws and they now say that they will repeal the laws.

So now, finally, they have said that they will repeal the laws, but that they are going to have a judicial inquiry into the laws. There has just been this cog of change of position because they do not know where they stand. They have no ethics and accountability on this issue. Let me refer to the *Courier-Mail* editorial of only a week ago. I am sure the opposition leader's staffers would refer to this. It states—

In short, the legislation is doing what it is designed to do, and that is to disempower organised criminal gangs, cripple their ability to organise, and ensure that gang members who choose to adopt a misguided "code of silence" in relation to suspected criminal activity face the most punitive of punishments.

…

The local Hells Angels chapter, down to two men while their president is overseas, can no longer even muster enough members to break the anti-association laws …

Finally, the editorial states—

Given that commitment, and a community expectation that what is now on the statute books will not be applied in an overly zealous fashion, then the early successes of the drive to break criminal bike gangs and extend the push to paedophile rings is deserving of support.

Unfortunately, they are not deserving of support by the opposition leader, who has had about nine or 10 positions on this issue. The opposition says that the best way is the legislation that Labor introduced. She said they were the toughest laws in the country. It is no good having the toughest laws in the country if they are never used. Anyone can bring in the toughest laws in a country, but unless they are used they are no good. Unless you take these criminal gangs off the street, unless you are protecting the women and children in this state, then it is no good standing up in here and saying, 'We have the toughest laws. We just hope no-one uses them. We just hope they do not get used.' The fact is that they never used the laws. They introduced the laws in 2009. How many criminals gangs have been declared under that Labor Party legislation? Zero! No gangs have been declared under the Labor Party legislation. But they want to repeal what we have done. They want to go back to 2009 when criminal gangs flourished in the state under the Labor Party. We do not accept that. Criminal gangs will not flourish under this government.

*(Time expired)*

**Mr BERRY** (Ipswich—LNP) (5.50 pm): I rise to speak in opposition to the opposition's motion concerning the anticrime laws and support the amendment proposed by the Attorney-General. Clearly, the motion requires amendment. It is both vague and ambiguous. It is vague because it speaks about anticrime gang laws, the Premier listening and consulting and a public inquiry. What exactly is the motion calling for? If the opposition were really serious about the motion it was putting forward, it would make sure that it made sense. It is ambiguous. This motion has more than one meaning.

At this point I do not know what anticrime gang laws the opposition is talking about. We have introduced several pieces of legislation and amendments. We have introduced the amendments to the Criminal Organisation Act 2009. We have introduced amendments to the Criminal Proceeds

Confiscation Act 2002. They relate to organised crime. We have also introduced the Vicious Lawless Association Disestablishment Act 2013. I think we can safely say that the latter is probably the act that the Leader of the Opposition is referring to.

So working on that premise, it is a matter now of talking about the Vicious Lawless Association Disestablishment Act 2013. One wonders why, after six months, the opposition is now changing its stance. The Attorney-General referred to the flip-flop nature of the opposition. Does the opposition have information to say that any or all of these enactments are unworkable? If they do, has the opposition—

**Honourable members** interjected.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! Members will cease interjecting across the chamber.

**Mr BERRY:** Has the opposition presented to parliament a bill rectifying what the opposition perceives—

**Honourable members** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Ipswich—

**Mr BERRY:**—to be a flaw in the legislation?

**Mr DEPUTY SPEAKER:** Member for Ipswich!

**Mr BERRY:** Sorry, I was just getting so excited.

**Mr DEPUTY SPEAKER:** Resume your seat, please. There is too much crossfire across the chamber. I could hardly hear the member for Ipswich and he obviously could not hear me. I call the member for Ipswich.

**Mr BERRY:** Mr Deputy Speaker, I want to tell you that I am always listening to you. This government is always listening. We are listening and we are consulting. The answer is no, they have not consulted with any agency. There has been absolutely no evidence put up to say that these laws are not working and, particularly after six months, there must be a lot of evidence out there. No, the opposition has not introduced any private legislation attempting to rectify the position it perceives to be wrong. That is a matter of record. No, the opposition has no evidence at all. It certainly has no evidence that the legislation is unworkable.

Rather than concentrate on the many vagaries and ambiguities in this motion, I intend to outline why the laws are working and why the public is firm on the government's position with respect to its anticrime legislation. Firstly, criminal organisations have been publicly exposed—something that had not been attempted by the previous Labor government when it knew, or should have known, that organised crime in the form of outlaw bikie gangs and so forth were prevalent and permeated our society yet nothing at all was done. We knew that criminal gangs were located on the Gold Coast and in parts of Brisbane. We knew that they were involved in illegal prostitution. We knew that they were involved in drug manufacture. We knew about extortions, standovers, money laundering and other illegal activity, yet nothing was done.

It was clear that organised crime gangs have left our state because of the deterrence enacted. These laws are serious deterrents to organised crime and they are working. We have strengthened the laws on unexplained wealth—something that was not done previously. Criminal organisations have found that we are making it difficult for them to be able to use their ill-gotten gains. If they really want to be able to do that, they have to go interstate.

What is the result? Clearly, bikie gangs have been identified and they have moved their activities elsewhere. The evidence shows that they have re-established themselves south of the border. There are fewer reported instances of intimidation, extortion and bikie wars in Queensland. We have even read in some opinion pieces published in the *Courier-Mail* that, in fact, overseas bikie gang members have delayed coming to Queensland. Editorials are now confirming that the laws appear to be working. What does it take for the opposition to understand what is going on? The *Courier-Mail*'s editorial states—

Amid all the hyperbole and hand-wringing over the Queensland Government's hard-line anti-bikie push, some tend to forget that the controversial Vicious Lawless Association Disestablishment Bill of last year is having a real and positive impact.

That is the position. The reality of life is that these laws are working. The press is now recognising this and it is giving us a very positive opinion. The editorial concludes by stating—

The laws are, as Premier Campbell Newman has vowed, both temporary and subject to review.

The Premier has always been listening and consulting. I fully commend the amendment to this motion.

**Ms TRAD** (South Brisbane—ALP) (5.57 pm): It is really clear from the statements made earlier in the House by the Attorney-General that he does not understand the meaning of inconsistency, because inconsistency can be evidenced in the position that this government has had in relation to cracking down on organised crime that has been proven to exist in criminal motorcycle gangs. In 2012, after a Gold Coast tattoo shop that was owned by the Bandidos was sprayed with bullets and a man was shot in the Robina Town Centre, the statements that came from this government and the statements that came from the Premier were to not respond in any reasonable, rational way to this outbreak of violence. The response of the Premier was to say—

... the team that I lead believe that you shouldn't be sort of penalised for wearing your footy team uniform or jersey ... Crime is what you should be punished for.

That is really clear. Then we have a position that was formulated after September last year. There was a fanatical response. Then, on the first day back at work this year, what did the Premier have to say in relation to the bikie gangs? 'They're going to be reviewed and hopefully they'll be scrapped because I actually don't like them'. If the government wants evidence of inconsistency in relation to law and order in this state it needs to look no further than its own performance.

What do we know about these laws? What do we know about the government's position in relation to these laws and the cracking down of organised criminal activity? As its position has quite clearly demonstrated, this government's laws are ever changing. They are chaotic and unworkable and, essentially, unfair and unjust. They are the supertrawler equivalent in law enforcement, sweeping up everyone and treating them as guilty before being proven innocent.

So how did the LNP go from being a government that railed against Labor's criminal organisation laws and encouraging the wearing of club colours to being one that criminalises association, bans club colours and imposes extremely disproportionate mandatory sentences and restricts the power of the courts to grant bail?

The explanation, of course, is purely a political one. The change of heart is based on politics and polling, pure and simple. It was not until the LNP began its slide in the polls in 2013 that the Premier panicked and realised he needed to do something. Newspoll, Galaxy and ReachTEL all pointed to fast-waning support from Queenslanders based on sackings, front-line service closures, ministerial disgrace after ministerial disgrace, Scott Driscoll and, of course, the pure uncaring, arrogant nature of this government which starts at the top. Having no original ideas of his own, the Premier consulted the Liberal Party playbook.

**Mr DEPUTY SPEAKER** (Dr Robinson): Member, take your seat. Is there a point of order?

**Mr BERRY:** Relevance.

**Mr DEPUTY SPEAKER:** Member for Ipswich, there is no point of order. The member has the call.

**Ms TRAD:** We know chapter 1 of the playbook was about the Commission of Audit delivered by Liberal Party mate, Peter Costello. Chapter 2 was the tried and true law and order crackdown to distract voters from the government's other problems. After the next bikie related incident to come along, a brawl at a Broadbeach restaurant in September 2013, an announced crackdown on bikies was seized on vigorously. But given the government's previous position, a crackdown on bikies would require a particularly shameless backflip. Given the size of the political problems the government was facing, the LNP would need a very big distraction, which meant that the law and order crackdown would need to be particularly fanatical. There is only one person in the government's ranks who was shameless and fanatical enough for that job and it was the Attorney-General, the Victor Frankenstein of the VLAD laws. The only problem is that when you get the Attorney-General to do a job he does not do it particularly well. He has botched both the policy and the political implementation of the government's VLAD laws. What was supposed to be a political winner for the government has turned into a dead weight and recent polling has suggested that.

Of course, it almost goes without saying that these laws are an unmitigated public policy failure. We can let the experts attest to that. Mr Tony Fitzgerald and Mr Gary Crooke in their recent opinion piece called the laws ill-considered, rushed and badly drafted. This morning the Attorney-General expressed such great concern for our fragile democracy that he ought to take note of a particular passage from the recently released Fitzgerald and Crooke article wherein they state—

Arrogant, ill-informed politicians who cynically misuse the power of the state for personal or political benefit are a far greater threat to democracy than criminals, even organised gangs.

These are very potent words from Queensland's leading experts in terms of crime fighting and I hope that the Attorney-General is listening.

**Miss BARTON** (Broadwater—LNP) (6.02 pm): It gives me great pleasure to rise tonight to support the Attorney-General. At the outset I commend the Attorney-General, the Premier and the Minister for Police, Fire and Emergency Services for the fortitude that they have shown. Quite frankly, it is great to be in Queensland at a time when a government is prepared to stand up to criminals. It is great to be part of a can-do government that is prepared to stand up for its communities and make them safer. I am incredibly proud, as a member of the government from the Gold Coast, to have supported this legislation—legislation that is working. Criminal gangs on the Gold Coast are gone. I do not know about anyone else on the Gold Coast, but I have not seen criminal motorcycle gangs or other criminal organisations on the Gold Coast since this tough legislation was introduced into the House.

**Opposition members** interjected.

**Mr DEPUTY SPEAKER:** Order, members! Too much interjecting.

**Miss BARTON:** I have not seen a more confident community since this legislation was introduced. This government has stood up to criminal organisations and criminal gangs. This government is prepared to make our community safer. That is what we are determined to do. We want Queensland to be the safest state to raise a family and, by golly gosh, this government is doing it. We are absolutely committed to making sure that we listen to the people of Queensland.

I would suggest to the opposition members, after they have gone through all of their positions—I think the Attorney-General said that they have had about three in one day and they have had about eight overall—to listen to the Queenslanders in the communities that they represent who feel safer, who are impressed to see more police on the beat and who are happy to see crime rates go down. I would suggest to those opposite that they talk to small business owners on the Gold Coast who time and time again were intimidated by criminal motorcycle organisations, whose businesses were being driven to the wall, who are facing rack and ruin because the government that was led by Anna Bligh refused to protect them.

The opposition leader stands up in this House and says that she seeks to protect the innocent. What about the woman who was shot at Robina? What about those small business owners whose businesses were being driven to the wall because the Labor government would not do anything to stop criminal organisations in this state? What about those families in Broadbeach who had to watch as Bandidos and other criminal organisation members decided to ruin what was supposed to be a calm, happy Friday night? What about those police officers who had to stand up to those bikies who thought that it was okay to try to raid the Southport Police Station? What about those innocents? The opposition leader stands up in this House and says that she stands up for Queenslanders and wants to listen to them. The opposition leader is a hypocrite.

**Honourable members** interjected.

**Mr DEPUTY SPEAKER:** Order! Members, there is too much interjecting across the chamber.

**Miss BARTON:** If the opposition cared about Queenslanders they would continue to support this legislation. I think it would behove the opposition to remember that in September they supported this legislation in the House. Every single member of the opposition voted for this legislation in the House. Then the opposition said they would not repeal the laws. The opposition has no position. All those opposite seek to do is try to work out some policy on the run. This government cares about Queenslanders. It is a can-do government that is committed to making sure that Queensland is a safer place. It is a can-do government that cares about Queenslanders. That is in stark contrast to an opposition that seeks to protect only criminal organisation members. The motion from the opposition was about saying to real, hardworking Queensland families that they do not care, they do not give a damn. The only thing those opposite care about is making sure that criminal organisations can continue to prosper in this state. This government will not let that happen. This government will stand up in the face of criminal organisations. It will stand up in the face of thuggery and it will protect Queenslanders. That is what we were elected to do and that is what we will continue to do.

**Honourable members** interjected.

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

**Miss BARTON:** That is what we will continue to do because this government actually listens to Queenslanders. This government delivers for Queensland and we will continue to do so. We have done a great job over the past two years. There is more work to be done and I look forward to supporting the Attorney-General's amendments because, quite frankly, it is this Attorney-General, this police minister and this Premier who are keeping Queenslanders in our state safe. I commend the Attorney-General's amendment to the House.

**Mr PITT** (Mulgrave—ALP) (6.06 pm): I rise to support the motion moved by the Leader of the Opposition. The motion calls on the LNP government to take a step back, to acknowledge the overreach of this Premier and this Attorney-General and to work with the parliament and the public to make Queensland's anticriminal motorcycle gang laws workable. It is a sensible proposal in the best interests of Queenslanders. I acknowledge that while we placed on record our serious reservations, we did not oppose these laws when they were introduced, largely because of the so-called urgency that was applied to them by the Attorney-General to kick-start his publicity war on bikies. Since that time it has been made abundantly clear that these laws are not what they were purported to be and simply are not workable. Our motives are simple: establish laws that get the crooks and clamp down on crime but leave innocent Queenslanders alone. That is the fundamental issue here: freedoms we all should be able to enjoy. We want laws that target criminality, not laws that target what sort of clothes you wear. We want laws that target gang activity, not laws that target what sort of vehicle you drive. We want to preserve a legal system that punishes illegal activity, not laws that immediately brand you a criminal because of your Harley, tattoos and leather jacket.

Queenslanders have very real concerns about organised crime, including criminal motorcycle gangs. Labor shares those concerns and has a record of doing just that. We also join the many Queenslanders who believe that the Premier and his Attorney-General have rushed through laws that go beyond their intended targets. That is why the government should move urgently to fix this legislation to restore the balance that the public wants and that the legal fraternity supports. That is why the Labor opposition would repeal and replace the Premier's over-the-top anticriminal motorcycle gang laws.

We must target the criminal gangs, but leave decent and innocent Queenslanders alone. Regional Queensland has been hit hard by these laws. As we travel around the state, business owners are telling us about how their businesses are being affected. I am talking about businesses such as the countless pubs across Queensland where honest and decent people who happen to like riding a motorbike used congregate and have a beer, but no longer; such as tattoo shops people have shied away from because they do not want to get caught up in monitoring and surveillance exercises; such as the tradespeople who now have to go through the wringer in order to get licensed, a black cloud hanging over them when in most cases they have never had any contact with criminal elements; such as the many people who ride a motorcycle to and from work, yet have been stopped by police on more than one occasion. The laws even affect something as simple as the Sunday bike ride, which is a tradition in many regions where motorbike enthusiasts would get together and go for a safe, enjoyable and legal ride throughout country Queensland. Many small businesses, including cafes and hotels, used to survive on the business those bike rides would bring, but no longer.

When it comes to alcohol fuelled violence, the Premier is fond of saying that he does not want to penalise the majority for the sins of the few. Yet that principle does not seem to apply to the impact of these laws. That is all because the LNP government wants to look tough on crime, but is too incompetent to produce laws that work. This government is good at producing distractions to take the focus off its policy disasters. Let us start with its economic management. Last week the Treasurer ignored the fact that every economic indicator bar one had worsened significantly since Labor was in government. Unemployment is at 6.1 per cent, which is well above the 5.5 per cent those opposite inherited and a world away from the four per cent the Premier promised.

This is an important one: what about the changes to our workers compensation scheme, which was the first victim of these laws, such as imposing a five per cent threshold on common law claims that will negatively impact upon thousands of people who get injured at work? Changes to workers compensation happened under the cover of these laws and the sideshow politics—

**Mr STEVENS:** I rise to a point of order.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! Member, please take your seat. What is the point of order?

**Mr STEVENS:** What relevance does the workers compensation act have to the motion before the House tonight?

**Mr DEPUTY SPEAKER:** Order! Member for Mulgrave, I ask you to return to the motion. You have largely spoken to the motion and you have begun to stray from it. I ask you to stay focused on the motion.

**Mr PITT:** Just because the member for Mermaid Beach likes to interject does not mean he is correct. These laws were brought in in the same week that we were to debate the important workers compensation laws. Of course, it was done as a smokescreen so that people were not focusing on laws that really impact on them. Sadly, these laws have impacted on a broader number of people than even the workers compensation laws did. The changes to workers compensation happened under the cover of these laws and the sideshow politics of the Attorney-General and this LNP government. These issues are just a few of the policy failures that the LNP is very happy we are not debating today and are a huge part of the reason these anticriminal motorcycle gang laws are here in the first place. What the LNP, especially those on the backbench, did not realise was that the Attorney-General sold them a pup. They have allowed him to establish laws that are not workable, that are not fair and that are not producing lower crime rates in key parts of the state.

There is a broader issue here than just being tough on crime. Ending the cycle of crime, violence and drugs that emanates from criminal organisations is a bipartisan aim, but it cannot come at the expense of the democratic principles our country was founded on. It is now March and these laws have been in place for four months. It is time to repeal and replace. In case the Attorney-General is not sure about our position, I will repeat it: it is time to repeal and replace. It is time to scrap them entirely and replace them with something that is targeted and may actually work. I say to the Attorney-General that bread-and-circus politics might work in his part of the world, but it does not wash with Queenslanders, as is evidenced by the Redcliffe by-election result. These laws are not workable. Fix them or we will fix them.

**Mr STEVENS** (Mermaid Beach—LNP) (6.12 pm): As the member for Mermaid Beach, where much of this criminal bikie gang activity was taking place—in fact, the police advise me that there are 43 so-called legitimate businesses with bikie contacts in that particular area alone—and as my electorate office is barely 200 metres from the restaurant where the infamous criminal bikie siege took place on 27 September last year, I can assure all members of this House and, indeed, the Queensland public at large that the VLAD laws and the police crackdown on criminal bike gang members using the Newman government legislation, which was effectively worked up by the Attorney-General, is working, is effective and is only affecting criminal gang bike riders, and there has been a visible clearance of those undesirable one per cent social outcasts from the streets of the Gold Coast, and that is a fact. When on the streets of Broadbeach, enormous numbers of people—people I do not know—have walked up to me to say, 'Tell Newman to keep going with those bikie laws.' That is despite what media outlets have been reporting due to the cleverly orchestrated public relations campaign funded to the tune of thousands and thousands of dollars by criminal organisations that have gained their money and their funding through drug dealing, debt collecting, standover tactics and violent protection rackets.

As there are no Labor members on the Gold Coast, they would not be aware of the grisly problem that was facing police and the public. I have pointed that out to them on many occasions. As the member for Mermaid Beach and Robina in opposition, nine times I raised this matter and nine times they ignored it. They did not do anything about it. Labor's half-baked solution was its failed criminal organisation motorcycle gang legislation, which resulted in no arrests, no convictions and no effect on the many criminal bikie associations running rampant in the Broadbeach-Mermaid Beach area. Those associations were responsible for shooting up buildings, murder, drug laboratories and the tragic shooting of an innocent bystander in the Robina Town Centre when two ugly miscreants of our society faced off in a retail store. The Labor Party's weak-kneed, lily-livered failed attempt at pretending to uphold law and order is the sad indictment of a party that is out of touch and uninformed about community issues and that is run by the union movement that seems to have closely aligned links to these criminal bikie gangs through the construction industry and other militant standover unions that determine who sits opposite in this parliament.

That brings me to the very simple, basic and elementary political question that even the very new Labor member for Redcliffe would understand: if the Newman laws cracking down on these criminal bikie gangs and the VLAD legislation were so bad and horrendous that we should be rewriting them, rescinding them or disenfranchising them, why on earth did the seven dopey dwarfs of the Labor Party's parliamentary political wing vote for them?

**Mr DEPUTY SPEAKER:** Order! The member will withdraw that statement. It is unparliamentary.

**Mr STEVENS:** I withdraw. Why did the flip-flopping, carping, whining Leader of the Opposition publicly commit that she would not be replacing them if she came into government? I thank the Labor opposition for bringing this motion before the House tonight so that we have the opportunity to tell the people of the Gold Coast, and my electorate in particular, what a great job the police are doing, what a great law the Attorney-General has brought in and what Labor will fail to do if they ever came back into government. The police presence all over the Broadbeach area and the Gold Coast area is noticeable. They have been very effective and the annual seasonally adjusted crime statistics are falling. When you compare apples with apples, which is the Christmas to Christmas period, you see that the statistics are falling dramatically right across the Gold Coast. All of the hits on drug labs are due to the new legislation that this government has put in place. The people of Mermaid Beach and the Gold Coast are saying to me, 'Thank God for the Newman government; thank God for the LNP'.

**Honourable members** interjected.

**Mr DEPUTY SPEAKER:** Order! I will have quiet. Before I give the member for Nicklin the call, the House will come to order.

**Mr WELLINGTON** (Nicklin—Ind) (6.18 pm): I rise to participate in the debate and to try to bring members' focus back to what the motion is all about. It is very simple. It is that the Legal Affairs and Community Safety Committee conduct a public inquiry into the government's anticrime gang laws. That is the main part. That is what it is about. Contained in the motion is a second element that states that the committee is to contact some key stakeholders, and they have been identified, for consultation. The third part of the motion deals with giving the committee the freedom and flexibility to undertake any other investigations or inspections that the committee deems necessary. Finally, that the committee will report back to parliament by 9 May.

When I heard the Leader of the Opposition give notice this morning that she would be moving this motion I was aware of the comments that the Premier made after the Redcliffe by-election. I actually thought the motion that the Leader of the Opposition moved was consistent with what the Premier's commitment to Queenslanders was. I have a copy of his commitment. He stated—

... we understand that perhaps many of you feel we perhaps haven't listened enough, that we have perhaps moved too quickly or that we haven't consulted you.

I pledge this evening to listen to that message. We hear it, we will observe it and we will do things differently as we go forward.

This motion is about actually giving the Premier and the government the capacity to now listen to the people whom they are unfortunately not listening to. I listened to government members speak and I heard them say that they could not understand the motion and that it appeared vague and ambiguous. I am a member of that committee and I have no doubt that that committee would be able to meet, get through this motion, have public hearings, invite the various stakeholders to visit and come back with a report to parliament by 9 May.

I also heard opposition members talk about the fact that their focus is that laws in Queensland need to target criminal activities. That is what this is about. Our laws need to target criminal activity and not target people because of the clothes they wear, the tattoos they have on their bodies or the vehicles or motorcycles they ride.

I have heard government members say during this debate that the laws only affect criminals. One reason we need to have this inquiry is so that government members can hear the voices of other Queenslanders who will give real evidence to the committee about how police have victimised and harassed them because of the clothes they wear, the bike they ride, the car they drive or the tattoos they have. They will give very clear evidence.

I saw a video clip recently of a person who was pulled over. When he had a recorder going the police officer said, 'Is that a recorder?' He said, 'I'm now arresting you.' The next minute the other police officer said, 'You can't do that.' He released him. What we are saying is that Queenslanders need to have the chance—

**Government members** interjected.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! Those on my right! The member for Nicklin has the call.

**Mr WELLINGTON:** This motion will give government members the chance to hear from Queenslanders who I am concerned they are not listening to. Another government member said that there is nothing wrong with the law.

**Honourable members** interjected.

**Mr DEPUTY SPEAKER:** Order! Member for Nicklin, take your seat for a moment. Members, there is too much interjecting across the chamber. I can hardly hear the member from here at times. Please give the member the courtesy of the call. I call the member for Nicklin.

**Mr WELLINGTON:** We have heard from government members words to the effect that 'there is nothing wrong with the laws' and 'there is no evidence that there is a problem'. One reason we need this inquiry is so they can hear firsthand from eminent Australians who are already on the public record about the problems with the law, the problems with mandatory imprisonment, the problems with going straight to jail before the charge is capable of being tested in a court of law and the capacity to actually have reasonable bail conditions once a person has been charged with an offence.

No longer are Queenslanders all equal before the law under this anticriminal gang legislation. That is what the opposition is saying. Let us have this public inquiry. Let us give the government and especially the Premier the capacity to let actions speak louder than words. We have his public comments about wanting to listen. I would urge government members, especially the more moderate members of this government, to support this motion because it will actually give them the capacity to hear what I am concerned about and that the Premier and others are not listening to.

The other problem with the legislation is that people in Queensland are no longer free to associate with whom they choose. You might be having a beer in the pub and the next minute you are arrested and locked up in jail. The keys are thrown away and the magistrates cannot even consider reasonable bail conditions. This is not the Queensland way. We are seeing a lot of money wasted in testing this in the court.

*(Time expired)*

**Hon. JM DEMPSEY** (Bundaberg—LNP) (Minister for Police, Fire and Emergency Services) (6.23 pm): It is a pleasure to be able to address the House on the ways our laws are working and are positively impacting on crime and unlawful activity in Queensland. I must admit to being fairly bewildered by some of the claims made by the Leader of the Opposition. The Leader of the Opposition's claims miss the mark entirely and reflect a warped view of the great success that is being made in this area.

Let us look at the facts. When we came to office we inherited a situation where criminal gangs, under Labor, had been allowed to thrive. Indeed, they had flourished. Statistics from the Australian Crime Commission showed that Queensland had become one of the key growth states for criminal motorcycle gangs in Australia. The Labor government knew there was a problem, but lacked the intestinal fortitude to address it. In short, Labor's shameful inaction allowed the situation to grow out of control.

Since we came to office police have been unshackled and given the support they need to do their jobs, cracking down on serious criminal activity. Since October 2013 police have charged 654 criminal motorcycle gang members and associates with 1,458 offences. They have executed 218 search warrants and issued 207 traffic infringement notices to gang members and their associates. There have also been 890 calls to Crime Stoppers relating to criminal motorcycle gangs during this time.

I am pleased to inform the House that our information shows that there is not a single operational CMG clubhouse anywhere in Queensland. Criminal motorcycle gangs are parasites who prey on the most vulnerable in our society. We have vowed to clear them from this great state, and that is exactly what we are doing.

As the Minister for Police, I can inform the House that the Queensland Police Service and the Crime and Misconduct Commission, to name but two agencies, have welcomed the new laws. That is not surprising, however, as these are the very laws these two crime-fighting organisations had been asking for. Sadly, it is also not surprising that even having supported our laws in this House those opposite would become weak at the knees and demonstrate they lack the determination required to take these gangs down, once and for all.

We will not be swayed. Members of criminal gangs should know by now that their days in Queensland are numbered. If they congregate together we certainly will hunt them down. If they gather at their clubhouses we will be waiting for them. We will use the full power of our new laws to

make sure criminal gangs are no longer able to wreak fear and havoc on our society. Inside prison they will be subjected to the country's toughest prison regime, preventing them from using jail as a place to recruit new members. They can run but they cannot hide.

As I mentioned, more than 650 motorcycle gang members have been arrested since October last year on over 1,400 charges. Guess what? Not a single one of those arrests has been a recreational rider. It is astounding that the Leader of the Opposition would continue to push the line that ordinary, law-abiding motorcycle riders are in any way caught by these laws.

Indeed, by way of support for our recreational bikers, on 1 December last year I attended the annual Ulysses toy run, where I had the opportunity to meet and talk with riders. On 14 December I attended the first annual Gasoline Alley toy run. At each of these fantastic events more than 1,000 legitimate, law-abiding motorcycle enthusiasts gathered freely and shared goodwill throughout the community. I have heard absolute rubbish and hypocrisy from those opposite. This government is making sure that it takes action against criminal gang members.

*(Time expired)*

Division: Question put—That the amendment be agreed to.

**AYES, 68:**

**LNP, 68—**Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kaye, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Powell, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young.

**NOES, 13:**

**ALP, 8—**Byrne, D'Ath, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

**KAP, 2—**Hopper, Knuth.

**PUP, 1—**Douglas.

**INDEPENDENTS, 2—**Cunningham, Wellington.

Resolved in the affirmative.

Division: Question put—That the motion, as amended, be agreed to.

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! Ring the bells for one minute.

**AYES, 68:**

**LNP, 68—**Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kaye, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Powell, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young.

**NOES, 13:**

**ALP, 8—**Byrne, D'Ath, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

**KAP, 2—**Hopper, Knuth.

**PUP, 1—**Douglas.

**INDEPENDENTS, 2—**Cunningham, Wellington.

Resolved in the affirmative.

Motion, as agreed—

That this House acknowledges that the Newman government's anticrime gang laws are working and are helping to combat crime and unlawful activity in Queensland.

Sitting suspended from 6.37 pm to 7.37 pm.

# DISABILITY SERVICES (RESTRICTIVE PRACTICES) AND OTHER LEGISLATION AMENDMENT BILL

## Second Reading

Resumed from p. 370, on motion of Ms Davis—

That the bill be now read a second time.

**Mr HART** (Burleigh—LNP) (7.40 pm), continuing: As I was saying earlier this afternoon prior to the break, the explanatory notes state—

Challenging behaviour is described as 'culturally abnormal behaviour(s) of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit the use of or result in the person being denied access to ordinary community facilities'

Such behaviour might include punching, kicking, biting or cutting themselves. These behaviours can put people at risk. There is no doubt about that. As I was saying before, this is a very awkward area for the government to deal with. It is a very awkward area for us as members of parliament to deal with. But I think we have all probably come across people who are experiencing these sorts of issues. If not, then we have come across their families when they experience these sorts of issues. In some instances there is only one way to fix it, and that is with a restrictive practice of one sort or another, whether it is some sort of physical restraint or chemical restraint or mechanical restraint. We have to anticipate that these sorts of practices are required. Of course, we would rather that that were not the case and that these people could be dealt with in a more humane way, but these practices are required every now and then. This piece of legislation makes it abundantly clear that if that is what we need to do then that is what we need to do.

The Health and Community Services Committee looked long and hard at this. I must acknowledge that the Labor Party initiated the process that has led to this piece of legislation, but there has been a lot of consultation on this. People from all areas of the community have had their input. They have had their opportunity to consult with the government, and this is, after all, a government that consults a lot more widely than the previous government did. The previous government would just bring in legislation and say, 'We consulted and that is the way it is,' and get on with life. But we are out there actually talking to people, having that conversation and trying to make a difference for people who are in this position.

Of course, it is very hard to get the balance right and that is what we have to work on. We have to get that balance right. People who are dealing with people in these situations have been doing it for a long time. Most of them are volunteers or have worked their way from being a volunteer to some sort of paid position and they have done that because they have compassion. They like doing what they do and they have compassion for the people that they work with. It takes a lot of compassion to work with some of these people. As I said before, I am sure there would be a lot of members who know people who have worked with these people.

I can talk from firsthand experience regarding my mother, who worked in an aged care facility. Back in the sixties and seventies there were lots of people with disabilities living in aged care facilities, and that is just terrible. They had to take care of those people. They did what they needed to do back in those days but, unfortunately, over the years the situation has changed. Laws were brought in that shifted the way we dealt with those people. This is a form of red-tape reduction that the minister is putting before us now that allows us to treat these people in the manner in which we need to treat them. Sometimes getting that balance right is a challenge.

We are focused on the safety of the people in these situations, the safety of their family and the safety of the workers who work with them, and that is the key point in this. We are endeavouring to make sure that everybody is taken care of and that there are no dangerous situations. Earlier today we heard from the member for Gregory that he was punched in the stomach on one occasion. Honourable members can imagine the sort of force that it would take to knock that man over. Sometimes that happens; people in these situations seem to gain added strength. They do not mean to hurt anybody, but they certainly do. As I said, we have to have the facilities to take care of those people. We have to have the balance right. We have to have the necessary reporting regimes in place, and this bill goes a long way towards putting that in place. If any restrictive practices are to be carried out, they have to be reported to the adult involved, to the patient, and to the disability services provider. All those checks and balances are still in place. We are making sure that these people can live with the dignity and the quality of life of which we should be assuring them. They are the important things.

I have had lots of meetings with parents in my office—and I am sure other members here have as well. They have come in and expressed a great deal of concern for their children. In some instances they are adult children and they have been dealing with them for their whole life. We really have to appreciate those people. We have to recognise that they have dedicated their life—in some instances, their whole working life—to members of their family who needed their support. They volunteered; they have not been paid. This is something on which we need to keep a focus: a large part of our society is operating on a volunteer basis. We do not pay these people for a lot of the effort that they put in, but they are out there, day by day, taking care of people with disabilities.

We also have to make it easier for people to transport themselves from one provider to another. I congratulate the minister on bringing forward this initiative to make such things easier for people to transport. There is nothing like having to suffer with the worry of having a child or an adult with a disability of whom you are taking care. They may be working with some type of provider a couple of days a week and they want to shift them somewhere else because something has happened with that provider, they have moved location or moved house or the situation has changed. Those people do not want to have to go through a whole lot of rigmarole to make that happen.

As I said, I congratulate the minister on greasing the rails of that process and easing up the red tape that previous governments have put in place. That will certainly make things easier. After all, we are trying to take care of the families, the carers and the decision makers who are involved on a day-to-day basis with people with disability issues as well as the support workers. Where would we be without those people?

The minister has been to my electorate and we have been to the House with No Steps on a couple of occasions. We have been out to the Mudgeeraba special education area along with the member for Mudgeeraba. We also have the Coolangatta Special School at the southern end of the Gold Coast. I have the Endeavour Foundation in my electorate. I have been out there, too, and I support them as much as I possibly can. The government is to be congratulated—and so is the previous government for that matter—for the support that they have shown the Endeavour Foundation over the years. You can see big smiles on the faces of the people who work there. They can participate in life, they have a job to do and they look forward to coming to work every day. I commend the minister for this bill and I fully support the actions that she is taking.

**Mr TROUT** (Barron River—LNP) (7.50 pm): I rise tonight to speak in agreement to the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013, and I would like to start by commending the minister. She has a big heart, and she is doing a great job in this portfolio by freeing up some of the red tape.

In my electorate of Barron River I have seen firsthand families who are doing it really tough in regards to the physical side of caring for children with disabilities from the time that they are quite small and easy to handle, into their teenage years and then into young adulthood and into their 20s and 30s. As I heard the member for Gregory say earlier, this is one of the biggest issues that we face. Some of these people have incredible strength and an innate ability to focus on one issue. Usually their aggression is as a result of the fact that they become frustrated because they do not know how to explain or express themselves, and it sometimes comes out in this way. The hardworking people who care for these people are very special people. They are not community leaders, but they are the backbone of a service that is so needed in our society. Tonight I would like to commend each and every one of those people—not just in the Barron River electorate, but right across Queensland—who give their time so that parents who have home care can have some relief.

One provider in the Barron River electorate is St John's Community Care, which is well run by Theo Bacalakis. There is also a Greek Orthodox Archdiocese at Redlynch Valley. St John's employs over 200 people and they offer many services in the area of disabilities. I would like to acknowledge some of the work that they do and also commend the minister for the support that she shows to this centre. This area started out with a block of land which was donated by Theo and his family and over the last almost 20 years it has grown into what it is today. There is also a day care centre there and they offer a home modification service. We have many people with disabilities who need modifications made to their accommodation as their situations change, especially as they get older. Doors may need to be widened or bedrooms and bathrooms modified so that people's changing needs can be met. This service is operated throughout Innisfail, Cairns, the Tablelands, all of the Cook and right up through to the Torres Strait. So this is not just a little Cairns based operation. It is also jointly funded by the department of housing, so it is great to have some cooperation between the two different

portfolios to get a result for these young people. They also do home maintenance for elderly or disabled people who live by themselves and cannot mow their lawns. So they also provide this service and it is also a great employment opportunity for the Cairns region as well.

There is also Home Assist Secure. This service aims to remove some of the practical housing related difficulties that can be experienced by older people with a disability who wish to remain living in their own homes. The service provides free information, advice and assistance in regards to home maintenance, repairs, modification and security for people living in their own homes as well as private rentals, but they must be in receipt of the age or disability pension. They also run an inclusive partners project. This program provides a responsive, inclusive and flexible service for people who have a dual diagnosis of intellectual disability and co-existing mental illness. Its purpose is to develop a person centred support service which includes best practice, continuity of care and access to the full spectrum of appropriate services through a proactive, collaborative partnership with Disability Services Queensland as well as lifestyle support.

There are many other programs that they offer, and I thoroughly commend them. This legislation is going to be of great assistance to them. I have spoken to Theo about this and not only is he happy with the direction that this government is taking but also he is very happy with what the minister has done here. In closing, I would like to say that I fully support this bill. This is long overdue, and for too long red tape has stopped the disability care that is required in this state. I commend this bill to the House.

**Mr KING** (Cairns—LNP) (7.55 pm): It is a great pleasure tonight to rise in support of the Disabilities Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. Like my colleagues before me, I commend the work of the minister, her team and the department. It is so important that these measures are put in place and it is fantastic to see.

There are three key aims of this bill: to enhance protections and outcomes for clients and to build the capacity of the disability sector, but it is the third aim of the bill that I want to spend a bit of time focusing on now, and that is to streamline processes and reduce red tape for disability service providers so that they can focus their resources on client care. I think it is a key element of this bill and allows providers to put their focus where it needs to be and that, of course, is on the care of clients. I think the great element of a bill like this is how it will benefit those service providers, and I certainly want to put on record my congratulations and great support for a Cairns service provider, ARC Disability Services. It is an outstanding organisation. It was formed in 1976 by a group of parents who wanted the very best outcomes for their children. Over the many times that the minister and I have visited ARC, it has been quite incredible to see that the ethos, the reason it was started—that sort of family friendly, unique and tailored care—has carried through to today from when it was started over nearly 40 years ago. They are an outstanding team with a fantastic and dedicated board which is made up of parents. They really give so much not only to their own children but also to the broader community through the work that ARC does. I know that the team at ARC would much rather spend more of their time focusing on the very best care and outcomes for their kids and for their clients rather than worrying about unnecessary red tape and being overburdened with paperwork and various practices that hinder their ability to focus absolutely all their energy on providing the best care.

This bill aims to reduce red tape for service providers like ARC Disability, aims to clarify the purpose for which restrictive practices are used and reduces prescriptive requirements in positive behaviour support plans. One fantastic element to this bill is clause 18, which amends section 123S, and that is the development of positive behaviour support plans following assessment. This really ensures that those support plans are guided by evidence based, best practice positive behaviour support plans. I think that is a very important element of this bill. The bill also aims to reduce red tape by providing flexibility in appointment periods for guardians for restrictive practice matters, removes the requirement for a short-term plan for a short-term approval, makes it easier for clients subject to the framework to transition to a new service provider and, finally, provides time-limited immunity from civil or criminal liability where a service provider has sought a short-term approval or consent of the Adult Guardian as a restrictive practice guardian. Again, reducing that range of red tape that unfortunately has built up over many years is just so important for these organisations. It has been a real strength of this government that we have been so focused on cutting through the mountains of red tape that had built up over 20 years under Labor. Obviously, we have been very focused on doing that for business. In that regard there have been some fantastic red-tape reduction initiatives and more to come, but it is also an absolute credit to the minister and to the government that we are not just looking at red and green tape for business; we are also aiming to reduce that burden on the service sector. This bill is a fantastic demonstration of that.

Earlier the member for Gladstone said some great words about just how much carers in these service providers care for their kids and their clients, and that is an important point. These people are absolutely passionate and dedicated about the work that they do. They are best placed to tell us what will make their job easier. I note the extensive consultation and the listening that went on in the formulation of this amendment bill. It is clear that the concerns of those front-line carers have really been listened to and incorporated in this amendment bill, and I think that is fantastic. We really have to listen to those people on the front line. They work in that environment just about every single day, so they are definitely best placed to inform government of the best way to do their job. Again, returning to the aim of the bill, we have to allow them to focus as much energy and focus as many resources as possible on the care of the client. That is an absolutely fantastic element of this bill.

In finishing, I again congratulate the minister and her team for this great work. It has been interesting reading about this bill and reflecting on Your Life Your Choice, which was introduced in September 2012. In Cairns that is having some incredible outcomes in that it gives incredible flexibility for parents to be able to really tailor unique methods of care for their kids. Of course, it is bills like this that will lead us into the NDIS when that is rolled out in a few years time. This is a very important bill that I am very happy and proud to support.

**Mr BOOTHMAN** (Albert—LNP) (8.03 pm): I certainly rise to support the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill. It would be remiss of me if I did not speak to it. There are disability services in my electorate and also the Beenleigh Special School. I certainly have built a very strong relationship with that school, especially in the last two years. Firstly, I want to thank the minister profusely for her dedication in bringing this bill to the House because of the simple fact that it reduces red tape. As we heard from the member for Burdekin, there was broad support for this bill and the community was 100 per cent behind this legislation because this is a very difficult area. This bill applies to restrictive practices—for example, seclusion and restraint—by funded disability service providers on adults with intellectual and cognitive disabilities in response to behaviour that results in physical harm or serious risk of physical harm to the adults and other individuals.

Every time I go to Beenleigh Special School I wonder what will happen to those students. Some of them will get into mainstream business while some will get into the trades. I hear wonderful stories from years past where these students have made a life for themselves in the mainstream world. For those other individuals with more severe disabilities, unfortunately, it is a very difficult area.

This bill goes a long way to listening to the actual stakeholders—the adults, the families, the carers, the decision makers under the framework and the funded disability services. My local community group of Centacare runs the Albert River Community Farm at Yatala. Last year the Deputy Mayor of the Gold Coast, Councillor Donna Gates, and I attended an open day on 17 November. It was a fantastic day to see what it has installed for these individuals and what types of processes it has for disabled individuals. More recently though—only a couple of weeks ago—I attended a meeting with Centacare at the Albert River Community Farm and I have to say that the individuals who work in these facilities have a true passion. They really have a true passion. They are working so hard to make a real difference to these individuals' lives. To give members an overview about the Albert River Community Farm, the whole idea is to get these kids' hands dirty turning soil, planting seeds and watering gardens to get them involved in something meaningful. One lady said to me, 'Mark, the great thing about these projects is they actually build their confidence. They actually make them feel that they are actually a part of our society,' and having that internal confidence is making a world of difference for these people.

As I said, a great thing also about this bill is that it cuts back on red tape. For instance, transferring from one provider to another is streamlined under this bill. It makes it easier. In recent times we have worked very closely with people at the Beenleigh Special School to get them a new bus. That is absolutely fantastic for the special school because the old bus was falling apart. That just shows that they feel appreciated. It just shows that they want to be part of our society and they feel appreciated by somebody taking the time to help fight for that funding and organising funding between certain community groups and helping them out where they needed it. When it comes to restricted practices, this bill covers areas like challenging behaviours, and that includes people kicking, biting and those who self-harm. These are the areas that we are talking about. Students at the Beenleigh Special School are trying their best to understand but, because of the issues that they have to deal with, it certainly does make it very hard.

Recently, when I attended the opening ceremony for the school year I must say that, when I got up to speak to the whole student body, it certainly shook me up because I could see how hard these kids were trying to make a difference. Usually, I can talk for quite some time but I honestly could not put words together for more than a minute because I became so emotional about these kids. It was wonderful to see them trying.

This bill upholds human rights and provides a high degree of accountability. It introduces a requirement for service providers to provide a statement to the adult and those close to the adult about the use of restrictive practices to enable them to understand the framework, the avenues for complaints and redress, and how they can participate in planning and decision making. Very clearly, this legislation contains a high degree of accountability. There are avenues by which to address complaints. There are avenues by which to understand the decision-making process. Certainly, this legislation keeps up to date with best practice. I say to the honourable the minister that, by introducing this legislation, she is making life so much better and so much easier for these individuals and their families.

I would like to finish by commending the minister and commending the committee for their outstanding work on this bill. As I said, it would be remiss of me to not speak to this bill as my cousin certainly does have a high degree of intellectual disability. My aunty has looked after him for all of his 40 years and I am very proud of her for that. I am also very proud that this government is not only getting on with the job of making these people's lives easier but also, and most importantly, giving them hope for a better future. I thank the minister.

**Mrs MADDERN** (Maryborough—LNP) (8.12 pm): This evening, I rise to make a brief contribution to the debate on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013. The objective of the bill, as set out in the explanatory notes, is to put in place a regulatory framework that aims to address the needs of adults with intellectual or cognitive disability and challenging behaviour to improve their quality of life and reduce and eliminate the use of restrictive practices. As noted by the chairman in the committee's report, these people are vulnerable and, therefore, it is of great importance that the use of practices that restrict their rights are used with great care.

At this point, it is worth noting that as much as we would choose to have it otherwise, there are times and cases where restraint is required for the wellbeing of the individual and/or the community. I have personal experience of this circumstance in that my mother suffered from Alzheimer's disease. She lost her ability to understand the dangers of the world around her and continually wandered the streets with my father on his gopher trying to ensure that she was safe and returned home. This caused a great deal of difficulty for the staff of the retirement/nursing home who looked after my mother and father. At the time, the staff expressed concern about the difficulties that they had navigating the red tape and balancing the need to maintain the safety of people like my mother and other members of the community while at the same time ensuring the dignity of the person with the disability—the person like my mother. They also indicated their concerns in relation to legal liability with actions that they needed to take to ensure my mother's safety.

I note in the explanatory notes that the decision to approve or consent to the use of restrictive practices must be made by a person independent of the service provided and are subject to strict legislative criteria following a comprehensive assessment of the adult by an appropriately qualified or experienced person. That gives a degree of transparency and relieves the provider of the responsibility of determining both the need for the restrictive practice and the implementation of those practices.

Sadly, this bill will be relevant to a large number of people in my community. I have three retirement nursing homes in my electorate of Maryborough: the Fair Haven facility, which has independent living, hostel living and a nursing home; the RSL facility; and the Groundwater facility. Each have independent living, but have nursing home facilities. There are also a number of other smaller services in my electorate that provide care for disabled people.

It is pleasing to note that the definition of 'restricting access' has been clarified to allow staff and others to ensure that practices used to assist the adult with living are not intended to be restrictive practices. Examples given include restricting an adult's access to areas which pose a danger to them and redirecting them away from an unsafe situation without force. This is the sort of common-sense approach to care that we use for smaller children and is the sort of approach that we need to adopt for adults who have a similar level of cognitive ability to those of small children.

In the cases where a restrictive practice is required for the safety and wellbeing of the individual, the legislation requires that a statement about the use of the practice by the service provider is given to the adult, the subject of that restrictive practice, and must be explained in a way that gives that person the best possibility of understanding what will happen. The statement must also be given to any person with a sufficient and continuing interest in the adult. This will give family and friends the opportunity to review and understand the processes and the comprehensive assessment process that underlies the implementation of that practice.

I note in the committee's report the comments in relation to evidence that indicated that challenging behaviour as defined may well be as a consequence of frustration with a lack of ability to communicate by the adult and consequently not having their needs adequately met. If processes can be put in place to address this communication issue, the need for restrictive practices may well be reduced. The provision of the behaviour support plans assist in this area. The explanatory notes set out that the amendments to the legislation are designed to reduce the red tape surrounding behaviour management plans in terms of the amount of detail, being that the only detail that is required is to provide care and support for the adult.

This bill is an example of the LNP government's willingness to address the difficult issues and to respond to recommendations in reports rather than bury the reports because they are too hard. This bill is designed to give dignity to these who by chance have lost their ability to manage their lives in a normal way. It is designed to allow those caring for them to have the flexibility to deal with difficult behaviour in the most supportive and caring way. It is designed to provide transparency and communication in the processes between the staff, the adult and their family and friends.

Having had that personal experience in dealing with someone who has lost their ability to act in a normal way, to understand the world around them and to be able to ensure their own safety and the safety of those around them, I understand the importance of this type of review and amendment of legislation in the difficult area of the rights of the individual. I commend all of those who have worked to produce this bill. I am pleased to commend the bill to the House.

**Mr SORENSEN** (Hervey Bay—LNP) (8.18 pm): I would like to rise to make a small contribution to the debate on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill. This bill amends the Disability Services Act 2006 and the Guardianship and Administration Act 2000 for certain purposes.

The first stage of the DSA review was focused on restrictive practices following feedback from service providers about the significant, complicated burden and the cost of restrictive practice schemes. In July last year a public discussion paper was put out about restrictive practices and quite a number of submissions were received. Some of those submissions came from places such as Centacare, the Endeavour Foundation, quality of life support and other community groups such as the UnitingCare Community.

I thank the minister for bringing this legislation to the House. It is a topic that many people do not like to discuss. In my lifetime I have seen many practices used to restrain people. I remember an incident at River Heads Shopping Centre where a carer lost control of her charge in a shop and about $4,000 damage was done. Carers have to be careful. It is difficult to know what triggers the challenging behaviour or why it happens. I have seen many cases in my lifetime, some very sad ones. One such case involved an elderly couple who were looking after their 57-year-old son. The husband passed away and the mother could not control the son anymore and she had to put him in full-time care. That type of situation is heartbreaking to see, especially when the woman has to then live at home by herself. Then there is the situation where a carer was beaten and cannot go back to work as he is frightened because of what happened to him. There are many issues like the ones I have mentioned and it is great that the minister is bringing this legislation to the House. Some adults over the age of 18 do have challenging behaviour, which may include pinching, kicking, biting and cutting their bodies. It is a little scary when a person has to have their arms in plaster to stop them from biting themselves. This legislation is appropriate in many cases.

The government said it was going to do away with red tape. We need carers out there caring for people, not dealing with paperwork. I am now seeing more people working at the coalface than at the office filling out paperwork. Sometimes I wonder how many people read that paperwork at the end of the day. I do not think there would be enough people around the country to read it. It is great to see people actually out there doing the work on the ground caring for people. Many people come to my office wanting help with a person with a disability. Recently I was at a special school and spoke to a lady who was in a desperate situation. When there is a child with disability in a family it can lead to a

marriage break-up leaving one partner left to deal with that child. As the child grows up they get stronger. Some women cannot handle those children once they reach 18, 20 or 30. It is difficult for many people. Sometimes the carers themselves need caring for just as much as the person who they are caring for.

I thank the minister for bringing this bill before the House. I thank the committee for the wonderful job that it has done. I thank the people who took the time to put submissions in to give the committee the opportunity to look at what is happening out there in the community.

**Mr COSTIGAN** (Whitsunday—LNP) (8.23 pm): I rise tonight to make a rather brief contribution, but nevertheless one that I am looking forward to, in support of the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill. In doing so, I acknowledge the frustrations of those terrific people, those beautifully dedicated people, who work in the disability sector; specifically their frustration with government rules and regulations that have built up over quite some years. To them I say, 'Welcome to a new era in disability care in Queensland under an LNP government that is delivering sensible reform without compromising the quality of service'. We have heard tonight from many of my colleagues of children with disabilities being in excellent care. I have to say that in Whitsunday we are no different. Madec provides a wonderful service in my electorate. I have had the privilege of seeing this firsthand at the John E Smith Respite Centre at Rural View in Mackay's northern beaches. To say that it is a professional and dedicated service is an understatement. I can assure the minister and other honourable members in the House here tonight that it was a very humbling experience going there that day with Thomas Block and seeing things firsthand.

The John E Smith Respite Centre is a home for people under the age of 25 with a disability. Madec has certainly come a long way over the past four decades. It was established in 1973 and it was during the 1990s that it moved into the area of disability support provider. It is a successful business that I am sure the minister will be pleased to hear is no longer reliant on government handouts. Madec and its disability services include a post schools program, a family support program, night-time attendant care which targets people with a disability under the age of 35—the service runs from eight o'clock in the evening to late at night—accommodation support and, of course, a new and exciting program called Baby Bridges which is an early intervention program for children with a disability aged from birth up to the age of five. I understand that it is quite significant for regional Queensland because outside Brisbane I believe that Mackay is the first place to have such a service.

The John E Smith Respite Centre is named after a legendary figure. John E Smith was a horseman, rodeo rider and a stockman. He loved the bush. On his 25th birthday he suffered a broken neck. He went on to become one of Australia's leading mouth and foot artists. His artworks are revered not only around Mackay and the Whitsundays but also right around Queensland and, I dare say, right around the nation. Sadly, Mr Smith passed away in 2007 but I can assure members that his legacy lives on. I thank all the carers who work at this centre, some of whom come from varying backgrounds, including a certain coalminer whom I caught up with some time ago. He is one of those people who are caring for some very special people. I know that their parents are most grateful for that. I will conclude by acknowledging the excellent work of the minister, focusing on capacity building, the best possible care for clients and cutting red tape. That is something we are committed to and I am delighted to see the minister delivering in her portfolio. I support the bill.

**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (8.28 pm), in reply: I would like to thank all members who have contributed to this very important debate in the House today. As the minister responsible for helping Queenslanders with a disability, it is heartening to see that we can put politics aside and have a mature discussion about the merits of this new policy. I would like to thank again the committee and the chair, the member for Kallangur, for providing a thorough review of this legislation and providing us with considered feedback. I would also like to pick up on a point raised by the member for Gladstone and say thank you to the parents and carers of all people with a disability. We recognise their care and support for their loved ones and I can only hope that the things I do in my portfolio help and support them in their role.

The restrictive practices scheme has been developed to ensure there is an effective regulation of the use of restrictive practices in order to improve the quality of life and protect the human rights of some of our most vulnerable Queenslanders. As I outlined in my speech earlier, the legislation is critical in ensuring the right balance is found between the client's rights and protections, and the appropriate use of restrictive practices where it may be necessary to keep the client or someone else safe. That is why the bill retains the fundamentals of the existing framework while also seeking to improve it in a number of ways. This means restrictive practices are used only when absolutely necessary to keep the adult or others safe, and that the causes and triggers of an adult's behaviour

are identified and strategies implemented to address the adult's needs and improve their quality of life. These elements are essential to ensuring the reduction and elimination in the use of restrictive practices, which is the ultimate aim.

The scale and scope of the legislative changes have also been influenced by the National Disability Insurance Scheme, as mentioned by the member for Woodridge. At this stage, the approach to the regulation of restrictive practices under the NDIS is still under development. Given that it is likely changes will be made to the regulation of restrictive practices, at this stage it is not considered appropriate to make significant changes that may not align with the approach under the NDIS. However, as has been noted in this debate, these changes have been made with an eye to the NDIS.

The bill is a set of modest but important changes that will ensure that adults and those close to them have a better understanding of the framework and their rights; better quality positive behaviour support plans to be developed and implemented; service providers can get on with the job of providing quality care and support to their clients through reduced red tape; and there is an efficient and effective monitoring system to provide data on the use of restrictive practices and outcomes for clients. This debate and the review that led to the development of the bill have highlighted that this legislative framework is crucial.

However, legislation on its own is not enough to ensure that the use of restrictive practices is reduced and these adults can live better lives. Legislation on its own will not change the culture of service provision and ensure that the rights of clients are at the forefront of everyone's minds. Legislation on its own will not make support staff better understand and support adults with challenging behaviours or ensure that those adults live the lives they want and have opportunities to participate in the community. That is why this bill is just one element in a comprehensive set of reforms across policy, practice and communication that will improve the supports provided to adults with challenging behaviour and ensure their rights are upheld and their voices are heard. Alongside the legislation, additional resources and training will be rolled out to build the capacity of service providers to provide positive behaviour support and understand the framework. This will help them to support adults with challenging behaviour. Other new resources will also empower those adults and their families to express their views and exercise their rights in relation to the use of restrictive practices.

Now I will respond to specific issues that were raised during the debate. The member for Woodridge has listed some concerns raised by those who submitted to the committee and many of those concerns were addressed by the committee in its response. However, I will touch on a few of the key areas. In response to the issues raised about the need for quality training in positive behaviour support, I can advise that expanded and improved training for staff across the sector is a key focus of the work of the Centre of Excellence for Behaviour Support and Clinical Innovation. In 2012-13, the centre provided training to over 1,200 people, mostly staff of government and non-government disability services and also to some family members. Under these reforms the centre has an expanded training agenda. There is higher level clinical expertise available and the centre will be the primary contact point for families and advocates in relation to restrictive practices.

The member for Woodridge noted the Public Advocate's comments about the amendments favouring service providers. However, I can assure the House that the government's number one focus is clients and this legislation is designed to support them and improve their lives. For example, reducing the number of prescriptive requirements for positive behaviour support plans will make those plans easier to understand and implement. Ultimately, that will improve outcomes for clients as workers will be able to focus on clients rather than administrative red tape. The member for Mudgeeraba discussed this point at length. I cannot stress enough that the client is our number one priority. For this reason, reducing red tape is not designed to improve the efficiency of service providers as an end in itself, but to ensure that as much time as possible is spent helping and assisting the client.

The development and implementation of quality positive behaviour support plans is vital in making sure challenging behaviour is appropriately addressed and that the use of restrictive practices can be reduced and eliminated. The bill revises the requirements of a positive behaviour support plan to make sure that they can be understood and used in practice by people supporting the adult. The bill also ensures that when positive behaviour support plans are being developed a model plan is considered. The model plan is being developed by the Centre of Excellence for Behaviour Support and Clinical Innovation and will reflect the contemporary understanding and evidence base for

positive behaviour supports. Direct support workers, guardians, clinicians and managers from both government and non-government agencies have been and will continue to be consulted in the preparation of the plan.

The member for Woodridge also raised the new immunity provisions and, for the benefit of the House, it is useful to understand why these amendments are so important. The new immunity provisions mean that service providers can keep their clients and staff safe without the risk of prosecution if there is a delay in a short-term approval being made or in obtaining the consent of the Adult Guardian. These provisions are practical and proportional. This immunity is only for a maximum of 30 days. However, this does not mean that the practice will be applied continuously for 30 days. The service provider must still demonstrate that the practice is necessary to prevent harm to the adult or others and is the least restrictive way.

In her verbal submission to the parliamentary committee, Ms Jo Jessop, the CEO of Multicap, explained why the amendments are so appropriate. Ms Jessop said—

> On the whole, staff in organisations like ours have the best possible intent and the best possible belief that everybody has a right to a quality life.

These amendments will not mean that service providers will start applying restrictive practices unnecessarily and without regard to the rights of their clients. They will mean that support workers can be confident that taking necessary action to keep clients and staff safe from harm will not put them at risk of prosecution. The member for Gaven touched on this point. He reminded us that it is important to not forget that, in the past, there have been instances of abuse and neglect of clients and that, in the past, some of it has been systemic. I place on the record that it is my firm view that the system has come a long way since then and that the overwhelming majority of workers in the disability sector are better trained and apply their expertise to help clients lead a better life. While things have improved, we will of course stay vigilant and all of our policy responses are mindful of ensuring that our clients are our first priority.

The immunity provisions should also not be seen in isolation. A number of steps are being taken to address delays through better practice, including new guidelines, training and resources for decision makers. The department will also work with the Office of the Adult Guardian to monitor the extent to which the new immunity provisions are being relied on by service providers to ensure the intent of the amendment is maintained.

Another issue that has been raised in debate and supported is the introduction of a system for providers to report on the use of restrictive practices. This will mean that the use of restrictive practices can be tracked and there will be a way to measure reductions in the use of restrictive practices. The department is currently developing specifications and requirements for a web based reporting system. This will be undertaken in consultation with service providers and others in the disability sector with the aim of making reporting as simple and easy as possible. The aim of the system will be to make sure that the data that is provided is necessary and meaningful and that reporting is easy for service providers to undertake.

The member for Condamine raised the issue that the restrictive practices framework does not apply to children and that there is a need for regulation in this area. This framework purposefully does not apply to children or young people. The best evidence and research is that, compared with adults, children have a higher risk of death or serious injury when restrictive practices such as restraint and seclusion are used. These risks are higher for children with intellectual or cognitive disabilities, given their limitations in intellectual functioning or communication. Instead we invest in the Evolve Behaviour Support Service, commonly known as the Evolve program, which provides therapeutic and behaviour support services based on a positive behaviour support approach. It is appropriate to wait and see how the NDIS is proposing to address the use of restrictive practices in relation to children with disabilities and challenging behaviours.

I would also like to note in this reply the words of the member for Nanango, who rightly pointed out that good legislation and good policy only comes about when we leave our offices here at parliament and the CBD and get onto the ground to talk to people on the ground. I thoroughly enjoyed visiting the honourable member's electorate. The best part of my job is visiting our clients and those working on the front line and listening to their insights and stories. I also like to hear what is affecting them or hindering them in doing their jobs and delivering services for Queenslanders. On this note, I would like to thank the members for Logan and Broadwater for their kind words about the work of my department and the work undertaken by the organisations we fund.

I have also been pleased today to hear a number of members, such as the member for Ferny Grove, discuss the full range of initiatives which support this legislation. For example, the department has made a number of recent changes that will enable it to provide more consistent clinical advice and increase training and support to service providers. A state-wide clinical governance framework has been developed and will be implemented to ensure consistent clinical practice and expectations. As part of the implementation of this framework, the structure of regional clinical teams, which includes the Specialist Response Service, is being reviewed to support the best use of regional clinical resources and increase the capacity and skills of service providers. Specialist clinicians in the department will continue to provide assistance to build the capacity of service providers to implement positive behaviour support, develop plans and undertake assessments for containment and seclusion clients and decide short-term approvals as delegates to the chief executive.

In addition to this, the Centre of Excellence for Clinical Innovation and Behaviour Support progressed the following: policy and practice changes, including guidelines; the development of a model positive behaviour support plan; specific educative resources for families; and training for service providers, including awareness training for professionals and service providers working in the disability sector on working with adults with impaired capacity to assist them to understand their rights. The centre will also be a central point of contact for service providers, family members and others to provide advice and monitor the use of restrictive practices, including resources for service providers to assist with their reporting.

The member for Nicklin raised a couple of issues I would like to address. He is spot on when he talks about the extra jobs that will be available in the disability sector. We will need about an extra 13,000 workers in the disability sector in Queensland alone. As I mentioned in the House this morning, the Queensland government is committed to implementing the NDIS and giving Queenslanders with a disability choice and control over their lives.

We are now well on the journey to preparing Queensland for the NDIS. We are progressing in a calm, considered manner to ensure clients have unbroken continuity and are prepared to take advantage when the scheme is fully operational. This includes ensuring that services, like Accommodation Support and Respite Services that he mentioned, are NDIS ready. We will also ensure that we give clients, staff and NGOs enough time to prepare for the NDIS.

The member for Woodridge called for more resources and more training. This government has made the commitment to the NDIS and put its money where its mouth is. A record additional $868 million over the five years until 2019-20 has been committed. This is because we truly care for our most vulnerable clients and their benefit is front and centre of the reforms in this bill.

I would also like to thank the members for Coomera, Gregory and Barron River who spoke about the love, care and strength of families in supporting their children with disabilities. I particularly thank the members for Albert and Maryborough for sharing their personal experiences knowing family members challenged with a disability and the family members supporting them.

I also thank the members for Whitsunday, Burdekin, Southport, Burleigh and Cairns who spoke about the great work of the disability services in their electorates and how these reforms will help them in their endeavours to provide quality support for people with a disability. Can I particularly mention the member for Gregory's contribution. The member for Gregory talked about those Queenslanders who are affected by acquired brain injuries through devastating accidents. These are a cohort of people who often require restrictive practice frameworks around them. I appreciate his contribution and his on going support for his local service providers and the families we are here to support.

Finally, I would like to thank everyone who made submissions both to the department as part of the review and to the parliamentary committee. It is because of the dedication and efforts of each of you that we have a set of changes that will make real improvements to the lives of people with disabilities. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

## Consideration in Detail

Clauses 1 to 50, as read, agreed to.

### Third Reading

**Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (8.45 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. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (8.46 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.

## PENALTIES AND SENTENCES (INDEXATION) AMENDMENT BILL

Resumed from 19 November 2013 (see p. 3905).

### Second Reading

**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (8.46 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its consideration of the bill. The committee tabled its report on 3 February 2014. The committee made one recommendation. The government welcomes the recommendation that the bill be passed.

The bill introduces a legislative mechanism into the Penalties and Sentences Act 1992 that allows for an annual increase in the value of the penalty unit. The penalty unit is the basic measure for most fines and penalty infringement notices, commonly called tickets, and is currently $110 for most state laws. Where legislation prescribes a monetary penalty for an offence, it is usually expressed as a certain number of penalty units. For example, the penalty for an offence may be two penalty units. When multiplied by the penalty unit value of $110, this gives a fine of $220.

The legislative mechanism contained in the bill will apply to the penalty unit value applicable to most state laws; the laws of the local governments not listed in schedule 2 of the Penalties and Sentences Regulation 2009; and penalty infringement notices, commonly called tickets, prescribed under the State Penalties Enforcement Act 1999 for offences created in most state laws and the laws of local governments not listed in schedule 2 of the Penalties and Sentences Regulation.

The indexation mechanism adopted in the bill provides a degree of certainty for the community and government around the rate by which the penalty unit is to be increased. In accordance with clause 5 of the bill, the penalty unit value may be increased by 3.5 per cent or another rate, referred to in the bill as the 'percentage change', that is determined by the Treasurer and notified in the *Government Gazette* by 31 March of the relevant year. Therefore, if the percentage change for a particular year is to be an amount other than 3.5 per cent, the Treasurer must notify the percentage change in the *Government Gazette* by 31 March of the relevant year. In this way government departments, agencies, local governments and the public will be aware of the amount by which the penalty unit is to be increased before the regulation prescribing the new penalty unit amount is made.

Under new section 5A(1) inserted into the Penalties and Sentences Act by clause 5 of the bill, the monetary value of the penalty unit will, following the application of the percentage change, then be prescribed in a regulation. Through the application of section 20C of the Acts Interpretation Act 1954, the increase in the monetary penalty for an offence will only apply to those offences committed after the increase in the penalty unit value takes effect. For example, if a regulation is made prescribing a new penalty unit value to take effect from 1 July 2014, then the increased penalty unit value will only apply to offences committed on or after 1 July 2014.

I would like to thank those who made submissions on the bill to the committee and I now address some of the key issues raised. I note that four of the five submissions provided to the committee did not support the legislative mechanism to increase the penalty unit value that is in the bill and instead suggested alternative approaches to increase the penalty unit value. As I said at the time I introduced this bill into the parliament, the approach adopted in the bill is similar to the approach adopted in Victoria, which annually indexes the penalty unit value by an amount other than the consumer price index.

In Queensland the penalty unit has been increased twice since 2000: once in 2009, when the penalty unit value increased from $75 to $100; and again in 2012, when the penalty unit value was increased from $100 to $110. Without regular increases in the penalty unit value, the intended punishment and deterrent effect of monetary penalties reduces over time. The benefit of a legislative mechanism that provides for incremental increases in the penalty unit value is that the deterrent and punishment effect of fines and penalty infringement notices will be maintained and there will be a degree of certainty in relation to the timing and amount of future increases.

In their submissions to the committee, the Queensland Law Society, the Queensland Council for Civil Liberties and the Youth Advocacy Centre raised concerns that there are no criteria in the bill that the Treasurer must consider when determining the percentage change to be applied to the penalty unit value. The Queensland government has given careful consideration to the development of a legislative mechanism by which the penalty unit may be incrementally increased. Consistent with the approach adopted in Victoria, the bill allows the Treasurer to determine the percentage change that is considered appropriate. It is the government's intention that there be consistency between the percentage change and the indexation rate for fees and charges.

I would like to specifically address a concern raised by the Queensland Council for Civil Liberties in their submission to the committee. The Council for Civil Liberties stated that the court system is being seen as a revenue-raising device or one that should pay for itself. The amendments in the bill will result in increases to the dollar value of penalty infringement notices and the maximum dollar value of fines that a court may impose.

However, it is important to note that the bill does not alter the requirement in section 48 of the Penalties and Sentences Act 1992 that a court, when determining the amount of a fine to impose on a person found guilty of an offence, must, as far as practicable, take into account the financial circumstances of the offender and the nature of the burden that payment of the fine will have on the offender.

Penalties in legislation function as both punishments and deterrents. The penalty for an offence represents the level of punishment considered appropriate for the severity of the offence. A legislative mechanism to index the penalty unit value allows the level of punishment and deterrence achieved through the use of monetary penalties to be maintained.

The committee in its report commented that two aspects of the bill which relate to local laws were not adequately dealt with in the explanatory notes provided for the bill. Given the committee's comments, I will elaborate on these issues. Firstly, the committee considered that the explanatory notes for the bill did not explain why there were differing values for a penalty unit for a local law made by a local government prescribed under a regulation. In this regard the bill maintains the current regime under the Penalties and Sentences Act and the Penalties and Sentences Regulation. Currently, schedule 2 of the Penalties and Sentences Regulation lists 12 local governments for which the penalty unit value is prescribed as $75. These local governments were consulted in relation to the penalty unit increase that occurred in 2009 and 2012 and elected on both occasions not to increase the applicable penalty unit value.

The bill maintains the status quo in relation to these local governments by referring to the local governments listed in schedule 2 of the Penalties and Sentences Regulation and not applying the new legislative mechanism to annually adjust their local laws. In future, should any local government listed in schedule 2 of the Penalties and Sentences Regulation wish to align their penalty unit value with the penalty unit value that applies to most state laws, this can be achieved by removing the reference to that local government from the list in schedule 2 of the Penalties and Sentences Regulation.

Secondly, the committee noted that the explanatory notes to the bill did not adequately explain why new section 5(1)(c) inserted into the Penalties and Sentences Act by clause 4 of the bill refers to local laws made under clause 35 of the Alcan agreement. The reference to the Alcan agreement also maintains the current regime under the Penalties and Sentences Act and the Penalties and

Sentences Regulation. I am advised that the Alcan agreement is the agreement made under the Alcan Queensland Pty. Limited Agreement Act 1965. The Alcan agreement, among other things, provides for the establishment of the local authority area of Weipa.

Under clause 35 of the agreement, the powers, duties and obligations imposed under the Local Government Act 2009 apply to the Weipa Town Authority. However, the Weipa Town Authority is not a local government under the Local Government Act 2009. Currently the penalty unit value for the local laws made by the Weipa Town Authority is $110—the same value as that which applies to most state laws. In order for the indexation mechanism in the bill to apply to the local laws made by the Weipa Town Authority under clause 35 of the Alcan agreement, specific reference to the Alcan agreement is required in the bill. The drafting practice adopted in the bill reflects the current reference to the local laws made under clause 35 of the Alcan agreement in section 2A of the Penalties and Sentences Regulation.

Once again, I would like to thank the Hon. David Crisafulli, Minister for Local Government, Community Recovery and Resilience and member for Mundingburra, for his assistance in consulting with the Local Government Association of Queensland on the proposed amendments. In this regard I note that the LGAQ's submission to the committee commended the government for the consultation process in relation to this bill. On that note, I commend the bill to the House.

**Mr PITT** (Mulgrave—ALP) (8.54 pm): I rise to make a contribution to the debate on the Penalties and Sentences (Indexation) Amendment Bill 2013. At the outset I advise that the opposition will not be opposing the bill, but I foreshadow that I will be moving some amendments during consideration in detail. At first glance this appears to be a rather innocuous bill. It purports to provide for the rather innocent annual indexation of the penalty unit. When the penalty unit was originally introduced in 1992, it was set at $60 and there was no method provided in the legislation for its increase. The government of the time determined that a regular review of the penalty unit could provide for increases, where necessary, to ensure that penalties were keeping pace with other changes in fees and expenses so that the deterrent effect of various penalties was not being eroded.

It was first increased from 1 January 2000, when it increased to $75. A further change to increase the penalty unit to $100 was made to take effect from 1 January 2009. At that time, the increase of $25 was denounced by the then Liberal National Party opposition. They opposed the bill in the House. Even though the increase was less than the CPI increase for the relevant period, members opposite had all sorts of criticisms to make. As the shadow Attorney-General at the time, the then member for Toowoomba South opened the debate by saying—

If ever we have seen a grab for money it is the bill before the parliament today.

He then asked—

Why is it doing it? Why is this money grab being foisted on people right across-the-board? It is because this government is in a financial mess.

We also have the contribution by the then member for Kawana, now the member for Buderim and Minister for National Parks, Recreation, Sport and Racing. He said—

The maths is really simple; that is a 33 per cent increase. Just remember it: 33 per cent. That is what this government believes in. CPI is a thing of the past ...

The now Minister for Police, the member for Bundaberg, also made an interesting contribution to the debate in 2008. In criticising the increase, he said—

This overwhelming increase dramatically above CPI is a very advantageous move by this government.

Unfortunately, the honourable member should have done his homework. The increase in the penalty unit at that time was 33⅓ per cent. According to the Reserve Bank of Australia, the consumer price index increase over that same period was in the order of 36.7 per cent. Had the penalty unit been increased by the prevailing CPI, it would have been $105 rather than $100. During the debate, the then Attorney-General told the House that the Premier had announced that the government would be looking at more regular reviews of the penalty unit amount—say, every three years—so that it did keep pace with the consumer price index and an increase of this proportion would not be necessary in the future.

In 2012, three years after the last increase, the Newman government introduced a 10 per cent increase to the penalty unit. Unlike the previous opposition, the Labor opposition did not oppose that increase. We recognised that it was roughly in line with the CPI and therefore appropriate. However,

what we did object to was the imposition of the offender levy in the manner in which it was done. We were not alone, of course. The Chief Justice of Queensland, the Bar Association and the Law Society all expressed their concerns. The offender levy of $100 for the Magistrates Court and $300 for the District and Supreme courts was part of the LNP policy released before the last election in its costings and savings strategy. The strategy stated—

This proposed model draws on New Zealand's policy for making criminals pay for costs of court services applying to them.

It then went on to say that the funds would be 'directed towards funding our massive front-line police boost as well as supporting more services for victims of serious crime'. In actual fact, the New Zealand offender levy is $50, irrespective of which court the matter is heard in, and it does go—all of it—to services for victims of crime.

Members of this House will recall that the opposition moved an amendment to restrict the offender levy to $50, because the offender levy was, in fact, a huge cash cow. It was reported in the *Courier-Mail* that from its introduction on 21 August 2012 to 31 May 2013—a period of just over nine months—the levy had raised $12.0376 million from 115,118 fines. The amount budgeted for in the budget papers for 2012-13—that is, until 30 June 2013—was in fact $10.001 million. That is a significant windfall.

There was no requirement in the bill for the money to be spent in the manner that the Attorney-General had stated it would be, and I invite the Attorney-General to update the House during his speech in reply on those matters. What are the latest figures for the value to government coffers of the offender levy and how much of that has been spent on police and victims of crime?

What I find so interesting about the contribution of the member for Bundaberg in the 2008 debate is not only his inability to do the sums but his assertion that an increase 'dramatically above CPI' is a very advantageous move by a government. Let us have a closer look at the proposal contained in this bill that we are debating this evening. It provides for an increase in the penalty unit. The explanatory notes give a very good summary of the effect of the proposed changes. It says—

Under the Bill new section 5A(2) of the PSA allows the Treasurer to determine the percentage change by which the penalty unit value will be increased and to gazette the percentage change by 31 March. If no percentage change is gazetted the Bill provides the percentage change is 3.5% per cent.

However, the bill does not include any criteria to which the Treasurer must have regard when determining the percentage change by which the penalty unit may be increased.

Despite the lack of criteria, the Bill does provide that if the percentage change is to be an amount other than 3.5% then the Treasurer is to publish the percentage change in the gazette.

This bill provides a mechanism whereby the Treasurer determines what the increase of the penalty unit should be, and there are no criteria set out for how he makes that decision. There is no reference to the CPI. There is no reference to other fees and charges. The Treasurer just gazettes a figure and that is the increase that applies, and it can be every year.

Different approaches to increasing the penalty unit have been adopted by different legislatures around the country. South Australia and Western Australia do not have a standard penalty unit regime that applies across-the-board, although there is some system in place. Victoria, Tasmania and the Northern Territory have an annual mechanism for putting up the rate. Tasmania and the Northern Territory have adopted an increase based on the CPI. Victoria's is quite similar to the one proposed in this bill. It is the only other jurisdiction where there is no real mechanism for determining the increase, and it is totally at the discretion of the Treasurer.

So, to illustrate how a Liberal government increases the penalty unit when it thinks it needs to increase revenue, let me give the example of how the penalty unit was increased in the 2012-13 financial year in Victoria. The 2011-12 penalty unit was $122.14. The Treasurer gazetted an increase to $125.19 in *General Gazette* 13 on 29 March 2012 to take effect from 1 July 2012. However, in the meantime, the parliament passed an amendment to the Monetary Units Act 2004 to increase the penalty unit to $140.84. That is a 15.3 per cent increase in one year. That is exactly why the Treasurer should not be determining the increase in the penalty unit unless strict criteria are applied. It may be appropriate for the Treasurer to have a role in determining the increase if it were a mere administrative function relating to an act administered by the Treasurer. As is the case in Tasmania and the Northern Territory, where the increase is restricted to the CPI, it is the Treasurer's role to gazette what the CPI for the previous 12 months was, according to the Australian Bureau of Statistics. No discretion should be allowed on the part of the Treasurer in making the determination. The

maximum amount that the increase can be in any financial year is equivalent to the CPI. However, in Queensland the Attorney-General administers the relevant piece of legislation. So that is the appropriate person to gazette the increase. I will be moving amendments during consideration in detail to give effect to this method of determining the increase in the penalty unit. I will also be moving to remove the default rate of increase of 3.5 per cent.

This bill provides that, where the Treasurer does not gazette an increase in the penalty unit by 31 March in any year, an increase of 3.5 per cent will automatically apply. I am not sure where the Attorney-General plucked the figure of 3.5 per cent from, and maybe he could answer that. I know it is the amount by which the CBRC determined that all government fees and charges should increase. However, the CPI for the past financial year, according to the Australian Bureau of Statistics, was 2.7 per cent. That gives us a default increase of 3.5 per cent, which is an increase of 29.2 per cent above the CPI. I guess the member for Buderim was correct in 2008; CPI is definitely a thing of the past under the LNP. This is a government that is prone to hypocrisy, hyperbole and mendacity. The carry-on and histrionics that was displayed during debate of the 2008 amendments was pure theatre to watch. Some of the performances would have surely been worthy of an Oscar, and that was when the increase was even less than the CPI. The Best Actor award would have gone to the Treasurer for his portrayal of the money-grubbing 'wolf of George Street'.

One of the first things the LNP did when they got into government was to increase the penalty unit. It was introduced on 11 July 2012, the fifth sitting week of the 54th Parliament, and was brought on for debate two sitting days later. It was declared urgent and did not even go to the committee for its consideration. Then again in 2013, a further bill was introduced to allow an annual increase to the penalty unit of whatever the Treasurer wants.

The opposition, when in government, had proposed a regular review of the penalty unit, and this is what occurred in 2012. My amendments propose that a review take place every three years to ensure the annual increase has kept the penalty unit at an appropriate level. But, if anything, what has been proposed can only be described as a revenue grab. It is an increase at the discretion of the Treasurer without any criteria for determining the increase and no connection whatsoever with the CPI. The opposition does not support such a grab for cash by the Treasurer, who has proven time and again that he cannot be trusted with his hand in the wallets of Queenslanders. Case in point: he increased taxes, fees and charges by more than $1,000 for the average Queensland family. Another case in point: he increased insurance duty from 7.5 per cent to nine per cent, what he called when in opposition a windfall on misery, at a time when people, particularly in areas prone to natural disasters, were already being belted by insurance premiums that in some cases had gone up by more than a thousand per cent. We have no objection to the penalty unit being increased by the CPI each year. If that is what the government proposes to do, why not enshrine it in legislation? We challenge the government to show Queenslanders once and for all that they have no intention of increasing the penalty unit by more than the CPI by accepting the opposition's amendments.

Debate, on motion of Mr Pitt, adjourned.

## COMMITTEE OF THE LEGISLATIVE ASSEMBLY

### Portfolio Committees, Reporting Dates

**Mr STEVENS** (Mermaid Beach—LNP) (Leader of the House) (9.05 pm): I seek to advise the House that the Committee of the Legislative Assembly at its meeting today resolved, pursuant to standing order 136, that the Education and Innovation Committee report on the TAFE Queensland (Dual Sector Entities) Amendment Bill by 29 April 2014; the Education and Innovation Committee report on the Further Education and Training Bill by 29 April 2014; and the Transport, Housing and Local Government Committee report on the Queensland Training Assets Management Authority Bill by 29 April 2014.

## ADJOURNMENT

**Mr STEVENS** (Mermaid Beach—LNP) (Leader of the House) (9.06 pm): I move—

That the House do now adjourn.

## The Gap State High School

**Hon. CKT NEWMAN** (Ashgrove—LNP) (Premier) (9.06 pm): I am so pleased to rise tonight to provide an update on one of my key election commitments, the $5 million sports hall at The Gap State High School. After many years of neglect by the former member for Ashgrove, I made the commitment to provide the school with a new sports hall. When I was campaigning to become the member for Ashgrove, one of the things that kept coming up again and again was the need for a new hall at The Gap State High School. For too long the high school had been unable to meet together as a whole school group, pursue sporting goals or open up the facility for the community as their hall was just too small.

Tonight I am pleased to say that, since being elected, the Queensland government has funded and completed this $5.4 million project in less than two years. It is there; it has happened. On Friday, 21 February I was very proud to officially open the new sports hall with over 1,400 students, parents, teachers and community members present. This is an amazing facility. It is one of the biggest of its kind in Australia. The new sports hall is 2,400 square metres in floor area and provides court playing areas, modern player facilities, storerooms, weight area, cardio rooms and a large spectator area. The hall can be utilised by not just The Gap State High School but also local community groups, primary schools and sporting groups. The high school principal, Mr Russell Pollock, is particularly excited that this new hall will provide the space needed for an exciting volleyball program to be run in the hall under an elite development program through the Australian Institute of Sport and the Queensland Academy of Sport. It is an amazing opportunity for so many students.

I am very pleased that I was able to deliver the funding for the new hall for The Gap State High School after many, many years of waiting. I particularly want to congratulate principal Russell Pollock because it was his brainchild. He has been a passionate advocate for this and has done so much of the work in planning and executing this project. I congratulate his administrative and teaching team at the school. I congratulate the department of education officials who supported it. I thank the minister. I, of course, thank the skilled men and women, both in the professions and in the trades, who designed, built and delivered this great new facility.

I look forward to getting down to Ashgrove State School, the primary school, soon to officially open another one of my commitments—the new classrooms to which I committed $3 million, which I have also delivered inside two years for the Ashgrove electorate.

## Queensland Parliamentary Friends of Israel

**Mr MINNIKIN** (Chatsworth—LNP) (9.09 pm): I wish to speak this evening on the formation of the Queensland Parliamentary Friends of Israel, of which I am honoured to be the inaugural chairperson. In a spirit of bipartisanship, many of my parliamentary colleagues met on 16 October last year to hold our launch and annual general meeting in order to form this important parliamentary group. I wish to place on record my gratitude that this group was established in a bipartisan manner, as no political party has a mortgage on culture or religion. We were honoured to be joined by many prominent members of the Jewish community such as Dr Colin Rubenstein AM and Mr Jason Steinberg from the Board of Jewish Deputies. The inaugural keynote speaker was world renowned Professor Efraim Inbar, who is the director of the Begin-Sadat (BESA) Centre for Strategic Studies. The bipartisan charter of the Queensland Parliamentary Friends of Israel group includes: fostering cultural links and opportunities between Israel and Queensland; encouraging the development of friendly relations and ties between the Queensland Parliament and Israel; and enhancing interaction between Queensland and Israel through meetings and discussions with Israel representatives and Israeli communities in Queensland.

Australia has always had a particularly close bipartisan relationship with Israel. We were one of the first countries to vote in favour of the 1947 United Nations partition resolution—a precursor to the creation of the state of Israel in 1948. The relationship between our two countries was made even stronger when Australia gave official recognition to the state of Israel on 27 January 1949. In 2008 the Australian parliament congratulated Israel on 60 years of statehood. The trade ties between our two countries have become stronger, especially with the formation of the Australia Israel Chamber of Commerce (AICC). The AICC regularly leads delegations to Israel to encourage stronger trade ties between these two countries. In the period 2012-13 Australia and Israel enjoyed a good commercial relationship with two-way trade worth $899 million. It is important that Queensland continue to seek further economic trade opportunities with this strategically important ally, who has technological expertise across many fields. Indeed, there is much we can learn from one another, given our respective harsh geographical features in parts and dependence on cutting-edge technology.

Over the next year, the Queensland Parliamentary Friends of Israel will host events to encourage interaction between parliament and Israeli communities in this state. With the invaluable help of the Australia/Israel & Jewish Affairs Council (AIJAC), we look forward to fostering stronger economic, cultural and educational ties between the nation state of Israel and our wonderful state of Queensland. The Queensland Parliamentary Friends of Israel will work with the Queensland Jewish community to encourage the development of stronger ties between the Queensland parliament and Israel. Together as a group, all members look forward to fostering greater cultural and economic opportunities between our state and Israel. Shalom.

## *Safety Circus* 2014

**Hon. TS MULHERIN** (Mackay—ALP) (Deputy Leader of the Opposition) (9.12 pm): I rise tonight to speak about *Safety Circus* 2014. I recently attended a performance at the Central Queensland Conservatorium of Music at the Mackay campus. Performed by the Mackay Central Queensland University Bachelor of Theatre students, *Safety Circus* is an entertaining and educational tool. There is a long working relationship between staff at Mackay's Crime Prevention Unit (CPU) and students at CQ University. In 1998 the Crime Prevention Unit initially approached CQ University to work on a program that could be presented to grade 12 school leavers. The presentations focus on reducing risk-taking behaviour, health matters and also safety and legal messages.

What is now known as the Choices Program has expanded to presentations in Townsville and Rockhampton. The organisers of the Choices Program were recipients of the Business/Higher Education Round Table's Most Outstanding Australian Community Engagement initiative in 2013. Building on the success of these presentations, *Safety Circus* commenced in Mackay and Mackay Northern Beaches in 2013. Funded by the Mackay Regional Council Active Towns Project, 2014 has seen the expansion of the presentations from 18 to 40 schools. The production was performed to grade 3 students throughout the Mackay Regional Council area during February. With catchy songs such as *Be Like a Car* and *The Hand Song,* students are learning and being entertained at the same time. The key messages to come from the performance relate to nonmotorised transport safety, antibullying messages and child personal safety.

I would like to commend the students who come back from holidays to prepare for *Safety Circus*, Judith Brown, the head of the campus who wrote the music for *Safety Circus*, and also Sergeant Nigel Dalton, who heads up the Crime Prevention Unit. I think it is a great partnership between the Central Queensland University, the conservatorium and the Queensland Police Service at Mackay. Congratulations to all involved.

## Capricorn Coast, Health

**Mr YOUNG** (Keppel—LNP) (9.15 pm): I rise to acknowledge the hard work by the Central Queensland Hospital and Health Board chair, Mr Charles Ware, and fellow board members to finalise the agreement with private health provider Vanguard Health in delivering a stable medical workforce for the Yeppoon Hospital. Since the departure of the former medical superintendent Dr Scott Cooling, the Capricorn Coast Hospital has had ongoing issues with the recruitment and retention of medical officers. At the moment I would like to acknowledge 17 years of loyal commitment and excellent health care to the residents of the Capricorn Coast.

Dr Cooling went above and beyond his calling, giving his valuable time on many occasions. Mr Ware, the director of nursing, and myself had many meetings to get this private partnership in place. A review showed six doctors should be based at the Capricorn Coast, and this partnership with Vanguard Health will put an end to those recruitment issues, develop a stable medical workforce and help the Yeppoon Hospital reach its full potential. This means that the Capricorn Coast community will have access to a medical officer 24/7. This includes some on-call shifts during periods of low patient presentations. This is another example of the Central Queensland Hospital and Health Board working with, and delivering, for local communities. The funding for this three-year project is provided from efficiencies created in the 20 months since the formation of the board and investing those savings into the provision of better health care for Central Queenslanders. Capricorn Coast Hospital currently has four doctors, and most of these positions have been filled by locum staff due to recruitment difficulties. I also want to acknowledge Dr Don Kane, who assisted with unwavering advice on many occasions, often meeting late into the night to provide the flow path to provide this agreement to advance.

This private partnership, although not a new concept, is a first for our region and hopefully further promotes the sharing of professional medical services with the public sector. In regions across Queensland, the private-public health relationship is pivotal to specialist medical provision. I am

passionate about enhancing those areas of medical specialists with the end goal to have regional residents treated in an environment where they are familiar, and also supported by, family and friends.

I wish to thank the minister for his continued support. It is a bold move to think outside the box, but it proves this government's commitment to service delivery to Queenslanders.

## Mount Gravatt Youth and Recreation Club

**Hon. IB WALKER** (Mansfield—LNP) (Minister for Science, Information Technology, Innovation and the Arts) (9.18 pm): I am very pleased to speak tonight about an event I attended last Friday night on behalf of Minister Dickson, which was the opening of the indoor sports facility at the Mount Gravatt Youth and Recreation Club with Ross Vasta MP, the member for Bonner, Councillor Krista Adams and a large number of club supporters for this important event.

The Mount Gravatt Youth and Recreation Club was formed in the 1960s, and it has a very proud tradition of supporting sport and recreation activities in the Mount Gravatt, Mansfield, Wishart and Mackenzie areas. The club is one which supports a number of sports, some of which are not mainstream sports. It is great that they can share this facility and all find a home at the centre. The key members of the group are: the South Brisbane Eagles Hockey Club; the Mount Gravatt Eagles Baseball Club; the Mansfield Eagles Soccer Club; and the Brisbane Eagles Lacrosse Club. They also host a number of other smaller clubs: the Old Bridge Soccer Club; the Southern Star Football Club; Mansfield Oz Tag; and the South Brisbane Futsal Club. A number of schools in the area, Villanova College, Mansfield State High School and Holland Park State High School, all use the fields as well.

It is a tribute to Bruce Wilson, the president of the club, and his committee members, and I particularly mention Deb Hinton and Jane Hayes who have been tremendous mainstays in the running of the club and in the raising of the funds for the indoor facility which was opened on Friday night. That facility was made possible by a $2 million grant by the Commonwealth government and a $750,000 grant by the Queensland government. I must say that my predecessor in the seat, Mr Reeves, was a strong supporter of the project, and I give him credit for that. The Newman government was very pleased to honour and fulfil the commitment and to follow through with not only funding of $750,000 for the facility but also a further $85,000 from our Get in the Game program for lighting at the facility. So it has been a tremendous combination by a number of governments and certainly tremendous activity by the committee, very capably led by Bruce, in raising the funds and in ensuring a very modern and successful facility for the people of Mansfield. I want to place on record my admiration and our community's admiration for the work that has been done by the committee to encourage all of those in Mansfield to join the 30 or so sporting groups that now use this magnificent facility. It is a tremendous facility and a great adornment to my electorate.

## Minister for Health

**Mrs MILLER** (Bundamba—ALP) (9.21 pm): Of all the failures that can be attributed to this increasing failure of a government, none are perhaps more consistent than the failures that can be laid at the feet of the Minister for Health. In the maze of failure this government shows little prospect of finding its way out of, its biggest failure is this minister, who has the uncanny ability to wreck everything he touches.

**Government members** interjected.

**Mrs MILLER:** One would think that for someone who had spent more than half his life in this parliament—25 years in fact—the Minister for Health would have some concept of how to avoid failure or at the very least find his way out of it. But from the day he took up this very important ministerial position the health minister has shown that he has the Midas touch when it comes to personifying the wreckage that characterises the LNP government. So let us examine the evidence. The health minister's first failure was his failure to protect the thousands of public sector workers he sacked within months of taking government.

**Government members** interjected.

**Mrs MILLER:** The minister would have you believe that these people were expendable. I am sure the majority of Queenslanders would disagree absolutely that workers at the coalface—which includes doctors, nurses, allied health workers, cleaners and pathologists—are expendable. You can add to this list his failure to protect those people who manned our essential preventative health programs—the people charged with teaching our kids about obesity, smoking and HIV. He has failed

those young people currently studying for careers in this sector. Many are midway through their degrees with absolutely no prospect of employment because he has wrecked the health sector that these young people had hoped to work in.

**Government members** interjected.

**Madam SPEAKER:** Order, members!

**Mrs MILLER:** The Minister for Health failed to support compulsory vaccinations for children in child-care centres. Now he is once again failing doctors by forcing them on to unfair, unworkable contracts and failing to ask them what they think. These are Newman's work choice contracts, and even his own assistant minister—the apprentice to Lawrence Springborg—has a different opinion to the minister. When the Minister for Health participates in the grape crush in Stanthorpe this weekend, I want him to feel the skin of the grapes, the seeds, the juice as he jumps up and down. He then needs to think about what he is doing to Queensland's public health system, because he is crushing it in the same way.

**Government members** interjected.

**Madam SPEAKER:** Order, members!

**Mrs MILLER:** He is crushing living people with bones and blood, lungs and muscles, hearts and souls.

**Government members** interjected.

**Mrs MILLER:** Treating people like grapes is not on and this crushing of the public health system must stop. Queensland has the worst co-payment public hospital system in Australia where upon admission—

**Government members** interjected.

**Madam SPEAKER:** Order, members!

**Mrs MILLER:**—the questions that patients—

**Government members** interjected.

**Madam SPEAKER:** Order!

**Mrs MILLER:**—are asked are—

**Government members** interjected.

**Madam SPEAKER:** Pause the clock. Pause the clock.

**Mrs MILLER:**—'Are you in private health?',—

**Madam SPEAKER:** Pause the clock.

**Mrs MILLER:**—'What is your credit card number?', and 'Does the patient'—

**Madam SPEAKER:** Order! I appreciate that there is a lot of noise in the chamber. There is too much noise in the chamber. I call the member for Bundamba.

**Mrs Frecklington:** Are you trying to put something on your credit card?

**Madam SPEAKER:** Order, members! I call the member for Bundamba.

**Mrs MILLER:** May I thank you, Madam Speaker, for your protection from the rude members of the LNP. As I was saying, they also ask you whether or not you have cash for the pharmacy.

*(Time expired)*

## Southport Electorate, Projects

**Mr MOLHOEK** (Southport—LNP) (9.25 pm): Tonight I rise to provide an update on some of the projects underway or on the drawing board in Southport as we head towards 2018—the Gold Coast Commonwealth Games and Southport's centenary year. It is exciting to see the first games legacy project take shape, as the Gold Coast Aquatic Centre is now 75 per cent complete and on track to being completed in June 2014—almost four years ahead of the games. I acknowledge the Minister for Tourism and member for Currumbin for her excellent work in helping to negotiate that outcome. Local industry participation in the $41 million Gold Coast Aquatic Centre redevelopment has so far been high, with approximately 60 per cent representation from the Gold Coast region and a total of 93 per cent from South-East Queensland. Later this year the centre will host the 2014 Pan Pacific championships and Southport will welcome more than 300 of the world's best swimmers. Every

Commonwealth Games venue is being designed to align with long-term local planning strategies that will leave an important infrastructure legacy for South-East Queensland. Planning is currently underway for a further four new venues and five upgraded venues both on the Gold Coast and in Brisbane. Engaging local industry and generating jobs is one of the key objectives for our government. The Gold Coast 2018 Commonwealth Games is expected to generate an estimated $2 billion of economic injection into the Gold Coast and up to 30,000 full-time equivalent jobs.

Another significant project in my electorate is the demolition of the former Southport Hospital site and the preparation of the site for sale. To lead this project, the state government has appointed Aurecon as the project manager to provide technical advice and inform decisions. Aurecon's project manager is locally based at its Southport office in the Seabank Building. The development opportunities for the old Southport Hospital site are virtually unlimited, being an integral site in the middle of the Gold Coast CBD with direct access to the Gold Coast light rail system and within the Southport Priority Development Area. Consultation with industry and community revealed a strong desire to realise the site's potential as a major contributor to the Southport CBD and demolish the existing buildings in order to maximise the appeal for investors and developers. We have a unique opportunity to create a landmark site—one that will define Southport as an innovative CBD and contribute to the growing health and knowledge precinct.

It does not surprise me to learn that the Queensland economy, under the can-do government, grew at 4.1 per cent in the same period that the rest of Australia grew at 1.9 per cent. We can see this growth in the development activity and interest in Southport and on the Gold Coast. As the member for Southport, my priority has always been the creation of permanent jobs. I am proud to be a member of the Newman government as we deliver on our promise to build a strong four-pillar economy and to ensure jobs growth and job security for all Queenslanders.

## Moranbah Race Club

**Mr KNUTH** (Dalrymple—KAP) (9.28 pm): I want to bring to the House's attention a serious act of discrimination against a very active racing committee in a mining town in the southern part of my electorate—Moranbah. Over the years Moranbah has been kicked in the guts from governments who see this town as a revenue raiser for the Treasury's coffers, with little going back to the town in return. Moranbah has suffered with continued government interference with planning decisions forced upon it by state governments, mines getting closer to the town, the closure of the maternity service, and 100 per cent fly-in fly-out which has caused massive devastation to the social and economic fabric of the Moranbah community. One of the great events that occurs three times a year is the popular Moranbah races. The race meetings present an opportunity for residents to come together in a social environment where they can relax, enjoy a drink, have a bet on the horses, participate in the fashions and other activities. However, a lot of hard work is put in by the committee and volunteers. They work hard to maintain the upkeep of the racetrack, barriers and the grounds to sustain each race meeting. The Moranbah Race Club had its annual number of meetings cut from 11 to three. This has considerably reduced the club's profit capacity and consequently also reduced its available funds to purchase equipment. It is flat out paying its rates and most of the volunteers are shiftworkers trying to fit in the time to upkeep these grounds. What is disappointing is that eight rounds of applications have been submitted by the race club to the Jupiters Casino Community Benefit Fund. Funds to replace its very old, worn-out tractor have been rejected eight times. Applications have been submitted to eight rounds of the Jupiters Casino Community Benefit Fund. Submission dates are as follows: round 76 submitted 31 August 2011; round 77 submitted 29 February 2012; round 78 submitted May 2012; round 79 submitted 24 August 2012; round 80 submitted November 2012; round 81 submitted 28 February 2013; round 82 submitted May 2013; and round 83 submitted August 2013.

I cannot believe the continued rejection of the application for funding to purchase a tractor for use for general maintenance and upkeep of the racetrack and facilities to take pressure off the hardworking volunteers. An amount of $6 billion in gross revenue comes out of the mining region through billions of dollars in royalties. Much of this funding goes into the Jupiters Casino Community Benefit Fund, which provides funds all over Queensland and all organisations benefit.

We believe that it is a disgrace that the community of the Moranbah Race Club and a wonderful event continues to be rejected. I call on the minister to seriously investigate this issue and why Moranbah Race Club continues to be rejected in its passion to replace the old broken-down tractor.

*(Time expired)*

## Pumicestone Electorate, Emergency Services; International Women's Day

**Mrs FRANCE** (Pumicestone—LNP) (9.31 pm): I rise tonight to give another example of the Newman government's commitment to strengthening front-line services and a wonderful announcement that we were able to make this week in the Pumicestone electorate. I was fortunate enough to have the minister, Jack Dempsey, come to my electorate. I really enjoyed hosting him there for the day. We got to go out and meet with our local fire service, our police and also our SES and VMR. It was a fantastic day in having Jack up in my electorate.

One of the announcements that we did get to make on the day that Jack came up was about the marine firefighting capabilities in my area. In the past there has been quite a delay in being able to deal with firefighting capabilities in the marine environment around the Bribie, Moreton Bay and Deception Bay area. In the past, we had to wait for a boat to be mobilised out of the mouth of the Brisbane River. Sometimes that would take up to an hour and 15 minutes to come up. I am really pleased to say that our Queensland fire and emergency services, in combination with the VMR, have now established a marine emergency equipment cache and it is held at the VMR on Bribie Island. Now we have our response times down to about 15 minutes.

I would like to congratulate Trevor Stark on the fantastic work that he has done to establish that equipment and the work that he has done with the VMR and his own QFES to establish that emergency response equipment and on shortening that response time from an hour and 15 minutes to a quarter of an hour. I congratulate Trevor and thank the minister very much for coming up to my electorate.

**Mrs Frecklington:** It can only happen under a can-do LNP government.

**Mrs FRANCE:** I take that interjection. It would only happen under a can-do LNP government.

I would also like to give a plug to International Women's Day, which is coming up on Saturday, and which is something dear to my heart.

**Mr Johnson** interjected.

**Mrs FRANCE:** We do not have a blokes' day, I am sorry. I very pleased to be supporting the QRC and its International Women's Day function, which will be held on Friday morning, at which we will acknowledge all of the women who have made fantastic contributions to the mining industry. Also, on Saturday at the Bribie RSL in my own electorate there will be an event held to bring together all of the women who have made significant contributions in my electorate. These are fantastic people. It is a day, thank you, gentlemen, for acknowledging not only women but also the guys behind us who make it possible to do our jobs.

**Dr McVeigh:** Hear, hear!

**Mrs FRANCE:** I knew that would be responded to with a lot of 'Hear, hears!' It is also a great opportunity for me to give a plug to my husband, Chad, and my three young boys who give me motivation to come to work every day. I also acknowledge Madam Speaker for being the first female in the Speaker's role.

## Queensland Racing

**Dr DOUGLAS** (Gaven—PUP) (9.34 pm): Under this Campbell Newman government, Queensland racing is again in crisis. The real needs of all three codes of racing have been given lip-service while the government has pursued a base political agenda for its own ends, chasing all the usual suspects, including the former president of the Australian Workers Union and former chairman of the Ipswich Turf Club and head of Racing Queensland. In doing so, we are now seeing every component of our once-successful racing industry negatively affected—from the breeders to the jockeys, to the clubs, to the punters.

In contrast to what is being pursued by the government as retribution for moneys forgone by maladministration that have been exposed by the White-Bell inquiry, despite some very strong claims it remains to be seen that anyone will be found guilty or that $90 million can be extracted from the gaming giant Tattersalls. It was formerly part of UNiTAB and sold by the government. My understanding is that Tattersalls feels that it was short-changed by $90 million and might well pursue that.

According to the well-known and well-read online letsgohorseracing website, only a minister who is badly informed by industry bosses or departmental advisers or who has no idea of what is going on at the coalface would make some of the outrageous claims of a golden recovery of our racing industry in Queensland. He stated—

Even the most enthusiastic supporter of racing in Queensland could not believe in his or her wildest dreams that the local industry has gone from 20 furlongs behind New South Wales and Victoria when the new Government gained power to five furlongs behind in the last year.

But to then suggest that this year racing in Queensland is looking not only to catch up but also to get its nose in front of the big southern states is bordering on the ridiculous.

The article concludes that the only nose in front coming out of the statements that are—

... being fed to the Parliament and the industry stakeholders is the Racing Minister himself and he wants to be careful it isn't of a size to rival Pinocchio.

Recent statements by a variety of other writers have raised doubts that the minister, his department and the government are capable of reacting fast enough or are able to understand what needs to be done now for racing to survive. Certain statistics tell us what is going on. The critical points are that fields have fallen in metropolitan tracks to 70 per cent to where they were two years ago. Prize money has not accelerated to anywhere near comparable levels even on regional tracks.

**Mr Stevens:** Rubbish!

**Dr DOUGLAS:** The Leader of the House should be the minister, because the government needs to do something about it. Prize money has not been accelerated to anywhere near comparable levels even on regional tracks in New South Wales while the cost to trainers and owners has continued to rise, sometimes in excess of the costs in other states.

In the breeding industry—and this is the critical point—the percentage of mares covered is 35 per cent down in this latest year following the same percentage drop in the previous year. As a result only 1,800 foals will be delivered in the following year. Therefore, if this decrease continues, in five years our horseracing industry will become almost extinct. It will become a cottage industry in this state. It is probably inevitable that harness racing will follow.

This is the result of doing nothing and allowing a minister who does not understand racing to run this industry. I urge change.

*(Time expired)*

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 9.35 pm.

## ATTENDANCE

Barton, Bates, Bennett, Berry, Bleijie, Boothman, Byrne, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Cunningham, D'Ath, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Douglas, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Hopper, Johnson, Judge, Katter, Kaye, Kempton, King, Knuth, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Miller, Minnikin, Molhoek, Mulherin, Newman, Nicholls, Ostapovitch, Palaszczuk, Pitt, Powell, Pucci, Rickuss, Robinson, Ruthenberg, Scott, Seeney, Shorten, Shuttleworth, Simpson, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trad, Trout, Walker, Watts, Wellington, Woodforth, Young