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RECORD OF PROCEEDINGS

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FIRST SESSION OF THE FIFTY-FOURTH PARLIAMENT

Tuesday, 9 September 2014

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TUESDAY, 9 SEPTEMBER 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 His 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: 5 September 2014

> "A Bill for An Act to amend the Bail Act 1980, the Corrective Services Act 2006, the Criminal Code, the Drugs Misuse Act 1986, the Drugs Misuse Regulation 1987, the Evidence Act 1977, the Introduction Agents Act 2001, the Liquor Act 1992, the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000, the Security Providers Act 1993, the State Penalties Enforcement Regulation 2014, the Summary Offences Act 2005, the Transport Operations (Passenger Transport) Act 1994, the Vicious Lawless Association Disestablishment Act 2013, the Victims of Crime Assistance Act 2009 and the Wine Industry Act 1994 for particular purposes"
>
> "A Bill for An Act to amend the Adult Proof of Age Card Act 2008, the G20 (Safety and Security) Act 2013, the Heavy Vehicle National Law Act 2012, the Mineral Resources Act 1989, the Police Powers and Responsibilities Act 2000, the Transport Infrastructure Act 1994, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, and the Transport Planning and Coordination Act 1994, and to make consequential or minor amendments of the Acts mentioned in schedule 1, for particular purposes"
>
> "A Bill for An Act to amend the City of Brisbane Act 2010, the Local Government Act 2009 and the Local Government Electoral Act 2011 for particular purposes, and to make minor and consequential amendments of the Acts as stated in schedule 1"
>
> "A Bill for An Act to amend the Aboriginal Land Act 1991, the Aboriginal Land Regulation 2011, the Land Act 1994, the Land Valuation Act 2010, the Torres Strait Islander Land Act 1991 and the Torres Strait Islander Land Regulation 2011 for particular purposes, to repeal the Aurukun and Mornington Shire Leases Act 1978, and to make minor and consequential amendments of other legislation as stated in schedule 1"

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

5 September 2014

Tabled paper: Letter, dated 5 September 2014, from His Excellency the Governor to the Speaker advising of assent to bills on 5 September 2014 [5826].

PETITIONS

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

Torbanlea-Pialba Road Causeway, Upgrade

Mrs Maddern, from 574 petitioners, requesting the House to undertake upgrades to make the causeway on the Torbanlea/Pialba Road an all-weather road by raising the causeway on the eastern side of the Torbanlea School. [5827]

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

Motor Sporting Venues

173 petitioners, requesting the House to save Queensland's motor sporting venues from severe restrictions or forced closure as a result of demands from the occupants of newer residential developments [5828].

Petitions received.

TABLED PAPERS

PAPERS TABLED DURING THE RECESS

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

29 August 2014—

5805 Legal Affairs and Community Safety Committee: Report No. 49—Identification Laws Amendment Bill 2013, government response

5806 Agriculture, Resources and Environment Committee: Report No. 45—Subordinate legislation tabled between 7 May and 20 May 2014

5807 Legal Affairs and Community Safety Committee: Report No. 71—Land Sales and Other Legislation Amendment Bill 2014

1 September 2014—

5808 Transport, Housing and Local Government Committee: Report No. 51—Subordinate legislation tabled between 20 May 2014 and 3 June 2014

5809 Transport, Housing and Local Government Committee: Report No. 52—Building and Construction Industry Payments Amendment Bill 2014

5810 Education and Innovation Committee: Report No. 34—Review of Auditor-General's Report 2: 2013-14 Supply of specialist subject teachers in secondary schools, government response

2 September 2014—

5811 Finance and Administration Committee: Report No. 44—Oversight of the Queensland Integrity Commissioner 2013, government response

4 September 2014—

5812 Response from the Minister for National Parks, Recreation, Sport and Racing (Mr Dickson) to a paper petition (2287-14) and an ePetition (2236-14) sponsored by Mr Bennett from 28 and 25 petitioners respectively requesting the House to give consideration to changing the boundary of the current marine no-fishing zone 'green zone' south of Palmers Creek at Innes Park and Coral Cove

5813 Response from the Minister for Transport and Main Roads (Mr Emerson) to an ePetition (2260-14) sponsored by Ms Trad, from 204 petitioners, requesting the House to designate the section of Annerley Road adjacent to the Dutton Park State School as a school zone

5814 Response from the Minister for Transport and Main Roads (Mr Emerson) to an ePetition (2277-14) sponsored by Ms Barton, from 59 petitioners, requesting the House to reinstate bus routes which travel from Labrador, Paradise Point and Runaway Bay directly into southern suburbs that the light rail will service and to lengthen the operating hours on the timetable of these bus routes

5815 Response from the Minister for Transport and Main Roads (Mr Emerson) to a paper petition (2286-14) and an ePetition (2268-14) sponsored by Mr Dillaway from 294 and 150 petitioners respectively requesting the House to install flashing lights along Riding Road at Morningside State School, Saints Peter and Paul's Catholic School and Bulimba State School

5816 Response from the Minister for Transport and Main Roads (Mr Emerson) to a paper petition (2288-14) and an ePetition (2245-14) sponsored by Mr Bennett from 434 and 346 petitioners respectively requesting the House to upgrade the intersection of FE Walker Street and Ashfield Road, Bundaberg to a roundabout or traffic lights as a matter of urgency

5817 Response from the Minister for National Parks, Recreation, Sport and Racing (Mr Dickson) to an ePetition (2276-14) sponsored by the Clerk of the Parliament in accordance with Standing Order 119(4), from 772 petitioners, requesting the House to oppose the proposed location for an off-road motorcycling facility in the Mooloolah logging area, Beerwah State Forest

5 September 2014—

5818 Ministerial Gifts Register—Reportable Gifts 1 July 2013 to 30 June 2014

5819 Letter, dated 27 August 2014, from the Chair of the Joint Standing Committee on Treaties to the Speaker, regarding a treaty tabled on 26 August 2014

5820 Response from the Minister for Transport and Main Roads (Mr Emerson) to a paper petition (2292-14) presented by Mr Davies, from 842 petitioners, requesting the House to give permission for the construction of a bridge, funded and built by private enterprise, to North Stradbroke Island via Russell Island

5821 Response from the Minister for Transport and Main Roads (Mr Emerson) to a paper petition (2293-14) and an ePetition (2136-13) sponsored by Mr Krause, from 88 and 237 petitioners respectively, requesting the House to adopt the West Australian fatigue management regulations for Queensland heavy vehicle operators as the only fatigue management scheme under national regulations

5822 Agriculture, Resources and Environment Committee: Report No. 46—Mineral and Energy Resources (Common Provisions) Bill 2014

8 September 2014—

5823 Report to the Legislative Assembly from the Attorney-General and Minister for Justice (Mr Bleijie) pursuant to section 56A(4) of the Statutory Instruments Act 1992, regarding the Pastoral Workers' Accommodation Regulation 2003

5824 Overseas travel report—Report on an overseas visit by the Minister for Tourism, Major Events, Small Business and the Commonwealth Games (Ms Stuckey) to Glasgow and London 29 July to 10 August 2014

5825 Response from the Attorney-General and Minister for Justice (Mr Bleijie) to a paper petition (2294-14) presented by Mr Knuth, from 532 petitioners, requesting the House to repeal section 29 of the Coroners Act 2003 and allow the coroner to perform an inquest independently of any current legal action

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Statutory Instruments Act 1992—

5829 Statutory Instruments Amendment Regulation (No. 1) 2014, No. 186

5830 Statutory Instruments Amendment Regulation (No. 1) 2014, No. 186, explanatory notes

South Bank Corporation Act 1989—

5831 South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014, No. 187

5832 South Bank Corporation (Modified Building Units and Group Titles) Regulation 2014, No. 187, explanatory notes

Government Owned Corporations Act 1993—

5833 Government Owned Corporations Regulation 2014, No. 188

5834 Government Owned Corporations Regulation 2014, No. 188, explanatory notes

Workers' Compensation and Rehabilitation Act 2003—

5835 Workers' Compensation and Rehabilitation Regulation 2014, No. 189

5836 Workers' Compensation and Rehabilitation Regulation 2014, No. 189, explanatory notes

Fire and Emergency Services Act 1990, Industrial Relations Act 1999—

5837 Industrial Relations and Another Regulation Amendment Regulation (No. 1) 2014, No. 190

5838 Industrial Relations and Another Regulation Amendment Regulation (No. 1) 2014, No. 190, explanatory notes

Justices Act 1886—

5839 Justices Regulation 2014, No. 191

5840 Justices Regulation 2014, No. 191, explanatory notes

Prostitution Act 1999, Sustainable Planning Act 2009—

5841 Prostitution Regulation 2014, No. 192

5842 Prostitution Regulation 2014, No. 192, explanatory notes

Trading (Allowable Hours) Act 1990—

5843 Trading (Allowable Hours) Regulation 2014, No. 193

5844 Trading (Allowable Hours) Regulation 2014, No. 193, explanatory notes

Criminal Code and Another Act (Stock) Amendment Act 2014—

5845 Proclamation commencing certain provisions, No. 194

5846 Proclamation commencing certain provisions, No. 194, explanatory notes

Criminal Code Act 1899—

5847 Criminal Code (Animal Valuers) Regulation 2014, No. 195

5848 Criminal Code (Animal Valuers) Regulation 2014, No. 195, explanatory notes

Justice and Other Legislation Amendment Act 2013—

5849 Justice and Other Legislation Amendment (Postponement) Regulation 2014, No. 196

5850 Justice and Other Legislation Amendment (Postponement) Regulation 2014, No. 196, explanatory notes

Food Production (Safety) Act 2000, State Penalties Enforcement Act 1999—

5851 Food Production (Safety) Regulation 2014, No. 197

5852 Food Production (Safety) Regulation 2014, No. 197, explanatory notes

Environmental Protection Act 1994, Waste Reduction and Recycling Act 2011—

5853 Environment Legislation Amendment and Repeal Regulation (No. 1) 2014, No. 198

5854 Environment Legislation Amendment and Repeal Regulation (No. 1) 2014, No. 198, explanatory notes

Professional Standards Act 2004—

5855 Professional Standards (Institute of Chartered Accountants in Australia Professional, Standards Scheme (Queensland)) Notice 2014, No. 199

5856 Professional Standards (Institute of Chartered Accountants in Australia Professional, Standards Scheme (Queensland)) Notice 2014, No. 199, explanatory notes

Professional Standards Act 2004—

5857 The Institute of Chartered Accountants in Australia, Professional Standards Scheme (Queensland) (refer to Professional Standards (Institute of Chartered Accountants in Australia Professional, Standards Scheme (Queensland)) Notice 2014: Subordinate Legislation No. 199 of 2014)

Economic Development Act 2012—

5858 Economic Development Amendment Regulation (No. 4) 2014, No. 200

5859 Economic Development Amendment Regulation (No. 4) 2014, No. 200, explanatory notes

Health Practitioners (Special Events Exemption) Act 1998, Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003, Tobacco and Other Smoking Products Act 1998—

5860 Health Legislation Amendment Regulation (No. 3) 2014, No. 201

5861 Health Legislation Amendment Regulation (No. 3) 2014, No. 201, explanatory notes

Youth Justice Act 1992—

5862 Youth Justice Amendment Regulation (No. 2) 2014, No. 202

5863 Youth Justice Amendment Regulation (No. 2) 2014, No. 202, explanatory notes

Fisheries Act 1994, Marine Parks Act 2004—

5864 Marine Parks and Other Legislation Amendment Regulation (No. 1) 2014, No. 203

5865 Marine Parks and Other Legislation Amendment Regulation (No. 1) 2014, No. 203, explanatory notes

Motor Racing Events Act 1990—

5866 Motor Racing Events Amendment Regulation (No. 2) 2014, No. 204

5867 Motor Racing Events Amendment Regulation (No. 2) 2014, No. 204, explanatory notes

MINISTERIAL PAPERS TABLED BY THE CLERK

The following ministerial papers were tabled by the Clerk—

Deputy Premier and Minister for State Development, Infrastructure and Planning (Mr Seeney)—

5868 Document, dated September 2014, titled 'Townsville City Waterfront Priority Development Area—Interim Use Land Plan' (refer to Economic Development Amendment Regulation (No. 4) 2014: Subordinate Legislation No. 200 of 2014)

5869 Document, Regulatory Map Townsville City Waterfront Priority Development Area (refer to Economic Development Amendment Regulation (No. 4) 2014: Subordinate Legislation No. 200 of 2014)

5870 Document, dated September 2014, titled 'Southport Priority Development Area—Development Scheme' (refer to Economic Development Amendment Regulation (No. 4) 2014: Subordinate Legislation No. 200 of 2014)

MEMBER'S PAPERS TABLED BY THE CLERK

The following member's papers were tabled by the Clerk—

Member for Inala (Ms Palaszczuk)—

5871 Opposition Diary—Leader of the Opposition, 1 July 2014-31 July 2014

5872 Letter, dated 8 September 2014, from the Leader of the Opposition (Ms Palaszczuk) to the Integrity Commissioner (Mr Bingham) regarding meetings with registered lobbyists during the month of July 2014

MINISTERIAL STATEMENTS

Public Transport

Hon. CKT NEWMAN (Ashgrove—LNP) (Premier) (9.33 am): This government has a strong plan to develop and deliver the best public transport system for Queensland. With all our initiatives over the past two years we have made a point of listening on this subject particularly to what Queenslanders want. They use the public transport system each and every day. So they are the best placed people to know what actually needs to be done. Under the Labor government, Queenslanders were frustrated by rising fares, shoddy services and a chronic lack of vision. When people complained, no-one was listening. I reflect that, when I was Lord Mayor, I saw this time and time again in terms of public transport in Brisbane.

Ms Palaszczuk: Who bought your buses?

Mr NEWMAN: I hear an interjection and I take the interjection about buses. When I became the Lord Mayor of Brisbane in 2004 only a quarter of the bus fleet was air-conditioned. By the time I left almost the entire bus fleet was air-conditioned. I put hundreds and hundreds of new buses on the road because the Labor Party used to talk about public transport but they never delivered. They had old diesel, hotbox clunkers belching soot across the people of this city. We got on with a proper plan and actually delivered new buses, the supporting bus depots and a world-class bus construction facility at Eagle Farm.

Ms Palaszczuk: 200,000 extra services, trains, Darra-Springfield rail line, Gold Coast rapid light rail.

Mr NEWMAN: Our record speaks for itself. We have halved the former government's planned 15 per cent annual fare increases to 7½ per cent. The Leader of the Opposition was interjecting. It was one of her not-so-proud moments to implement a fare increase policy of 15 per cent every year for five years. That was not a great incentive to use public transport. Today I am excited to say that irrespective of the current consultation that is happening, the going-in position before we make any decisions is that over the next three years fares will not rise above the consumer price index—isn't that interesting—because we have stabilised the finances of government and this great state. Our 'nine and free' go card initiative has been a huge success, benefitting up to 80,000 passengers each week. Queensland Rail have added more than 200 train services a day from January this year and it has consistently exceeded its on-time running targets. Where were we under the current Leader of the Opposition when she was transport minister? There was a trough, a 10-year trough, of not-on-time running performance.

Moving on, in July the new Gold Coast light rail system commenced services. Just last week the bus and train project's environmental impact statement and reference design was released for public consultation. We have also initiated a $350 million two-year Road Safety Action Plan leading to the lowest road toll on record. Families across Queensland can feel comforted by knowing that this government has taken road safety extremely seriously. We have delivered the Bruce Highway Action Plan and negotiated an $8.5 billion deal with the Abbott government.

But we are not stopping there. I was pleased to see common sense prevail in Canberra recently with the Commonwealth parliament repealing the carbon tax. Sadly, those opposite in the opposition continue to be unabashed carbon tax supporters. They continue to peddle this untruth that the carbon tax somehow does not add to people's cost of living, that it does not drive up electricity prices, gas prices, council rates or public transport fares. We have seen that myth put to bed in the last few weeks as electricity prices are going down and as gas prices have been signalled to go down in terms of what Origin has been putting out. We have also seen that the Brisbane City Council has provided savings back to consumers, to ratepayers, and we now have the opportunity to lower the cost of living for families and revitalise front-line services by directing $30 million of savings from the scrapped carbon tax to either lower fares or improve public transport services. That is why we announced last week that we are calling on Queenslanders to tell us how the carbon tax savings should be spent. Should it be spent on a five per cent reduction in fares or should it be spent on an additional 1,000 public transport services per week across bus, train and ferry networks? Queenslanders have until midnight this Sunday, 14 September to tell the government what they would like us to do. People can have their say by going to the TransLink website, which is www.translink.com.au, and then voting on the cheaper fares or more services page or by calling TransLink on 131230. Alternatively, people should talk to their local MP. Along with many MPs, I have been out and about on public transport in the last week talking to local communities and listening to what they have to say on buses and trains in the Ashgrove electorate. Whatever people choose, it will ultimately be a win for public transport and a win for Queenslanders.

Abbot Point Beneficial Reuse Strategy

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (9.40 am): Madam Speaker, our government promised better infrastructure and planning and to grow a four-pillar economy. Nowhere is our commitment more evident than our actions to support the development of the Galilee Basin mining projects and the expansion of the critical port of Abbot Point. From day one in government we have worked diligently to unravel the technical, commercial and legal impediments to rail and port developments in the Galilee inherited from the former Labor government.

The Labor government granted a whole host of rights to a range of proponents which made it incredibly difficult for any single proponent to succeed. It was confusion caused by incompetence. Over the last two years we have sought to untie the knots that were wrapped securely around the

Galilee Basin and Abbot Point by the previous incompetent government to ensure that mines have the best chance of being developed and the port can expand in a manner that respects the environment.

After two years of work, this week it has been incredibly gratifying for me to advance our strategy, which will see three million cubic metres of dredge material produced during the expansion of Abbot Point given the chance to be beneficially reused on land that is owned by the Queensland taxpayer. This strategy will create a win-win situation by protecting the unique values of the Great Barrier Reef and allowing for the staged development of this critical port by enhancing valuable port land.

Under the Abbot Point Beneficial Reuse Strategy, the Queensland government will make application to the Commonwealth for dredge material to be reused to enhance land at an existing site within the Abbot Point State Development Area. This plan sees dredge material treated as a resource to enhance port development in the same way that dredge material has supported major expansions at the Port of Brisbane for the last 40 years. Under the arrangements we are seeking to have approved by the Commonwealth, the state government will benefit from being able to use this material as a raw product to value-add state-owned land at the port, and resource proponents will benefit by having a secure, cost-effective means of disposing of dredge material.

Following discussions with industry over the past two years, the state believes that this plan provides a new commercially attractive option for resource proponents to dispose of dredge material when compared to the costs of disposing at sea. With the state government acting as the proponent, there is a reduced requirement for companies to apply for their own Commonwealth approvals and a subsequent reduction in the costs of gaining those approvals and monitoring any disposals at sea. Any commercial arrangements for beneficial reuse between resource companies and the state government will be negotiated on a case-by-case basis, but it is most unlikely that we would ever pay directly for the dredge material.

It is important to emphasise that today's announcement does not affect existing legal approvals for dredging that have already been issued by the federal government. What we are doing is simply offering the opportunity for those operators and operators in the future to consider the beneficial reuse of dredge material on land to enhance the port land that is owned by Queensland taxpayers. We will now ask federal environment minister Greg Hunt to fast-track approval of our strategy under the Environmental Protection and Biodiversity Conservation Act so that the opportunity for proponents to take advantage of this beneficial reuse option can be available by March next year, when the legal permits that currently exist will be actioned.

Only this government has the long-term vision and commitment to proper planning that will unlock the resource-rich Galilee Basin and create up to 28,000 jobs for a new generation of Queenslanders. Today's announcement shows that our government is serious about protecting the Great Barrier Reef and growing the Queensland economy. This plan will ensure that we will deliver on both of those promises to the people of Queensland.

Metro North Hospital and Health Board

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (9.43 am): Madam Speaker, the chair of the Metro North Hospital and Health Board, Dr Paul Alexander, has suspended the chief executive of the hospital and health service and its executive director of corporate services and performance. This was announced to staff yesterday afternoon, in keeping with this government's philosophy of valuing our workforce.

When the board became aware of matters it appointed an external independent investigator. The initial findings of that investigation were advised to the board on the weekend. The board took immediate action on Monday morning to suspend the chief executive and executive director of corporate services and performance. The board also immediately advised the Crime and Corruption Commission that this action had been taken. The CCC subsequently advised the Metro North board late yesterday afternoon that it will review the matter. In these circumstances I will not canvass these details, except to give the public an assurance that there were no clinical or patient safety issues. The issues are matters that relate to employment and procurement.

This government acts on complaints, investigates complaints and suspends if warranted. The problem would be if this government, like our Labor predecessors, did not act on complaints, did not investigate and did not suspend if those actions were appropriate. We all remember that in this very parliament the Labor members opposite voted against an investigation into how over $1 billion in public health funds were wasted and lost on the Health payroll debacle.

Ms Palaszczuk: We had an inquiry!

Mr SPRINGBORG: Which those opposite voted against! We also remember how in this very chamber Labor's current shadow health minister voted to clear the now jailed Gordon Nuttall of potential criminal charges. In an extraordinary manner the parliament was recalled from its Christmas break and a number of members over there voted to exonerate Gordon Nuttall, the failed former health minister, of potential criminal charges.

Since they were formed in 2012, Queenslanders have seen hospital boards confronting difficult issues, clearing waiting lists and fixing the legacy of past failed Labor administrations. After years of Labor incompetence and cover-ups, the difference today is the refreshing candour and competence of our local boards. It is a different world in Queensland Health under this government. The action today taken by the Metro North Hospital and Health Board is another example of new high standards of operational accountability and principles of strong governance and immediate action.

Queenslanders expect high standards from our public officials. Boards exist to provide local communities with direct lines of accountability that can be relied upon. When matters of public accountability arise Queenslanders expect action, not the denials and cover-ups that defined Labor and the actions of their shadow minister when they sat on this side to exonerate one of their own of potential criminal matters. Today, patients and communities come first in our Queensland health system.

Red-Tape Reduction

Hon. TJ NICHOLLS (Clayfield—LNP) (Treasurer and Minister for Trade) (9.47 am): This government recognises that business growth in our state is good for jobs, individuals, communities and Queensland as a whole, but nothing hampers small business growth like red tape, so I am very pleased to inform the House of a new measure that will cut red tape for around 7,000 small businesses in Queensland. From January 2015, small and medium businesses with a payroll tax liability of less than $20,000 will only need to lodge returns twice a year. These businesses are currently filling out paperwork every month to lodge returns on small amounts of tax paid. Now the number of forms that they will be required to fill out will be reduced from 12 to two. As well as the time spent by businesses filling out the forms, there is also the time spent by Queensland Treasury's Office of State Revenue in monitoring and compliance. We estimate that this change will save small businesses a total of about 40,000 hours of time spent on paperwork and $2 million in administration costs.

I was fortunate to hear firsthand the benefits this change will bring when I visited Lynette and Bruce Jones at their business Queensland Sheet Metal, located in the electorate of Nudgee. On that point, can I thank the honourable member for Nudgee for joining me at the announcement we made there last Thursday. Lynette, Bruce and their three children all work in the business, producing a range of sheet metal products. In fact, they used to be known as Jones Roofing and were in the good electorate of Clayfield. But their business has been growing and expanding. They are now employing more people, and I expect even more people to be employed as a result of this change. Lynette was pleased to know that her daughter, who does the paperwork, would now have more time to devote to growing the business instead of filling out bureaucratic forms each month. Theirs is just one of many family businesses that will benefit from this common-sense improvement to managing the payroll tax for small business. That is on top of the lift in the threshold that we introduced when we first came into government and the increase by another $100,000 that will occur on 1 July 2015.

This is just the latest reform in a wide-ranging program of red-tape reduction the government has undertaken to make it easier to do business in Queensland. Over the last two years the government has implemented hundreds of red-tape reform and reduction measures. Businesses are now spending less time filling out health and safety paperwork after we halved the number of forms required. Up to 27,000 farmers and landowners can spend more time farming now that they no longer have to renew their water licences. Plumbers and drainers can perform an expanded range of work without local government permits or mandatory inspections, saving them an estimated $18 million. Of course, we remember a former failed member who introduced a waste tax on every business in Queensland, and we have eliminated that.

The government is committed to its target of cutting red tape by 20 per cent by 2018. By streamlining regulatory processes and reducing compliance and reporting requirements, we are helping Queensland businesses get on with growing and prospering. Only the LNP has a strong plan for cutting red tape so that Queensland businesses can enjoy a bright future.

Public Transport

Hon. SA EMERSON (Indooroopilly—LNP) (Minister for Transport and Main Roads) (9.50 am): Queenslanders have less than one week left to decide how they would like $30 million reinvested into public transport following the scrapping of Labor's carbon tax. Queenslanders have a choice between a five per cent reduction in fares and an increase to bus, train or ferry services. I am pleased to inform the House that more than 18,000 people have voted online at translink.com.au or by phoning 131230. Regardless of what people choose, Queenslanders will benefit from an improved public transport network.

Since coming to office we have delivered a number of improvements for Queenslanders including halving Labor's 15 per cent fare hikes, scheduled in 2013 and 2014. That was a $158 million promise that we delivered. We have introduced free travel after nine weekly journeys—a $38 million promise delivered and one which benefits up to 80,000 passengers a week. In terms of reliability, our trains have gone from a three-year low under the former transport minister, now the Leader of the Opposition, to an all-time high—the best results in Australia. That means that thousands more Queenslanders are getting to work on time and getting home to spend more time with their families. We have also provided an additional 3,000 bus and train services across the network.

While the LNP government has a strong plan to get more people onto public transport, let us not forget the performance of the Leader of the Opposition when she was transport minister. Labor's only transport policy was to put up fares by 15 per cent year after year after year after year after year. In fact, in the last three years under Labor fares went up 52 per cent. Their other policy was to back the carbon tax. Madam Speaker, I can assure you that the LNP government is opposed to both.

Whatever choice is made by Queenslanders, this survey delivers on this government's strong plan to lower the cost of living, revitalise front-line services and listen to Queenslanders on how their valuable taxpayers' dollars are used. If Queenslanders choose a decrease in fares, it will be the first time in Queensland history there has been a state-wide cut to public transport fares.

Of the 18,000 Queenslanders who have voted, 82 per cent are from the Brisbane suburbs, but there has also been strong interest in centres across the state including Mackay, Cairns, Bundaberg, Toowoomba and the Sunshine Coast. Almost six per cent of votes have come from the Gold Coast and 4.5 per cent have come from Ipswich.

The LNP government is getting on with the job of improving affordability, reliability and frequency on the public transport network. We encourage all Queenslanders to have their say by visiting translink.com.au or phoning 131230 before midnight this Sunday, 14 September.

Gold Coast Commonwealth Games

Hon. JA STUCKEY (Currumbin—LNP) (Minister for Tourism, Major Events, Small Business and the Commonwealth Games) (9.53 am): An efficient transport system is crucial to Queensland's prosperity and will be pivotal to the success of the Gold Coast 2018 Commonwealth Games. Transporting up to 150,000 people per day over the 11 days of the Commonwealth Games on time, in comfort and in an efficient manner is no easy task. But that is the challenge that we will meet to create a stimulating atmosphere and a safe and enjoyable event. It is equally important that we minimise the impact on our local Gold Coast citizens as they go about their daily routines.

As part of this government's detailed planning process, Goldoc has released a draft transport strategic plan for community consultation. The work we do now will not only ensure a successful transport network for the games but also provide a platform for a lasting and sustainable legacy across the Gold Coast. The draft plan draws on tried and tested transport strategies and considers lessons learned from the recent Glasgow 2014 Commonwealth Games. Goldoc has put forward a multifaceted proposal that encourages active forms of transport such as walking and cycling. It also focuses on the use of public transport options including free travel on public transport for ticketed spectators within a defined area. Public briefings with key stakeholders are taking place and the community is invited to review the plan and have their say through the Goldoc website.

We are building a strong foundation for the largest sporting event in Australia in over a decade. Some 30,000 new jobs will be created, with an expected $2 billion economic benefit to our great state. Our significant infrastructure investment will create a suite of world-class venues and leave a lasting legacy our city will be proud of. More than a thousand jobs will be created during the design and construction phase of sporting venues alone, with the Commonwealth Games Village generating a further 1,500 jobs.

As I highlighted last sitting, thanks to our forward procurement plan this government has maximised the opportunity for local business to get involved. We do not underestimate the job that lies ahead of us in getting ready for these games. This government has a strong plan for a brighter future and we will deliver the best games ever for the Gold Coast and for all of Queensland.

Community Services

Hon. TE DAVIS (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (9.56 am): Our government has a strong plan for a brighter community services sector. Community services is one of the fastest growing sectors in Queensland, and this growth is set to soar with exciting reforms already underway in my portfolio such as the National Disability Insurance Scheme and the stronger families reforms. With all of this growth it is important to have a plan to keep the community services sector sustainable and strong, which is why in June I released the blueprint for social and human services, Investing in Queenslanders. This blueprint clearly sets out our government's priorities for investing in services and building capacity in the sector over the next five years so that we can have the best social and human services in the country.

This blueprint was developed in response to feedback from the community services sector and will be developed in partnership with the sector. As a priority, as part of this plan we are making it easier for community organisations to do business with the department. Previously, funding was administered under three separate acts of parliament, all with different provisions. This was burdensome not only for community organisations to comply with but also for the department to administer. To simplify community services funding, earlier this year we passed legislation that slashed red-tape costs for funded organisations by up to $2.6 million each year so that they can focus on their core business of delivering front-line services to Queenslanders.

As I have mentioned in the House previously, the NDIS is expected to create an extra 13,000 jobs on top of current growth in the sector. These jobs will mean better health care and improved day-to-day living for an estimated 97,000 Queenslanders with a disability. To meet increased demand for services, we are calling on Queenslanders to consider a fulfilling career in the community services sector, whether they have recently left school, are looking to rejoin the workforce or perhaps are just contemplating a career change. There are many opportunities out there for Queenslanders to take up.

Preparation to build the capacity of this workforce has already started. The Queensland government has committed $1.9 million under the Sector Readiness and Workforce Capacity Initiative, to assist the non-government community services sector and its workers to prepare for the NDIS. We are delivering strong plans that will ensure the continued growth of this sector. The jobs created will support Queenslanders with a disability, their families and their carers right across this state.

ELECTRICITY COMPETITION AND PROTECTION LEGISLATION AMENDMENT BILL

NATIONAL ENERGY RETAIL LAW (QUEENSLAND) BILL

Cognate Debate

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

That, in accordance with standing order 172, the Electricity Competition and Protection Legislation Amendment Bill and the National Energy Retail Law (Queensland) Bill be treated as cognate bills for their remaining stages, as follows:

(a) second reading debate, with separate questions being put in regard to the second readings;

(b) the consideration of the bills in detail together; and

(c) separate questions being put for the third readings and long titles.

Motion agreed to.

PARLIAMENTARY CRIME AND CORRUPTION COMMITTEE

Parliamentary Crime and Corruption Commissioner, Report

Mr DAVIES (Capalaba—LNP) (10.00 am): I lay upon the table of the House a report of the Parliamentary Crime and Corruption Commissioner, Mr Paul Favell, on the work and activities of the Crime and Corruption Commission relating to the controlled operations in the exercise of its crime

function under chapter 11 of the Police Powers and Responsibilities Act 2000. The parliamentary commissioner is required to inspect the commission's compliance with the controlled operations provisions at least annually. In this report, the parliamentary commissioner advised that he found the CCC chairman's report on the commission's controlled operations between 1 July 2013 and 30 June 2014 to be comprehensive and adequate. The parliamentary commissioner inspected the commission's controlled operations records on 24 July 2014. This inspection verified the information provided to the parliamentary commissioner by the CCC chairman in his reports. Section 269(5) of the Police Powers and Responsibilities Act 2000 provides that the committee chair must table the report within 14 sitting days after receiving the report. The committee received the report on 12 August 2014. I commend the parliamentary commissioner's report to the House.

Tabled paper: Parliamentary Crime and Corruption Commissioner: Report of the work and activities of the Crime and Corruption Commission under Chapter 11 of the Police Powers and Responsibilities Act 2000, August 2014 [5873].

NOTICE OF MOTION

Gold Coast Cruise Ship Terminal

Ms TRAD (South Brisbane—ALP) (10.01 am): I give notice that I will move—

That this House:

- notes that Gold Coast residents value The Spit, Wave Break Island and the Broadwater as important community assets;
- notes that the proposed Gold Coast cruise ship terminal will put these community assets at risk;
- notes that the former Labor government supported sustainable development on the Gold Coast including the new light-rail system, the Gold Coast University Hospital, and a new convention centre; and
- calls on the Newman LNP government to join Labor and rule out development on The Spit, Wave Break Island and the Broadwater.

QUESTIONS WITHOUT NOTICE

Madam SPEAKER: Question time will finish at 11.01 am.

Metro North Hospital and Health Board, Allegations of Corruption

Ms PALASZCZUK (10.01 am): My question without notice is directed to the health minister. I refer to revelations last night that two senior executives from the Metro North Hospital and Health Board have been stood down, and I ask: will the health minister explain to this House and the Queensland public why these two executives have been stood down and will he explain to this House and the Queensland public the allegations of corruption that have been referred to the CCC?

Mr SPRINGBORG: We have had a remarkable conversion on the road to opposition, because the sort of vibe of openness and accountability that we just heard from the Leader of the Opposition certainly did not permeate through the Leader of the Opposition when she sat on this side of the parliament and certainly did not permeate through the Leader of the Opposition when indeed only a year or so ago she voted against having an inquiry into Labor's bungled Health payroll system. Indeed, the Leader of the Opposition had to be dragged kicking and screaming to make available information which was crucial around the matter of the $1.253 billion which she absolutely evaporated—went up in smoke, immolated overnight and left a trail of carnage right across Queensland. Let us compare and contrast that with the issue surrounding the fake Tahitian prince. When people actually tried to bring this to the attention of her predecessors and those within the department, they were not supported. Today when issues are raised, they are not only taken seriously; they are investigated and referred to the appropriate authorities.

As I indicated in my ministerial statement, the hospital and health service became aware of some information. It then convened an independent investigation into that. As soon as it was in receipt of the results of that investigation, the board chairman convened an extraordinary meeting on Sunday and informed the board, the two people were stood down on Monday and the matter was referred to the Crime and Corruption Commission—as is the appropriate process. I have already informed the House in broad terms what the issues relate to. It will be up to the Crime and Corruption Commission as to how it wishes to inform from here on in. But it is typical that those opposite do not understand appropriate investigative processes and when they do they seek to cover up, because there are three members sitting over there who in 2005 came into this parliament after the Christmas break had been called and voted to exonerate Gordon Nuttall from charges of criminality. One can

only imagine what would have happened if that had been done in this place back in the 1980s. One can only imagine! In this Leader of the Opposition we have a person who so fundamentally misunderstood her responsibility as a minister that she misused over $4,000 worth of public funds to put out material which Anna Bligh then forced her to repay. So we have somebody sitting on that side who does not understand the basics of public accountability.

Newman LNP Government

Ms PALASZCZUK: I got no answer to that question! My question is to the Premier. Given the health minister has said nothing more than the issue relates to employment and procurement contracts, is this just another example of the jobs for the boys and contracts for mates culture that is part of this LNP government?

Mr NEWMAN: I thank the Leader of the Opposition for the question and I think that the minister has proactively and appropriately dealt with the matter this morning with his ministerial statement. I do not know that I can add a whole lot more, but if I go back a step I can talk about what we have done and what this government's vision is in relation to the public health system. We established independent health service boards to unshackle our health and hospital systems from centralised bureaucratic control. Over the last two years and four or five months we have worked hard to change the culture in Queensland Health. The culture that we are creating is a culture that is centred around patient care. Make no mistake: our objective is to create the best free public hospital system in the nation, but we want a culture of care, of caring, a culture that is about ensuring that the patient comes first and that we provide every possible mechanism to ensure that patients are looked after and that their families and loved ones are looked after as well. That is what our vision is and that is what we are well on the way to achieving.

In relation to the matter at hand, I want to assure honourable members that it does not relate to patient care. The issue is one that relates to the things that the health service board has found out in relation to some allegations about the activities of the executives in question and procurement matters. The thing I particularly want to note, though, is that the Metro North health service under the leadership of Dr Paul Alexander is going from strength to strength. Whether it be the emergency department's performance, whether it be the surgery waiting times, whether it be the dental waiting lists, we have been—

Opposition members interjected.

Madam SPEAKER: Pause the clock. I warn members on my left. Your interjections are out of order and I warn you to cease your interjections. I call the Premier.

Mr NEWMAN: Whether it be any of the things that Queenslanders expect their health service to deliver—any of these metrics—the hospital service on the north side of Brisbane is doing a far better job today. But going back to the question, people can take comfort that the matter has been promptly and expeditiously referred to the Crime and Corruption Commission—not swept under the carpet as in the case of the sad and tragic events up in Bundaberg several years ago. People can have confidence that this health minister, his Health bureaucracy and the health services are ensuring that they improve the service available to Queenslanders, as I have outlined today.

Townsville Electorate, Transport Services

Mr HATHAWAY: My question without notice is to the Premier. Can the Premier outline to the House how transport changes have cut the cost of living for people in Townsville and helped improve services?

Mr NEWMAN: I thank the member for Townsville for the question, because the member spends a lot of time listening to his community. He is a dedicated, committed local champion for the people of his electorate. I will give members some examples of that today. He campaigned for and secured the student flexi 10-trip multipass for Magnetic Island ferry services. I say well done to him on that one. He successfully pushed to run bus route 200/201 from the Breakwater ferry terminal to James Cook University and the hospital. The member for Townsville sits on and co-chairs the Palm Island Transport, Tourism and Economic Development Committee and has helped boost ferry services to the island from four to five services per week. Finally, and I think most significantly, he fought for—and it is a great credit to him and Mayor Alf Lacey—the improvements to the Palm Island wharf. That has been a great boon to that community. Before, they were slaves to the tide. That is the way to put it. No longer. Now, they can have an efficient, reliable ferry service without worrying about the tide.

In relation to the current consultation effort, this is the opportunity for a local member to talk to his constituents some more about these public transport issues. We are putting two things on the table with this consultation alone and it does not just apply to South-East Queensland; it applies to people in regional cities and towns. They can have a choice between more services or they can choose lower fares. If they choose lower fares, a regular weekday passenger could save between $88 a year and $132 a year depending on where they are travelling around Townsville.

Before I move on to the service issue, again, these savings are real. They are tangible. They can be delivered from November. Yet these are savings that the Labor Party pretended did not exist, because the Labor Party voted against a motion in relation to us calling on their federal colleagues to get rid of the carbon tax. We know very clearly that the carbon tax did cost people across the nation and in Queensland and that removing the carbon tax allows savings to be delivered back—cost-of-living savings.

If we go with additional services, there are possibilities for extra services. We have already been delivering extra services in Townsville. So it will be interesting to see what the member comes back with as a result of his consultation. We have already introduced an hourly bus service on Sundays, for example, on route 203. We have also added a route 206 service in Townsville. So we will be interested to see the consultation—

(Time expired)

Central Queensland Hospital and Health Service

Mrs MILLER: My question is to the Premier. I refer to the government's decision to cut almost 4,400 positions from Queensland Health and I ask: will the Premier guarantee that these job cuts have played no part in the number of unexpected deaths and injuries recorded at the Central Queensland Hospital and Health Service?

Mr NEWMAN: The short answer is yes, but I am afraid that the question, again, shows the tactics and, I suppose, the ethical position of the members of the Australian Labor Party in this place. What an extraordinary suggestion and assertion to make. We have come in here week after week, month after month and we have spoken to Queenslanders about our vision for Queensland Health and the huge and positive changes that have occurred to the quality of patient care. We now have a system that is performing far better than ever before. The ultimate vision is that, around this nation, Australians will look at Queensland and say, 'They are doing it well in Queensland. How can we get a health system like they are delivering in Queensland?'

Mr Mulherin: That's not what the community is saying.

Mr NEWMAN: I will take the interjection from the member for Mackay. The community is saying that. We have research that demonstrates—

Ms Trad interjected.

Madam SPEAKER: Pause the clock. I warn the member for South Brisbane under standing order 253A.

Mr NEWMAN: We know that people are seeing the improvements in Queensland Health. We know that on a daily basis those who have an experience with the health system across the state are seeing a positive improvement. Are those opposite really saying that the hardworking nurses and doctors and administrators are not doing a better job today? Surely, they are not saying that. I think that would be a quite reprehensible and odious thing. The budget today is $2 billion a year more than when we came to office. That is right: $2 billion a year more than when the member for Bundamba, the member for Inala and the member for Mackay voted for the last Labor budget—$2 billion a year more, 18.6 per cent more. But the money is going to the front line.

In relation to what has transpired at Rockhampton Hospital, I say this: we are determined to do a better job. We are determined to do a better job and so is the local hospital and health service. These issues have been detected as going back quite a few years—back to their watch. But we are not pushing the blame over there. We are saying that we will deal with it and so will the local hospital and health service, because they have been empowered with a bigger budget to do a better job. Unlike those opposite, who covered up the Bundaberg tragedy—the sad and terrible events up there—we are openly talking to the local community and getting to the bottom of these issues. That is the difference between them and us: a higher budget here, 18.6 per cent higher, $2 billion a year more in the Health budget, a commitment to quality, a commitment to excellence, a commitment to

openness and accountability; in contrast with those opposite, a culture of cover-up and secrecy and an actual starving of the health system in terms of the budget. So the answer again to the question is no. I have every confidence that we will see a better health service—

(Time expired)

Cairns Electorate, Transport Services

Mr KING: My question without notice is to the Minister for Transport and Main Roads. Can the minister please advise how this LNP government is supporting public transport in Far North Queensland and revitalising the great city of Cairns?

Mr EMERSON: I want to thank the member for Cairns and I want to acknowledge the ongoing efforts of the member for Cairns to improve public transport in his community. Gavin King has been a strong advocate for his community. Just last Saturday I was pleased to join the member for Cairns, the member for Barron River and the Mayor of Cairns, Bob Manning, to celebrate the opening of the new Cairns Central bus station at Lake Street. From Monday this week, we added an additional 113 weekly services per week—113 extra weekly services, improving reliability and frequency for residents and tourists.

Madam SPEAKER: Could you please pause the clock. I am going to reset the microphones.

Mr EMERSON: This upgrade has been welcomed by passengers, local small business owners and retailers in the Lake Street area. Just yesterday, a local small business operator on Lake Street Neil Sloggie was praising the efforts of the member for Cairns. He wrote the following to the member for Cairns—

A quick note just to say how happy my neighbours and I are with the new bus arrangements. Moving buses from Abbott to Lake street is a massive positive development for us.

Along with this boost to public transport, this government is committed to doing more to improve affordability and revitalise front-line services. Last week we asked the local community to tell us how they wished $30 million of carbon tax savings should be spent. The member for Cairns has been actively engaged with the community, listening to their preferences. If people choose a reduction in fares, a regular weekday passenger in Cairns could save between $88 a year and $220 a year. I contrast the member for Cairns' efforts to listen and to deliver with those of the Leader of the Opposition when she was transport minister.

When asked about the pain her 15 per cent increases were causing, she told Spencer Howson in 2011, 'I'm out there. I'm listening', and then she put the fares up 15 per cent. She was out there, she was listening and then she put the fares up 15 per cent. That is Labor's idea of listening. That is Labor's idea of being out there. She put the fares up 15 per cent. People like the member for Cairns are out there listening. They are part of an LNP government that delivers, unlike Labor whose only policy was to put fares up 15 per cent. The last Labor government's only policy was to put fares up by 52 per cent in just three years. As I pointed out in my ministerial statement earlier, if people choose the five per cent cut in fares it will be the first state-wide cut in public transport fares in this state's history.

Central Queensland Hospital and Health Service

Mr BYRNE: My question is to the Premier. I refer to reports that the Central Queensland HHS has had high rates of death and injury from unexpected incidents and I ask, particularly in light of the comments this morning of 'we will deal with it': will the Premier commit to an independent inquiry into how the quality of health services from the Central Queensland HHS has been placed at risk by this government?

Mr NEWMAN: I thank the honourable member for the question. It is right and proper that as the local member he would ask such a question here today, but may I just develop my theme from the previous answer that I gave and assure the member that indeed investigations are underway and I can only point to the totally open and transparent way that the health service has conducted itself to date.

Opposition members interjected.

Mr Pitt: Tell us the metro north details!

Madam SPEAKER: Order, members. I now warn the member for Mulgrave under 253A.

Mr NEWMAN: As I was saying, I am seeing nothing but openness and transparency from the hospital service that has initiated a dialogue with the local community through the media, that has run a full press conference, taken questions and has now got on with the job of actually dealing with the issues that it too has inherited. The front-line facts sheet that I have in front of me here does though show a very good picture of improvement for that health service. I am not for a moment suggesting that there are not issues that should be dealt with. Again I say they will be dealt with, unlike Bundaberg and the sad tragedy that played out there some years ago. We are seeing a health service that has been open about the issues. It is being open with the community and it is determined to deal with some underlying issues. We are seeing a minister and his health bureaucracy that are also providing support to get to the bottom of these things.

But while we are on the subject, let us look at what the health service has achieved in the last two and a bit years in Central Queensland. Let us see, for example, the number on the Queensland Health public dental waiting list. In February 2013 there were 62,500 overall across the state. That is down to zero. There were people in the member's own area who were waiting. If we look at the elective surgery waiting times, they have been dramatically improved. So have ambulance response times. The time off stretcher when someone arrives at the hospital has improved as well. These statistics all apply to this health service and, indeed, health services across the state.

Just to sum up again: there is a totally open, totally transparent approach to this and I assure the community, both in Central Queensland and across the state, that nothing but the highest possible standard of quality of care for Queenslanders is acceptable to this government.

Public Transport

Mr GULLEY: My question without notice is to the Premier. Can the Premier outline to the House how this government has improved public transport for people in Murrumba by listening to what they have to say?

Mr NEWMAN: I thank the member for Murrumba. How well does he compare to his predecessor? It is refreshing. I know that the honourable member has done something that is pretty special and pretty spectacular when it comes to this public transport issue: he has caught the bus on every single bus route across his electorate to understand these routes firsthand, to understand how well the buses are performing, to understand what his constituents are saying and what their public transport experience is. It is sad that those opposite would gossip amongst themselves and say a few disparaging remarks. Who are they disparaging? A Labor member would not have that integrity or commitment. The Labor members allowed the bus system in South-East Queensland to degrade. They allowed the fares to go up 15 per cent every year. The Leader of the Opposition one day should come into this place and actually explain to the House what motivated her and her fellow former cabinet members to actually support a 15 per cent, 15 per cent, 15 per cent, 15 per cent, 15 per cent—five years in a row—fare increase policy. What sort of decision was that? I would love one day to hear an explanation for that as a public transport fare policy. It staggers all expectations and conventional wisdom.

The member has been out listening and I again commend him for that. Members on this side of the chamber have been out listening to the community on this important issue: this trade-off between carbon tax savings being used to lower fares or improve services. Here is the information to date. If people were to choose a reduction in fares, a regular weekday passenger travelling from Brisbane to Murrumba Downs—that is six zones—could save an additional $142.56 a year. That is an $897.16 saving per annum compared to what passengers would have paid under the policies—the failed, discredited policies—of the Australian Labor Party. We promised cost-of-living relief and we have delivered cost-of-living relief and there is more that we can do, potentially. Alternatively, we can go with more services.

While I am on the issue of the member's electorate, we are getting on with the Moreton Bay Rail Link, but one of the important changes we have made, with the member's support, is to increase the number of car parks at the Murrumba station from 600 to 1,000. Again, that is something Labor members would not do because they would not work hard enough for the local community. We have also seen the completion of the North Lakes bus station providing better services to local communities.

Madam SPEAKER: The Premier's time has expired. I call the Deputy—

Mrs D'Ath interjected.

Madam SPEAKER: Before I finish calling the Deputy Leader of the Opposition, I warn the member for Redcliffe under 253A for interjecting. I call the Deputy Leader of the Opposition.

Health Quality and Complaints Commission

Mr MULHERIN: My question is to the Premier. I refer to the health minister's decision to sack almost 100 staff from the state-wide Patient Safety Unit and to abolish the independent Health Quality and Complaints Commission and I ask: will the Premier confirm that this government has been more concerned with outsourcing at the expense of patient care and will he commit to reinstating the HQCC?

Mr NEWMAN: I say to the opposition that I am happy to talk about the improvements in the health service for all of question time today because the results speak for themselves. We have a better, more caring and positive health service today than we did three years ago. That undoubtedly is the case. I have been making that point today and I will continue to make that point. All the statistics and metrics show that the health service today is performing better. Elective surgery waiting times have been improved. Ambulance response times have been improved. Public dental waiting lists have been slashed. We have seen a change in the culture, which I am very excited about, that is being commented on all the time. When I get feedback from patients and from parents of patients or families of patients I just continue to be very touched by the stories of individual Queensland Health service employees who are going above and beyond the call of duty—making the difference.

Recently I received a letter from a member of the media who covers state parliament. I am not going to disclose who it is. They commented very positively on the level and quality of care received in the Metro North health service. I thank that journalist for taking the time to write. I assure that journalist that the feedback has been passed on to the clinical people concerned.

In relation to some of the false assertions in the member's question, we now have a Health Ombudsman. I have received complaints about the former HQCC. If the honourable member really wants to push whether the HQCC was performing, with the permission of a man on the south side of Brisbane I would be more than happy to release certain confidential and private letters, if that individual wished them to be released. I can tell the House now that that gentleman was not happy with the HQCC. In fact, he was strident in his criticism and his condemnation of its approach. That is why we now have a Health Ombudsman.

I reject the Labor Party's assertions. There are so many positive changes. The budget is $2 billion a year more, which means it is 18.6 per cent higher. The money is going to the front line where it matters. Health services are taking accountability for the delivery of health services and we are seeing very positive improvements. Is there more that we need to do? Absolutely! As we go forward over the next couple of years, the Queensland health system will be the envy of the nation, because it will provide a quality of care, a standard of care and, more importantly, it will provide literally care, that is, a caring approach to patients and their families, that will be the envy of the nation.

Gympie Electorate, Public Transport

Mr GIBSON: My question without notice is to the Minister for Transport and Main Roads. Those who use public transport in Gympie are very aware of the cost of public transport fares. Is the minister able to advise what the government has done to address this and what plans there are to tackle affordability?

Mr EMERSON: I thank the member for Gympie for his question. I know the member is well aware of how important rail is to his community of Gympie through to the community of Cooroy and on down to Nambour. He has championed the smarter use of go card on our existing Traveltrain network and the provision of an additional service from Gympie North station. As part of our promise to improve frequency on the network, in January this year he also delivered on additional morning and afternoon peak train services on the Sunshine Coast rail line.

Since coming to office, the LNP government has halved Labor's planned 15 per cent fare hikes, which were scheduled for 2013 and 2014. We have delivered that $158 million promise. We introduced free travel after nine weekly journeys, which is a promise that has delivered for 80,000 passengers a week. Our trains have gone from a three-year low in terms of rail reliability—that is, whether they arrive to a station on time and leave on time—under the former transport minister and now Leader of the Opposition to an all-time high. Ours are the best results in Australia. Thousands more Queenslanders are getting to work on time and they are getting home on time, meaning that they can spend more time with their families. In that same time frame, we have added an additional 3,000 bus and train services across the network.

However, the member for Gympie and I are not the only ones who believe passengers are benefitting from our policies. As members will know, at the moment we are out there talking to the public about the use of the $30 million in savings from the axed carbon tax and putting forward the policies of cutting fares or increasing services. The other day I was on 4BC with the member for South Brisbane who was repeatedly attacking our policy. Finally, Patrick Condren asked her, 'How would you spend the $30 million?' This is the answer from the member for South Brisbane: 'Well, we would give it back through cheaper fares'. She went on to say, 'Or we could add services'. I want to thank the member for South Brisbane for being a strong advocate for the LNP policy. It was a fine performance by her on 4BC. Queenslanders have less than one week to decide how to reinvest the savings from the scrapped carbon tax back into public transport. The choice is a five per cent reduction in fares or increased transport services. If people do choose a reduction in fares, a regular weekday passenger travelling from Brisbane to Gympie, which is 23 zones, could save an additional $440 a year, that is, $2,800 in savings compared to what passengers would have paid under Labor.

Mount Isa Water

Mr KATTER: My question is to the Minister for Energy and Water Supply. In 2012-13 the state government drew a profit from the Mount Isa Water Board of $5.02 million and will soon stop returning any dividend back to the users. That profit is taken on the basis that a safe and reliable supply is provided, but when the $3.2 million cost of the blue-green algae treatment rose, none of the profit was used to stop a $440 levy on residents. Given that the dam was 100 per cent paid for by Mount Isa Mines will the government divert even a portion of the profits, in addition to the dividend, to stop this overwhelming cost burden?

Madam SPEAKER: Member for Mount Isa, the question was not clear. I did not clearly hear the end of the question. I am going to ask you to please repeat it and to be clear about the question component.

Mr KATTER: Certainly. Given that this dam was 100 per cent paid for by Mount Isa Mines will the government divert even a portion of the profits, in addition to the dividend, to stop this overwhelming cost burden?

Mr McARDLE: I will give it my best shot. I think we are talking about water in Mount Isa and dividends and blue-green algae. I think that the member is quite well aware that I had a meeting with Mayor Tony McGrady some time ago and if I recall correctly—and if I am wrong, let me know—with the member himself, at least in passing, on this issue. The situation is that my department is working with the Mount Isa City Council to develop a regional water supply and security assessment for the Mount Isa region. The state government is acutely aware that there are issues in Mount Isa around the supply of water. We are quite happy to work with that council and, indeed, with the member to try to find a solution. I have made it quite clear in the past that these issues need to be dealt with at the local level. There is also the capacity for the council to apply for Royalties for the Regions grants to assist it in relation to this matter. My understanding is that it has already done so and half a million-odd dollars has been supplied, if I am correct in relation to this particular matter.

The government understands that Mount Isa is certainly going through a tough time. I make the point that western Queensland is in the grip of a very serious drought and the government is helping as best we can to assist all people, all shires and all businesses across the state. We are certainly here to offer a helping hand and to make whatever we can available to the relevant shires. It is intriguing to note that there have been two successive seasons of low rainfall, combined with the blue-green algae issue in the Mount Isa region. As I said, certainly we are working with the council to develop a long-term plan to ensure water supply does occur.

If I recall the figure correctly, in the Mount Isa Water Board budget $3.7 million was allocated to assist in regard to alleviating the water supply issues in the region. The board is working well with the local council to alleviate those problems. The member should also be aware that we have put into the public arena the *WaterQ* document to assist with the supply of water right across regional Queensland. That is a broad document. It is a very high-level document to ensure that we get long-term benefits for all people across the state, in the south-east and also in regional Queensland. We will continue to assist Mount Isa as best we can, but again we will not be owning this problem. The *WaterQ* document can certainly assist. We are very hopeful of working through the assessment process with my department and the local government council to get a long-term benefit and a long-term outcome. Of course, the member is more than welcome to talk to me, if he feels so inclined. I will sit down with him and we will do what we can to assist. The government is acutely aware of the needs of the Mount Isa region.

(Time expired)

Mount Ommaney Electorate, Public Transport

Mrs SMITH: My question without notice is to the Premier. Can the Premier outline to the House how this government's vision for public transport has benefited the people of Mount Ommaney?

Mr NEWMAN: I thank the member for Mount Ommaney for her question. I know that she has been spending a lot of time listening to her electorate on the public transport and traffic congestion issues. There are some significant developments underway that will allow better travel times for those driving private motor vehicles. There are also great public transport opportunities arising from the Brisbane City Council's Legacy Way tunnel project, supported by the federal government, and the roadworks on the Western Freeway.

In relation to specifically listening, recently the honourable member has, for example, been at the Corinda National Seniors meeting and heard how the additional staff at the Corinda station has actually made elderly passengers feel much safer. It has allowed them to get about more easily. The presence of those staff has actually encouraged elderly people who felt a bit insecure about these matters to use the public transport system.

The member has been fighting to get better services for commuters in her electorate, including extra go card top-up facilities in the western suburbs—again making it easier for bus and train passengers to get free trips after nine trips. I do need to reflect that the implementation of the go card system was always a great concern of mine and the current Lord Mayor, Graham Quirk. In the original contract there were quite silly provisions for the rollout of the go card top-up machines. They should have been everywhere. One of the things that the member for Mount Ommaney and other local members have had to fight for is the rollout of more of these things. It was such a bad contract that the former government entered into.

Other feedback from the honourable member's electorate is that the businesspeople down at Darra are saying that the trains are now running on time. They have noticed—

Ms Palaszczuk interjected.

Mr NEWMAN: I will take the interjection. On-time performance is not about more services; it is actually about getting things sorted out—dealing with the maintenance issues, having a culture of quality and service and actually delivering, unlike when the Leader of the Opposition was the transport minister and we reached the low point of 86 per cent on-time running performance. I am happy to report that on the Ipswich line—and this should be important to the Leader of the Opposition because her constituents are probably interested in this—there is an on-time running performance of 97.59 per cent. Congratulations to the hardworking folk at Queensland Rail.

Very quickly, to wrap up, if people choose lower fares as part of this consultation people from the Mount Ommaney electorate—four zones—could save an additional $110.88 a year. That is a $701.36 saving compared to what they would have saved under Labor.

(Time expired)

Gold Coast University Hospital, Obstetrics

Dr DOUGLAS: My question is to the Minister for Health. Minister, there are 15 reported critical incidents in obstetrics at the Gold Coast University Hospital. I table a reply to a question on notice from the minister's department regarding the caesarean section policy at the Gold Coast University Hospital. In that reply his office quoted the key reference from the women's hospital Australia group, of which the existing director of obstetrics and gynaecology at the Gold Coast University Hospital is a board member. I ask: what will the minister provide by way of a correct, independent assessment that can reassure the Gold Coast public that obstetrics at the Gold Coast University Hospital is safe?

Tabled paper: Response to question on notice No. 551, asked on 5 August 2014, regarding obstetric care at the Gold Coast Hospital and Gold Coast University Hospital [5874].

Mr SPRINGBORG: I thank the honourable member for his question. As the honourable member knows, the quality of the obstetric service on the Gold Coast is extremely high. Only recently the Premier and I visited that particular hospital. We had the opportunity to visit and thank the staff in the neonatal intensive care unit and the critical care unit.

One of the great embodiments of the support and confidence that people have in that service is the extraordinary uptake. We have women coming from as far away as the northern suburbs of Brisbane and the northern parts of New South Wales to birth in the birthing unit at the Gold Coast University Hospital due to the service that it offers. There has been a quite unprecedented surge in

the number of women who are birthing there and those who desire to birth there, including a significant number who are coming from the private sector because of the facilities. I would like to point out that the Gold Coast Hospital and Health Service has been the single largest beneficiary of the budget increase by the Newman government—a 40.1 per cent or over $300 million budget increase since we came to office in this state.

It is also true that the honourable member put a question on notice to me with regard to concerns that he had about caesarean rates being lower than they should be at the Gold Coast University Hospital and this potentially compromising care. I simply say that if the honourable member has substantive issues around that matter then he should actually raise them in an appropriate way. I have no doubt that the hospital and health service's internal processes with regard to patient safety, credentialing and the necessary oversight will ensure that, if there are issues and incidents which are above what they should be or critical incidents, then they will be properly dealt with.

There is no perfect level for caesarean section, other than to say that the World Health Organisation recommends a rate below 20 per cent and towards 15 per cent. We have caesarean section rates in our public hospitals of below 30 per cent. In the private sector the rate is around 50 per cent and up to 100 per cent for some obstetricians and gynaecologists. What we need to do is increase the normal birthing rate in this state—the non-surgical intervention—and encourage—

Dr DOUGLAS: I rise to a point of order, Madam Speaker.

Madam SPEAKER: Pause the clock. What is your point of order?

Dr DOUGLAS: I asked whether the minister could provide a correct, independent assessment.

Madam SPEAKER: Please take your seat. The minister is answering the question. I call the minister.

Mr SPRINGBORG: Of course we take these issues very seriously. This is up to the clinician and those who are responsible for overseeing this particular unit and providing the best obstetric and gynaecological service on the Gold Coast. I can assure the honourable member that that will always be our primary focus.

Ipswich West Electorate, Public Transport

Mr CHOAT: My question without notice is to the Minister for Transport and Main Roads. Can the minister please advise how much commuters in Ipswich are saving due to this government's policies in respect of public transport fares and how this compares to alternate approaches?

Mr EMERSON: I thank the member for Ipswich West for his question. The member for Ipswich West has done some outstanding work rejuvenating public transport in his community. That is where I was born. My home town is Ipswich as well.

The member has brought the rail industry back to Ipswich through the Wulkuraka maintenance centre. This facility will service, maintain and repair 75 new six-car trains over the next three decades—over 30 years. At its peak, the project is expected to create 514 full-time local jobs in engineering, design and maintenance.

He fought and saved route 514 when the previous Labor government axed it in 2010 without consulting the community. He ensured the service continued and we even got it extended to Booval Fair shopping centre. In addition, he was an advocate for making the 516 bus route more frequent and for it stopping in May Street.

This is a local member who listens. He has been listening to his constituents about how the government should give back the carbon tax savings through lower fares or increased services. If people do choose lower fares, a regular week day passenger travelling from Rosewood to Brisbane, which is nine zones, could save $170 a year. Add that to our other initiatives, and that is a $1,130 a year saving compared to what passengers would have been paying under Labor's policies if Labor were still in power. If people choose to have an increase in services, we could see approximately 1,000 additional public transport weekly services allocated across the state.

The member for Ipswich West may remember that this October—next month—marks a very dark day in Queensland's public transport history. It is the fifth anniversary of that decision by the former government—five long years ago. Labor put out an 844-word press release. Hidden in paragraph 20 of that lengthy press release were the words 'Fares will increase 15 per cent each year'—15 per cent a year. They hid it away five years ago and this October marks the anniversary of that dark day for public transport users. It has been five years since the Labor cabinet approved

15 per cent fare increases year after year. Who was in cabinet? The member for Mackay agreed to it as well as the member for Inala, who became the flag bearer for the 15 per cent increases when she was transport minister. Stirling Hinchliffe was part of the cabinet who voted for it as was Cameron Dick. We have seen the merry-go-round of failed ministers who had just one plan for public transport and one plan alone: a 15 per cent fare increase year after year after year.

State Penalties Enforcement Registry

Mr WELLINGTON: My question is to the Premier, and I ask: will the government amend the State Penalties Enforcement Registry's debt collection process to make sure that, once someone is registered with SPER and before SPER commences enforcement action against a person, SPER is required to send a copy of the enforcement order by registered mail to the person concerned?

Mr NEWMAN: I thank the honourable member for his question. The issue of SPER is an ongoing one in terms of reforms that were undertaken to try to ensure that people meet their obligations to the community when they have been fined. I recognise that the member is almost implying in his question that often people feel they did not get a letter from SPER. Obviously registered mail would be a way of dealing with that but it also might come at a significant cost in terms of recovery action. Nevertheless, I am happy to say today that we are open to suggestions. I know the Treasurer has listened with interest and will take it on board.

Sunnybank Electorate, Public Transport

Mr STEWART: My question without notice is to the Premier. Can the Premier outline to the House how the people of Sunnybank have benefited from this government's can-do attitude to public transport?

Mr NEWMAN: I thank the member for Sunnybank for his question because he has been fighting for improved public transport in his electorate. He has also been campaigning for improvements to the road infrastructure. In particular I point to the work that he has done in campaigning for an extension of Warrigal Road as part of the Greenlink project, which will improve bus efficiency and divert buses away from the very, very busy Miles Platting, Padstow and Logan roads intersection. He joined the transport minister earlier this year to announce some additional 27 peak train services at Altandi station, which again is all part of the track record over the past 2½ years of this government getting on and professionally and diligently improving public transport services right across South-East Queensland and, indeed, across the state.

The member has also been doing a lot of listening and he is a very good role model there. He has been out on the ground working with the local community. I mentioned before in response to another question the issue with go card top-up facilities. Again, I must condemn the former Labor government which failed to properly put in place this contract. The contract conditions made it expensive and difficult to provide enough go card top-up machines in convenient locations for the local community. Nevertheless he has been campaigning for that and he has had a recent success with the Acacia Ridge IGA, and I commend him for that.

In relation to fares and the current consultation process, if people were to choose a reduction in fares, a regular weekday passenger travelling from Brisbane to Sunnybank or vice versa, which is four zones, could save an additional $110.88 a year. When you add the other savings and programs we have implemented, that is a total saving of $701.36 a year compared to what the passengers would have been paying under Labor. Again I pause and reflect. We promised cost-of-living relief. We have delivered cost-of-living relief. We are also demonstrating that you can have more services or further cost-of-living savings by passing back the carbon tax savings. Again I need to reflect that those opposite, along with their federal counterparts—in particular I reflect on the member for Redcliffe—have sold this completely implausible and quite outrageous proposition that the carbon tax did not affect people's cost of living. The carbon tax did affect people's cost of living. The repeal of the carbon tax is making a positive downward adjustment to people's cost of living and there can be more positive downward adjustments produced by a fare reduction if that is what people choose.

Central Queensland, Health Services

Ms TRAD: My question without notice is to the Premier. I refer to the LNP government's recent decision to privatise public radiology services in Rockhampton, and I ask: will the Premier guarantee that the government's plans to further privatise clinical services such as pathology, radiology and pharmacy will not impact on service quality and patient care in Central Queensland?

Mr NEWMAN: I thank the member for the question. I simply say that people in regional Queensland are getting services that the Labor Party would never give them. People in regional Queensland are getting services that the Australian Labor Party took away from them but that we are returning. That is our commitment. I can point, for example, to Beaudesert Hospital where people can now have a baby again. I can point to Cooktown, where again people will be able to have their baby. Who took away that level of service? That is right, the Australian Labor Party.

How can they come in here today and speak like this? It is outrageous. They do not care about regional Queensland. Most of all, the member for South Brisbane does not care about regional Queensland one little bit.

Ms TRAD: I rise to a point of order.

Madam SPEAKER: Pause the clock. What is your point of order, member for South Brisbane?

Ms TRAD: I find the comments personally offensive and arrogant and I ask for them to be withdrawn.

Madam SPEAKER: Member for South Brisbane, just put your point of order and do not also add to it. Member for South Brisbane, just put your point of order, but do not start to add words of debate.

Ms TRAD: I find the Premier's comments personally offensive and I ask that they be withdrawn.

Madam SPEAKER: I call the Premier to withdraw those comments.

Mr NEWMAN: Gladly, but isn't that an interesting approach from the member for South Brisbane? May I say this, because there has been a lot of debate about health and the health service performance.

Madam SPEAKER: Premier, I ask you not to add to the points that the member found offensive and that it be unconditional. I call the Premier.

Mr NEWMAN: Yes, Madam Speaker. There has been a lot of talk today about the health service in Queensland. Let me read something into the record from the Australian Commission on Safety and Quality in Health Care dated 8 September—

Madam SPEAKER: Premier, I apologise. Please pause the clock. I missed it, but apparently you did not say the words 'I withdraw', or did I not hear that?

Ms Trad: No.

Madam SPEAKER: I ask the member if he could—

Mr NEWMAN: I most unequivocally withdraw and that is clearly what I intended. May I read from a publication by the Australian Commission on Safety and Quality in Health Care dated 8 September 2014 titled Open Reporting in Health Care. It states—

An essential element of an open reporting culture is that patients are fully informed about their health care. Equally important is that the organisation learns from any adverse event which might occur in order to minimise recurrence and improve the safety and quality of patient care. As organisations increasingly move towards open disclosure and open reporting cultures, it is common to see an increase in the number of events reported. Such increases can be an artefact of increased reporting rather than an increase in the number of events. Analysis of these clinical events needs to be completed before a judgement is made.

Australia has one of the most advanced systems for the reporting of adverse events. While arrangements vary from jurisdiction to jurisdiction, each fully investigates adverse events, the most significant of which undergo a detailed assessment of the root cause of the event. Queensland Health has in place one of the most open systems and routinely provides data on important aspects of patient care.

That is from the Australian Commission on Safety and Quality in Health Care and that was released yesterday, 8 September 2014. I draw honourable member's attention to this report as well about the performance of the health system. We regularly report how we are going. We do not cover things up, we are open and accountable, and we are doing everything we can to improve the health service in this state. Queenslanders will see a high-performance, high-care health service in this state. Whether the services are provided in-house or by external providers, they can be assured of one thing: under the LNP, the health system will be a better system, a more caring system, a more professional system, a more open and accountable system than anything they experienced under the Australian Labor Party's 20 dark years in control of this state.

Redlands Electorate, Public Transport

Mr DOWLING: My question without notice is to the Minister for Transport and Main Roads. Can the minister advise what the government has done to assist the people in my electorate of Redlands, including the southern Moreton Bay islands, to access public transport?

Mr EMERSON: I thank the member for Redlands for the question, because the member for Redlands has been a very strong advocate for public transport and has driven some serious improvements in his local community. In the first year of this government he negotiated with my assistant minister, the member for Chatsworth—who is also a very strong advocate for public transport—and the Moreton Bay Regional Council to include the southern Moreton Bay islands as part of the TransLink network. This is something which the member for Redlands has been able to deliver when Labor could not. It was something that the member talked about in opposition, and he delivered it while in government through strong advocacy and working with the local council.

Passengers will now save more than $2 a trip when travelling from Russell Island to Weinam Creek. We are also introducing free inter-island travel, making it easier and cheaper to get around the islands. We brought in SMBI under the TransLink network following strong representations by the member for Redlands, and there have been more than 1 million trips taken on these services since the policy was changed. Earlier this year we upgraded bus stops at the Victoria Point High School to address safety concerns and ensure that they are DDA compliant. The upgrades included new bus bays on each side of the Cleveland-Redland Bay Road, DDA-compliant boarding points with a shelter and additional seating. Detailed design is also underway for the new bus interchange at Victoria Point shopping centre, with construction expected to start early next year.

I know that the member is also out there talking to the community about where we can reinvest the $30 million of carbon tax savings. If people choose a reduction in fares and a freeze in 2015, I do make it very clear—because it seems to have eluded Labor in the interview on 4BC—that this is not just a five per cent cut we are bringing in in November, but there would be no increase in 2015. Contrast that with a 15 per cent increase year after year under Labor. If people choose a reduction in fares and a freeze in 2015, a regular weekday passenger travelling from Redlands to Brisbane, a six-zone journey, could save an additional $140 a year. Compare that savings to the almost $900 that passengers would have paid under Labor. If Labor's policy of 15 per cent fare increases year after year was in place—which the Leader of the Opposition was the flag-bearer for when she was the transport minister—then the people of Redlands who travel to Brisbane Monday to Friday would have been paying $900 more a year for their public transport. Unlike the member for Redlands, who has delivered for public transport in his area—

(Time expired)

Madam SPEAKER: Order! The time for questions has expired.

SPEAKER'S STATEMENT

School Group Tours

Madam SPEAKER: Before calling for matters of public interest, I acknowledge visitors today from the Yeronga State School from the electorate of Yeerongpilly and Blackwater North State School from the electorate of Gregory.

MATTERS OF PUBLIC INTEREST

Queensland Health

Hon. A PALASZCZUK (Inala—ALP) (Leader of the Opposition) (11.03 am): This is a government that was voted in to focus on front-line services, and we have seen 4,500 jobs axed under the Health portfolio. Queenslanders should be very concerned about that fact, because a reduction in health service staff will result in a reduction of service—no ifs, no buts, no maybes. As I travel across Queensland, Queenslanders are telling me that they are seeing the impact of these job cuts to the quality of services being delivered. I want to pay tribute to health workers right across Queensland and thank them for the hard work that they do day in and day out, working hard for Queenslanders to make sure that they get the care that they deserve.

What we have seen today from this government is extraordinary. What we have heard from this health minister today is a failure to answer fundamental questions not just in this House, but to the Queensland public. What has been revealed over the last day is that two senior executives have been stood down from Metro North Hospital and Health Service, and now we hear that allegations of corruption have been referred to the CCC. This House and the people of Queensland want to know what the allegations of corruption are. Do they involve the awarding of tender contracts? Do they involve jobs for the boys? There is nothing more fundamental than an open and transparent government, and that is what Labor will put in place if we are elected because this government is failing the test. This minister is failing to accept responsibility. The cabinet ministers over there are laughing, but this is no laughing matter. Queenslanders deserve better!

This is a health minister under pressure who, for six months, was at the helm of a doctors crisis created by him. This is a government which is still arrogant and still not listening. It is now covering up and not telling the truth to Queenslanders about why these two people have been stood down. Why will the health minister not face the music? This morning on 4BC radio we heard him say that it could be something to do with an employment contract or procurement. Then on Steve Austin he said, 'Yes, it is employment and procurement.' Well, what are the issues? Is there a culture of jobs for the boys operating? We know what happened to Michael Caltabiano, who was hand picked by the Premier.

Let us talk about the fundamental issue. This matter is now being referred to the CCC. Who is in charge of the CCC? Who is in charge of what is supposed to be the independent anticorruption watchdog in this state? Queenslanders know who is in control, and it is the man who was hand picked by this government. It is not bipartisan, it is not independent and Queenslanders want what the Premier said he would deliver after the Stafford by-election. After the Stafford by-election the Premier very clearly said that the chair of the CCC would have bipartisan support. This chair does not have bipartisan support. We now have a matter referred by the Health department to the CCC, and this is Caesar judging Caesar.

The revelations we have seen in Rockhampton deserve the attention of this House and they deserve the attention of this incompetent, bungling health minister. There have been 33 serious incidents and 18 unexpected deaths in the Rockhampton hospital. One unexpected death is one too many. I pay tribute to the member for Rockhampton, who is standing up for his community. The member for Rockhampton asked the very simple question of the Premier, 'Will there be an independent inquiry?' What could be simpler than that? What did this Premier say? He fudged the question, waffled, moved on and said absolutely nothing. It is no laughing matter for the people of Rockhampton, and we need to make sure that there is a full independent inquiry to find out what is going wrong.

Through the Queensland Nurses Union right to information, we do know that there have been massive job cuts throughout regions right across the state. I was in Bundaberg the other day, and people at the hospital told me that there have been massive cuts to nursing staff. It is having an impact. I am speaking to nurses and doctors right across the state that are under pressure because they are now doing the job of up to two or three people. They tell me that they are working longer shifts and working harder than ever before because they want to deliver a quality health system to the people of Queensland.

Who does the buck stop with? It stops with this arrogant and out-of-touch government, with the Premier and with the health minister. What we have seen are revelations in the full diary that was perhaps accidentally or maybe even intentionally put up on the Premier's department website. Within 15 minutes of me conducting a press conference it disappeared. It was taken down—hidden from sight for no-one else to realise.

If this is about openness and transparency, we have here the full diaries. What does this record show us? It shows us that this health minister is more concerned with LNP fundraisers—up to seven LNP fundraisers in one month. This is a man who is supposed to be running the Health budget. This is a man who is more interested in fundraising than he is focused on delivering front-line services. This is a man who stood by and did nothing for six months while there was a doctors crisis. The government was bleeding yet he treated the doctors with total and utter contempt. Now he has moved on to the nurses. The government is running an advertising campaign in relation to that. Do Queenslanders know how much money is being spent on that? No, they do not, because there is a culture of cover-up in this government.

Time and time again we come into this House asking fundamental, basic questions. Do we get answers? No, we do not. This is the people's house. We are elected by the people in our electorates to come here and ask the government the questions of the day, and we get nothing. When those opposite refuse to answer our questions, they are refusing the people of Queensland.

What we have seen today from this health minister is a fundamental failure to answer a simple question: what are the details of the allegations of corruption that have been referred to the CCC? How can you ask a more fundamental question and not get an answer? What does this minister do? He trawls back through the past. The minister has been the health minister for 2½ years. This has occurred on his watch and now he needs to take responsibility.

We need a full, independent inquiry into what is happening in Rockhampton. We need to know—and the public deserves to know—the details of the allegations that have been referred to the CCC. I am quite sure that the media will be asking these questions today also, because Queenslanders deserve to know. What is the situation around tender processes? We know that there have been issues in the Attorney-General's portfolio in relation to boot camps. Is there a culture—a pattern of behaviour in terms of the probity of this government and ministers around the awarding of government contracts? If there are employment issues, is this a matter of jobs for the boys? The public deserves to know and it deserves to have these answers today.

This is a government that is hiding. This is a government that is covering up. This is a government that is afraid to face the facts. This is a government that is afraid to face the music. Queenslanders deserve better than this. Queenslanders deserve a government that is prepared to listen and a government that is prepared to act. They deserve a fully independent chair of the CCC that will investigate matters free from political influence.

(Time expired)

Stirling, Mr M and Ms K

Mr CRANDON (Coomera—LNP) (11.13 am): There has been much discussion in the media recently regarding the negligence of lenders and brokers when arranging finance through a facility known as a low-doc loan. These are loans that are provided with very little proof of the borrower's capacity to repay. Having said that, some borrowers can afford the loan unless the unexpected happens. That unexpected happening is often negligence by the lender and others to ensure that, in the case of a home under construction, the builder has proper approvals in place.

No situation better typifies the very real dangers and devastating consequences of failings by mortgage brokers, banks, valuers, builders and local authorities to follow their own internal governance procedures, to follow relevant statutes and regulations in complying with common law duties of care to their customers, than the case in my electorate involving Mark and Katrina Stirling. Through no fault of their own, this family has gone from being a happy middle-class family to being brought to their knees. They have suffered extreme economic loss and emotional distress, deep depression and family break-up. They have been pushed well beyond the ordinary limits of individual and family endurance.

Let me assure you: these people did their homework. They selected a HIA award-winning builder to build their dream home. The Stirlings did not know about the noncompliance issues until they tried to sell their property and they did not know about the structural defects until much later. The matter is currently in court, with the Stirlings being locked in lengthy and costly legal battles with the likes of Westpac, the Commonwealth Bank, the Gold Coast City Council and Equity Access Australia, the lender's broker.

The details of these matters cannot be fully discussed due to the ongoing nature of the court proceedings. The allegations, though, contained in the proceedings include that the Stirlings were victims of an unscrupulous builder who left them with a home which was structurally defective and incapable of being certified as fit for occupation. Despite this, the builder has received full payment under the building contract by the Stirlings' bank, which did not undertake its own checks and balances. These checks and balances would have disclosed the building and planning defects and prevented the builder from receiving the funds, which the Stirlings are now required to repay with interest.

The construction loan was arranged via a broker, who gave the Stirlings advice and was responsible for obtaining all of the necessary material to meet the funder's requirements for the loan. Amazingly, the loan was subsequently refinanced, with the refinancing bank failing to undertake all of the necessary due diligence as is required under its internal procedures. Instead, it relied on the initial funder's approval of finance as being conclusive proof of the property being satisfactory. The result was that the Stirlings took on further debt to complete the dwelling which they are now required to pay with interest. The Gold Coast City Council appears to have permitted the construction of the dwelling to continue despite flaws in construction methods, making the house unfit for occupation.

The Stirlings have been living with this saga for going on six years. They have been through at least five different solicitors. They have spent hundreds of thousands of dollars in legal and engineering advice and they are now at the end of their tether. They have lost well over a million dollars on a home they cannot safely live in and cannot sell. All of this because of the failings of the big banks to do their job, the failings of a broker to do his or her job and the failings of a local council to do its job. They are financially destitute and have had their credit rating destroyed. All of the circumstances have been created by others outside of the control of Mark and Katrina Stirling.

As stated earlier, this matter is before the courts. I table documents in relation to this very sad and unacceptable case of wrongdoing which has destroyed a family in my electorate—documents which I am assured are not relevant to the court proceedings. These documents indicate that applications for further work—a swimming pool and a fence—were lodged. Why did that not raise issues around lack of original approvals with the Gold Coast City Council?

Tabled paper: Bundle of documents relating to building defects on Mark and Katrina Stirling's house [5875].

This is an unforgivable fact. But what is more unforgivable is that the bottom line is that the lender had a responsibility, by their own guidelines, to ensure approvals were in place—right back to the beginning, before any loans were given and certainly before the builder was paid one dollar for the construction.

Morayfield Electorate, Initiatives

Mr GRIMWADE (Morayfield—LNP) (11.17 am): Every day that I get out of bed I think of what I can do to make our local area a greater place to live. Ensuring young people and local families have the opportunity to gain employment is one area that I strive to work on every day. It is important to note that since this government came to power 70,000 jobs have been created. It is also important to note that over the last 12 months around 50 per cent of all jobs created in Australia were created in Queensland.

Recently I asked the Minister for Education, Training and Employment what programs and training are available to assist young people in gaining employment. For the benefit of members of the parliament I table the response the minister gave me on that occasion. As members can see, the answer was very comprehensive.

Tabled paper: Answer to question on notice No. 517 of 2014, asked by the member for Morayfield, Mr Darren Grimwade MP on 6 June 2014, regarding training programs to assist young people to gain employment in the Moreton Bay North region [5876].

Our LNP government understands that a business will always employ more people when you make it easier for them to do business and get out of their way—take your foot off their throat in that respect. That is why this government has scrapped the job-destroying Labor Party's waste levy, supported the scrapping of the job-destroying carbon tax, reformed WorkCover to be the best scheme in the nation and included a 17 per cent reduction, on average, for employers in their premiums.

Over the next few years we will lift the payroll tax threshold to $1.1 million. That is a tax where businesses get taxed for employing more people. Locally, I have been working with Help Enterprises in Caboolture and the long-term unemployed and unemployed youths in terms of running a number of motivational employment advice sessions to help those people understand what employers are looking for. We have had some great success in that program so far and it is something that I am very proud to be working behind the scenes on locally. I have been an employer for many years and I have employed literally hundreds, if not thousands, of people. I have offered young people in my electorate school based traineeships through my pizza shop, and that is why, as a local businessperson and someone who has an understanding of business, I am making this speech today.

There is often a lot of rhetoric when it comes to unemployment rates, particularly youth unemployment, but I want to put on the record what we are doing as a government as opposed to what the Labor Party thinks it is doing in this area. There have been a number of poor policy decisions by the Labor Party, both at the state and federal levels, over the last few years that have made the unemployment rate for young people rise in our area. These poor policy decisions are things that I have already discussed such as the carbon tax and the waste levy. If you slap a big tax or more overheads on businesses such as the carbon tax, I have never seen a business that says, 'Do you know what? If you slap an extra tax on me like a waste levy or a carbon tax I'm going to employ more people.' It simply does not happen. I refer to the Safe Night Out Strategy that we debated here last sitting week. If the Labor Party thinks that shutting the entrance of a club at one o'clock and stopping the service of drinks by three o'clock—and lots of young people work in the

hospitality industry—means that those businesses are going to stay open when there is no business coming through the door but magically it is just a great idea to keep the doors open without having a revenue source coming in, it needs to think again. That simply will not happen. It is market driven. These businesses will close their doors and that will mean that young people work less hours and get less pay.

The other issue I want to touch on are modern awards. Julia Gillard introduced these in 2010, and I can tell members what a shambles it is from prior experience as a business owner. Effectively, this brought a whole bunch of one-size-fits-all awards into one that did not allow the mum and dad small players to compete with the big multinationals that did not have to comply with these modern awards. It made the system inflexible. It meant that young people who wanted to work two hours because it fitted their work and study commitments could not work for two hours anymore because they had to do three and they could not make that agreement with their employer because it was one size fits all. It meant that if mums and dads wanted to work more hours to meet their Centrelink obligations but wanted to have less penalty rates, for example, it meant they could not trade off the penalty rate to have more hours and effectively have more pay for their family because it was one size fits all. It did not allow the employer and the employee to make those sorts of agreements.

The Labor Party at face value thinks that these ideas are great. It thinks that everything it introduces—new taxes, safe night out concepts that are going to create job losses and merging modern awards into one structure—is great for employment, but at the end of the day I can tell members from prior experience that all three of these things will lead to higher unemployment. They will all lead to youths not having a job, because it is the hospitality and the tourism industry that employ most young people aged 16 to 25. It is in these industries that most people like myself started working when they were growing up and got the life skills they needed for their work life. If the Labor Party in this place or the Labor candidate in Morayfield want to have a debate about this, I say bring it on, because I will take on the Labor Party any day when it comes to this issue.

Abbot Point, Dredge Spoil

Hon. TS MULHERIN (Mackay—ALP) (Deputy Leader of the Opposition) (11.22 am): The Newman government's stunning reversal on the dumping of Abbot Point dredge spoil is promising from an environmental perspective, but it will cost Queenslanders untold millions. No-one should be under any illusion as to who is behind the dumping of dredge spoil within the Great Barrier Reef Marine Park: it was the Newman government, particularly the Deputy Premier, Jeff Seeney. When coal prices were sky high through 2007 and 2008, international mining companies developed plans to expand coal operations in Central Queensland, and many of these were in favour of significant expansion of Abbot Point. In response, the former Labor government and North Queensland Bulk Ports planned for an expansion of Abbot Point, including several berths and a multicargo facility, to optimise the industrial land adjacent to Abbot Point. This plan involved significant dredging work, but the dredge spoil would have been used to reclaim land for the construction of a multicargo facility. The proposal was backed by industry groups at the time, but as international coal prices fell the mining industry became concerned with the cost of this proposal. The Labor government then gave Adani, GVK Hancock and BHP Billiton the approval to develop business cases for terminals and trestle extensions at Abbot Point while the state government through North Queensland Bulk Ports continued to develop the business case for the multicargo facility.

The mining companies were still unhappy with this changed proposal and articulated this view to anyone who would listen, including the now Deputy Premier but then parliamentary Leader of the Opposition. In May 2012, less than two months after the election, the Deputy Premier wrote to North Queensland Bulk Ports notifying it that plans for the multicargo facility and extra terminals would not proceed. Without the multicargo facility, the dredge spoil needed to be disposed of and the government decided it should be done within the marine park. I am sure it was just a coincidence that this happened to be the cheapest option. The government then went full steam ahead in advocating this option. It constantly criticised the federal Labor government for holding back on the development. On 10 September 2013, almost exactly a year ago today, the Deputy Premier told this House—

> For too long investment decisions have been delayed, and in some cases deferred altogether, because of the multiple layers of bureaucracy with which project proponents have been confronted. In recent months alone we have seen the Rudd-Gillard governments put crucial projects on hold such as the Kevin's Corner mine in the Galilee Basin and the essential dredging of Abbot Point.

The Deputy Premier lauded the approval granted by Greg Hunt, saying—

We welcome this common-sense decision from the Commonwealth Government.

Yesterday the government performed what must be one of the most uncomfortable and graceless backflips in Australian political history. The Premier and the Deputy Premier claim that Labor's plan involved the dumping of dredge spoil. This is a complete and utter mistruth as evidenced by RTI documents which I table for the benefit of the House. The environment minister knows that Labor was planning reclamation works because as recently as July he was claiming that it would have created the Barrier Reef's 1,051st island. It would not have been an island but at least he seems to understand we were planning to reclaim land.

One of the key prongs of yesterday's announcement is that the government will be purchasing dredge spoil. Queenslanders will now be paying international mining companies to buy back our own seabed. The Deputy Premier claims that over the long term this will not cost taxpayers anything. We have heard that one before when the Premier announced his massive new tower across the road, but we have since been told by the Auditor-General that it will cost $2.6 billion. Yesterday's announcement on Abbot Point is evidence of chaotic and reactionary policy making in response to a mess of the government's own making. It should never have considered dumping dredge spoil in a marine park and it certainly should not be paying to buy dredge spoil now. Queenslanders will have to pay for this government's incompetence.

Tabled paper: Email, dated 18 May 2012, between Mr Phil Dash and Mr Barry Broe regarding preliminary costs estimates for Abbot Point [5877].

Barron River Electorate, Small Business

Mr TROUT (Barron River—LNP) (11.27 am): Small businesses are a growing commodity in Cairns—a regional city whose economy was born from mining, fishing, timber and sugarcane production. In the mid-1800s Cairns became a major port for exporting sugar cane, gold, metals, minerals and agricultural products, with growth stimulated by the opening of the railway line to Brisbane in 1924. It was only after the Second World War that the Cairns area began to develop into a centre for tourism. During the seventies and eighties growth accelerated rapidly, with the population growing from just over 100,000 people in 1991 to over 157,000 in 2013. In 2013 there were 13,163 local businesses, the largest industry sector being retail. Around Australia there are almost two million small businesses adding approximately $4.3 trillion to our national economy and employing 3.6 million people. Here in Queensland over 400,000 small businesses—those employing fewer than 20 people—are at the core of every industry sector. In every community and every region, they supplement large businesses by providing goods and services. Representing over 96 per cent of businesses state-wide, they are the building blocks of our larger corporations and power regional development. Small businesses are customer oriented and, as such, can respond to changes in the economic climate due to customer loyalty. When customers patronise their local businesses, they are injecting money back into the local economy—another reason why we need to nurture our small business sector and buy locally.

In the Barron River electorate there are 4,420 businesses, of which 4,342 are small businesses, that is, employing between one and 19 people. Small business is big business in my electorate, representing 97 per cent of all businesses in my electorate and, as such, is a huge employer. Small businesses employ approximately five per cent of all private sector workers.

During Small Business Week last week I facilitated a very well-attended community forum at James Cook University. I was very honoured to welcome Andrew Griffiths, a world-renowned small business author and presenter and a small business owner for approximately 30 years. Owing to an impending business trip taking him out of Cairns, Andrew came to my office to prerecord a very informative and interesting conversation about small business generally, its importance to our economy and the importance of working towards a greater understanding by governments of the issues facing small businesses. Andrew raised the point that there was a perception that government makes things more complicated for small business and that there is a lack of communication between government and small businesses. Andrew also stressed the importance of collecting accurate data, saying that the available data on small business is out of date and that it is something that needs to be addressed. Andrew also suggested that banks should be more supportive of small business, because at present it was extremely difficult for small business to obtain support from the banks. In regard to government communicating with small business, Andrew suggested that perhaps we should not attempt to, but instead we should work with small business leaders, KPIs and influencers and help them communicate.

This government is working towards reducing red tape to enable small business to do business, to get on with the job in hand and step out of the mire caused by the duplication of processes and overregulation. Project approvals are being accelerated to get our economy growing and create jobs, stimulate business activity and get our finances back on track. The repeal of the waste levy helped businesses and local councils to reduce their operating costs. The imposition of the levy by the previous ALP government was purely a money-making exercise that was of no benefit to the environment and caused a huge surge in illegal and environmentally unfriendly dumping. The Waste Reduction and Recycling and Other Legislation Amendment Bill 2012 also introduced further measures to reduce green tape and streamline environmental approvals. This is another common-sense initiative that will not only allow Queensland business to do business, saving more than 40,000 hours in administration and about $2 million in costs each year, but also reduce processing time for government.

It is a fact that Queensland has the lowest payroll tax in the nation. This government values small business and recognises that it underpins Queensland's four-pillar economy, supporting the key sectors of tourism, agriculture, resources and construction. The Queensland government is committed to working with the business community—

(Time expired)

Queensland Economy

Mr PITT (Mulgrave—ALP) (11.32 am): Last week we saw the release of the ABS national accounts, including state final demand data as well as the July result for retail trade in Queensland. The day after the release of the national accounts data the Treasurer's media release pointed to the quarterly result for state final demand while talking about the year to July result for retail trade. Of course, if the Treasurer had talked about the month of July for retail trade he would be talking about it going backwards by 0.1 per cent, which was the second worst result in the nation. If the Treasurer had talked about the year to June quarter result for state final demand, it would have been about the contraction of 0.4 per cent in the domestic economy over this period.

By way of comparison, when the previous government left office state final demand was growing at 7.5 per cent over the year to March quarter 2012. Back then the Treasurer was calling the Queensland economy a basket case. The Treasurer's latest media release spin went so far as to say that these economic results showed that his 'economic plan is working'. In the LNP's alternative universe, a fall in business investment of 12.4 per cent, a fall in private investment of 7.5 per cent and a fall in machinery and equipment investment of 19.4 per cent over the year to June quarter is evidence that the Newman government's economic plan is working. But according to the Treasurer, evidence of a basket case economy included the growth in business investment of 31.7 per cent, the growth in private investment of 23.2 per cent and the growth in machinery and equipment investment of 7.5 per cent over the last year of the previous government. Household consumption or spending is also slower under the latest state final demand figures, at 1.9 per cent over the year to June quarter this year, down from 4.7 per cent over the year to March quarter 2012.

At last week's parliamentary sitting the Treasurer made the claim that, with an increase in unemployment from 5.5 per cent under Labor to an 11-year high of 6.8 per cent in July, Queensland has—

... gone from tail gunner to being almost at the front of the plane.

That shows just how arrogant and out of touch this government has become. I am not sure what plane the Treasurer was talking about. Maybe it is the same plane that the Premier kept raving about as being on a power-dive into the abyss. It is little wonder that people are no longer listening to this government when it comes out with statements that are so disconnected from economic reality, statements that are so disconnected from the discussions that I had with the chamber of commerce in Bundaberg last week and so disconnected from what business owners and retail workers across the state have been telling me over recent months, including during my stint with a small business at Mount Sheridan in my electorate. What is worse is that, following the contraction of 0.4 per cent over the year to June quarter, the Newman government's budget papers forecast that state final demand will contract again over this financial year by 1¼ per cent. State final demand is a key measure of the domestic economy. Even the Treasurer now acknowledges this. It reflects the level of domestic spending in our economy, which has a direct impact on businesses and families.

Although low interest rates and rising house prices in Sydney are improving conditions for the housing sector, overall, economic conditions in Queensland are worse under the Newman LNP government. We have slower economic growth and higher unemployment under the Newman

government than under Labor. We have slower economic growth and higher unemployment under the Newman government than we had under Labor. No amount of crane counting or cherry picking of statistics can cover up those facts. Those facts are clearly set out in the government's own budget papers and in the official figures from the ABS.

The Treasurer's latest spin sheet concluded by saying that in coming weeks he would finalise his Strong Choices Investment Program—a program that the Treasurer said on radio was all pie in the sky, merely a set of 'maybe' commitments. We know that the LNP has already made at least $9 billion in infrastructure commitments from its notional $8.6 billion fund. LNP MPs have been in their local areas promising the world in a desperate attempt to bribe Queenslanders to vote for them with asset sales money they do not even have yet. All the while the Treasurer is spending tens of millions of taxpayer dollars in secret to progress a $33.6 billion sell-off in assets anyway.

A fortnight ago, on a Friday afternoon, the Treasurer tried to bury his announcement of another 12 consultants appointed to work on his asset sales program, just as we saw the appointment of asset sales scoping study consultants, announced five days before Christmas last year. Is anyone else seeing a pattern here? This is a deliberate strategy by the Treasurer who, despite his statements at the budget estimates hearing, is using Queensland Treasury Corporation to withhold the cost of these appointments from right to information requests and the public. The previous government disclosed these costs in Treasury's annual report and the Abbott government disclosed its asset sales costs in its budget papers.

This is a significant issue of democratic accountability. The Newman government cannot claim to be seeking a mandate while spending millions of dollars to go ahead with its asset sales plans anyway. We have no idea what hidden asset sales costs it is locking a future government into, which could potentially be in the hundreds of millions of dollars. The only way to stop the Newman government's short-sighted plan for the biggest mass privatisation program in Queensland's history is to put the LNP last at the next election.

It was fortunate that I followed the member for Barron River in this debate, because I can say that, when I worked in a small business last week, it was a very different story from what we heard. They are saying that people are keeping their money in their pockets. That is largely due to what I have just spoken about. The domestic economy in our state is going through the floor.

Queensland Youth Orchestras

Mr RUTHENBERG (Kallangur—LNP) (11.37 am): On the evening of Saturday, 30 August, I attended a concert at the Concert Hall of the Old Museum at Bowen Hills. This historic building, dating from 1891, is the home of the Queensland Youth Orchestras. The hall was Brisbane's first purpose-built concert hall with a large organ.

Queensland Youth Orchestras, founded by John Curro AM, MBE in 1966, has 470 musicians aged from eight to 24 and seven different orchestras and ensembles. These orchestras and ensembles perform around 50 concerts each year in South-East Queensland and in regional Queensland. John Curro continues to guide the organisation as the director of music and coordinator of its leading orchestra, the Queensland Youth Symphony.

The main purpose of the Queensland Youth Orchestras is to provide outstanding opportunities for young Queenslanders to develop their skills as orchestral musicians under the expert guidance of professional conductors and tutors. Over the past four years the Queensland Youth Orchestras has introduced a schools outreach program. Orchestras and bands in the Queensland Youth Orchestras are comprised of young players who are the same age, or not much older, than students in school bands and orchestras but they are playing at a higher standard of performance. They can help inspire and encourage the school groups and show them that they can achieve levels of music making that they would not imagine possible. Groups of five or six senior players from Queensland Youth Orchestras have been visiting carefully selected schools where a real difference can be achieved. Those schools then send their bands and orchestras to the Old Museum to play on the same programs as the Queensland Youth Orchestras groups and play in one of the big ensembles with the Queensland Youth Orchestras players. That is what happened this year with the Murrumba State Secondary College String Orchestra, which played with the Queensland Youth Orchestras' Junior String Ensemble on the evening that I visited.

I note that the next day the combined Caboolture and State High School concert bands played with the Queensland Youth Orchestras' wind ensemble in another concert. Making all this possible has been the sponsorship of Energex. It was Energex sponsorship more than four years ago that

enabled the Queensland Youth Orchestras to initiate the school outreach program and, in the last two years, to increase the scope so that the students from the two schools each year can now benefit directly.

So why is this important to me and my community? I am on the school council of Murrumba State Secondary College, one of Queensland's independent public schools. The college is Queensland's newest school, opening in 2012 for grades 7 and 8. It is remarkable that such a young school could assemble a string orchestra of such high quality. It is a tribute to the vision of the college principal, Mr Paul Pengelly, and music teacher, Heidi Cooper, who conducted the orchestra at the Old Museum and, in particular, the young musicians. To play music at the standard that they have achieved requires more than talent; it requires great application and discipline. They clearly are learning one of life's great truths: practice makes progress, and progress gives a sense of personal achievement which builds self-esteem and confidence.

The concert by the Murrumba State Secondary College's string orchestra revealed a broader achievement in Queensland. The Queensland government provides the use of the Old Museum to the Queensland Youth Orchestras. It is an arrangement that is paying off in spades for the whole community. Queensland Youth Orchestras is the leading state youth orchestra organisation in Australia. Now an amazing 48 years old, it has an extensive program that includes tours throughout Queensland and overseas. The government has been progressively restoring the historic Old Museum, where the latest work is now being completed. Hundreds of Queensland Youth Orchestras young players rehearse there every week. But the value to Queensland extends far wider than that. Queensland Youth Orchestras has turned the Old Museum into a youth performing arts centre, a place where a wide range of young Queenslanders, be they dancers, singers, actors or musicians, can practise and perform. The benefits of this investment for our community are truly immeasurable and long lasting. Every dollar invested reaps benefits in positive character development for our young people—a very wise investment by anyone's measure. I also congratulate the Queensland Youth Orchestras on its appointment to play in Cairns on 16 September 2015 at the Tropical Jam event for the G20 finance meeting. This is a fantastic organisation developing young leaders and strong community participants well into the future for Queensland and I congratulate them. Well done!

Alcohol Related Violence

Mr JUDGE (Yeerongpilly—PUP) (11.42 am): In 2011-12, 61.1 per cent of males and 60.2 per cent of females who experienced physical assault in Queensland believed that alcohol or other substances contributed to the incident. Twenty-three per cent of people in Queensland have a family member or friend who has been a victim of alcohol related violence. Alcohol related hospitalisations have increased by 57 per cent between 2002-03 and 2011-12. There must be an intelligent and legitimate commitment to addressing alcohol related violence, incidents of domestic violence and drink-driving offences that contribute to the carnage and tragic loss of life on our roads. In addition to other measures, the introduction and application of so-called sobriety tags, applying modern technology to address serious community issues associated with alcohol and the consequences of it, is a solution that requires serious consideration. Sobriety tags are known more formally as electronic alcohol monitoring or transdermal alcohol monitoring systems. Succinctly, alcohol measurements are sent from the device worn on the upper arm or as an ankle bracelet to the officials who monitor and supervise alcohol managed offenders in the community. Our courts need to be empowered to order offenders found guilty of alcohol related violence to wear sobriety tags as deemed appropriate by the judiciary. Sobriety tags are typically applied to offenders who commit serious assault, domestic violence and other offences where alcohol is a factor, as well as for offenders where there is a history of problems associated with alcohol. The Palmer United Party proposes a trial before a full rollout across Queensland.

London instigated the first sobriety tag pilot in the United Kingdom that aims to reduce alcohol related offending. The trial started in July 2014 and will run for 12 months. In 2012 in an extract from *Hansard* for the UK Baroness Finlay reportedly stated that she had had meetings with police officers from different parts of the UK and a consistent story that comes through is that after 10 pm at night alcohol related problems take up between 80 to 100 per cent of the workload of police depending on the week night. Despite the Newman government's position on trading hours, I suggest that is a common experience in Queensland where we have a similar experience in our drinking precincts. Baroness Finlay further stated that evidence of decreased reoffending has come from the USA. There

they have been reporting more than a 50 per cent drop in reoffending at three years, a more than 50 per cent drop in drink driving offences and a more than 10 per cent drop in domestic violence. That is a significant drop. It is an important matter that is currently under review by the Newman government and I encourage it to look at sobriety tags as part of that review.

To provide more specific examples of the types of outcomes that can be achieved through sobriety tags, South Dakota introduced a 24/7 sobriety program in 2005 as a trial which was expanded to the whole state. According to the South Dakota Department of Attorney-General, statistics show that there had been 6,536 participants using sobriety tags from 10 October 2006 until 1 June 2014. Data shows that 77 per cent of participants have been fully compliant. Recent vendor data shows that in South Dakota alcohol related traffic incidents declined by 33 per cent from 2006 to 2007, the highest decrease in the nation after implementation. Since then South Dakota has seen an additional 25 per cent decrease in alcohol related fatalities. Again, this is evidence why sobriety tags should be given serious consideration by the government in Queensland. These are significant results substantiating the value and success of sobriety tags across a range of alcohol related crimes and incidents. Accordingly, I table a research brief on sobriety tags, previously tabled during the safe night out debate during the last sittings. I also table a research brief on alcohol related crimes in Queensland.

Tabled paper: Queensland Parliamentary Library Research Brief, dated 15 August 2014, regarding sobriety tags in other jurisdictions [5878].

Tabled paper: Queensland Parliamentary Library Research Brief, dated 2 September 2014, regarding alcohol related crimes in Queensland [5879].

I encourage the Newman government to take this research into consideration. I want to assure all Queenslanders that the Palmer United Party recognises sobriety tags as part of the solution to alcohol related crimes as well as other alcohol related incidents in our society. We understand the importance of education, the responsible service of alcohol, enforcement and holistic treatment of alcohol related offenders. The Palmer United Party will respect the independent role of the judiciary and empower courts to order offenders found guilty of alcohol related offences to be subjected to sobriety tags to better protect our community. We comprehend that three-word political slogans do not solve crimes but evidence based solutions do.

Volunteer Marine Rescue and Australian Volunteer Coast Guard

Mr COSTIGAN (Whitsunday—LNP) (11.47 am): I rise to speak about an important issue for many people in coastal Queensland communities, from the New South Wales border through to Cape York and the Torres Strait in the north and around to the waters of the Gulf of Carpentaria. The issue concerns the future viability of our Volunteer Marine Rescue and Australian Volunteer Coast Guard units and squadrons, two wonderful organisations that have a proud history in protecting our state's boating community and saving countless lives in the process. I am fiercely proud of the VMR in my part of the world. In fact, in Mackay-Whitsunday waters we have four great squadrons: Bowen, Mackay, Midge Point and Whitsunday based at Cannonvale—with Whitsunday being the original VMR in Queensland.

Some months ago I was delighted to be alongside representatives of all four squadrons, along with VMR Burdekin, which is also part of VMR's northern zone, to hear the concerns of their people in relation to funding and, specifically, how funding has not improved in 20 years. Keith Williams, the boss of VMR in Queensland, was also at that meeting, as was the Deputy Leader of the Opposition and member for Mackay who, quite frankly, should be ashamed that it was his Labor government that did virtually nothing to help VMR and, for that matter, Coast Guard to stay afloat. I strongly commend the VMR and Coast Guard volunteers around Queensland who have battled to keep going amidst successive governments refusing to increase their funding, especially those Labor governments which enjoyed those rivers of gold for years but wasted them and gave us the debt that we have: $450,000 an hour in interest payments alone. I wonder how many boats we could buy with that sort of money today.

In particular, I commend my own volunteers at VMR, people like Tom Manning from VMR Whitsunday and his team; Robert Murolo and Gary Considine from VMR Midge Point; Russell McLennan, who is now in charge of VMR Mackay—with 32 years of service to boot; Les Todd; Barrie Clarke; Bob Ford; Charles Linsley; Col Goldston; Len Lester; and the late Ron McClanachan. Quite frankly, without them and their mates, their courage and their time, many lives would have been lost.

Often new volunteers are hard to come by. On that note I say 'well done' to Captain Deano on his first mission as VMR skipper, which was a recent rescue job in the Whitsunday passage involving a canoe. I am sure all his mates at VMR1 are very proud of him. It is just one of 25 VMR squadrons from across Queensland, but it is a significant one in the north, remembering that it covers around 5,000 square miles that includes the inshore and offshore waters of the Great Barrier Reef and, of course, our magnificent Whitsunday islands. After all, we are a boating mecca of international repute, underlined by our recent events on the water: firstly, Airlie Beach Race Week, then Audi Hamilton Island Race week and, finally, the recent Rendezvous hosted by my mates at the Shag Islet Cruising Yacht Club at Cape Gloucester.

I also acknowledge the work of the now defunct Mackay air sea rescue squad, which ultimately became VMR Mackay. I well remember the yellow cats in the Mackay Harbour. I pay tribute to those people not only from Mackay but also from other squads around Queensland who have contributed to our communities and have saved lives. I love getting out on the water. In fact, it is part and parcel of the job I do in representing the good people of Whitsunday. Last week I travelled to Hamilton Island to visit the local community and, of course, the local school. The week before I went to Hook Island where I caught up with the island's only resident.

Mr Cripps: I've been to Hook Island. It is a fantastic spot.

Mr COSTIGAN: It certainly is, and I take the interjection from my fellow North Queenslander and Minister for Natural Resources and Mines. Sometimes accidents do happen and invariably it is the VMR or coast guard that comes to the rescue, 24 hours a day, 365 days a year. This funding issue is something that the Minister for Police and Emergency Services is well aware of. After all, he serves as patron of his local VMR at Bundaberg. My neighbour and colleague the Assistant Minister for Emergency Volunteers and member for Mirani, Mr Ted Malone, is also very much across this important issue. I sincerely thank them both for listening to the people of Queensland, our volunteers, as we work together to come up with a good outcome. I am sure today I speak for all members of parliament in this place in saying that we recognise the incredible heroics of the two aforementioned organisations, as we did last night in recognising the heroics of Surf Life Saving Queensland and its volunteer members at the 2014-15 season launch at Parliament House.

As I speak VMR Mackay has a big problem. Last week they did an engine and it will cost $50,000 to get the vessel back on the water. How will that happen? That is a lot of sausages. We need a sustainable funding model to keep them going, otherwise they will soon need rescuing themselves. Put simply, it is a case of sink or swim.

Mount Isa Water

Mr KATTER (Mount Isa—KAP) (11.52 am): I rise to speak about the cost of water for Mount Isa residents and the burden placed on the ratepayers to deal with the outbreak of blue-green algae in Lake Moondarra, which is one of the two main water supplies for Mount Isa. Lake Moondarra was 100 per cent built and paid for by Mount Isa Mines and is the town's main water supply. Lake Julius provides the second source of the town's water and approximately 50 per cent of it was paid for also by Mount Isa Mines. The water in Lake Moondarra is administered by the Mount Isa Water Board on behalf of the state government.

As the manager of that resource, it takes on most of the administration roles and all of the pipe work, pumping and maintenance is performed by the Mount Isa City Council and Mount Isa Mines, or Glencore as it is now known. The water board's function is to provide an administrative role. From 1973 to 1989 that role was undertaken by a part-time accountant who, at the back of an arcade, used to run the activities of the water board, effectively. Now the same role is performed by 14 staff working in a two-storey building, which was purchased for $300,000 and has been largely renovated twice since that time. Therefore, 14 staff are now doing the job that was done by someone performing half a role. All of this cost goes back onto the Mount Isa ratepayers.

The board's job is to monitor and maintain the quality of the water. It takes a profit from the sale of the water and gives it to the state government. At its discretion, the state government sometimes gives part of the profit, as a dividend, back to the users. When I was on council, often the state government would not give a dividend back, so the extra cost was passed on to the ratepayers.

The injustice exists in relation to the blue-green algae. As the minister said this morning, that algae outbreak has probably occurred as a result of the dry. A blue-green algae problem exists and we now have a $3.2 million cost for the filtration plant. As the body that takes the profit off the water board, the state government has said, 'Well, that's not our problem. You'll have to pay for that, Mount

Isa residents. Every year we're happy to take the $5 million profit for selling the water of the public utility, even though we never used to make a profit from it. Now we are making a profit, but if a problem comes up we are not going to pay for it. We'll put it back on you. You can all pay for it.' Now everyone in Mount Isa has to pay $440 each for this mistake or this error. I question the fairness of that. This morning in my question to the minister I said that surely some of that $5 million profit, over and above the $1 million dividend, has to go back to help solve the problem, instead of simply asking the people to cover the $3.2 million cost of filtration. I think that is terribly unfair. It is an injustice.

Last year the increased cost of water for the Mount Isa City Council was $7.8 million. That has been an enormous burden on the people of Mount Isa. We received a dividend of $1.24 million, but that dividend will be halved next year and then, as happened with the Gladstone Water Board, it will disappear forever. The dam was 100 per cent built and paid for by the mines, but we have lost control over it and we will be charged at the whim of the state government of the day. It can charge us whatever it wants to make a profit off that water. We pay our taxes to administer that in the first place and we do not want to pay another tax to the government to use water from a dam that we built. That is what is happening. As a commercial entity that is offering water for sale, if there is a problem you bear some of the cost; you do not put it straight back on to the users. It is a monopoly situation, so there is an obligation on the government to take some of the $5 million profit that is going straight back into the coffers down here and divert it back to Mount Isa residents, so that we are not charging our pensioners and old people $440 that they can ill afford to cover that cost. It is a travesty. It is terribly unjust and it needs to be fixed.

People do not live in Mount Isa because it is close to the beach and they do not go there to retire. The only reason Mount Isa exists is to support the operations of the mines, which deliver up to $100 million in royalties a year. For us to live there, we need water. We built the water supply ourselves with no help from the government. We built it ourselves and now, when we need a bit of help because there is a drought and we have blue-green algae, not even the profit that the government makes from selling the water comes back to us. That is where the unfairness rests. That is the nature of the question that I asked the minister this morning. I will be talking to the minister about this and I appreciate his offer to talk to him. However, we need some assistance over and above the dividend. That is fair for the people of Mount Isa and it gives a bit of equity to the situation. You cannot make a profit from water when people are hurting. It is not there to make a profit; it is there to deliver a public utility to the citizens of Mount Isa.

(Time expired)

Wild Dogs

Mr JOHNSON (Gregory—LNP) (11.57 am): Today in this state one of the greatest scourges faced by the primary industries is the issue of wild dogs. From the gulf to Goondiwindi and west of that line, the wild dogs are out of control. We need a cooperative and strategic approach. By working in conjunction, landholders, agri-leadership organisations and local, state and federal governments can win the war against a destructive pest that is destroying the fabric of rural and regional Queensland. It is affecting the sheep and wool industry and, ultimately, it will impact on the cattle and goat industries in the state as well.

The antidote for this problem is fencing. At the big stations of yesteryear, when the rabbits were bad they put up rabbit netting fencing to keep the rabbits out of sheep country in particular. In later years, on the bigger holdings in the west where the rabbit netting fences were, they added six-foot posts inside the fences and put marsupial netting across the top to stop the dogs. Today in Western Queensland many graziers and pastoralists are spending hundreds of thousands of dollars of their own money to keep those predators out and keep the sheep industry viable. Regional Queensland is on its knees through drought, low stock numbers, high freight costs and low coal prices. Some 12,000 jobs have gone out of the coal industry in the Bowen Basin and the Callide Basin areas. That has a huge impact on the towns in the region.

Whether it is the coal industry in Queensland or the agricultural industry in Queensland we are price takers not price makers. We have to look after our own and start at home. I believe that charity starts at home. Barnaby Joyce, the federal Minister for Agriculture, John McVeigh, our Minister for Agriculture, Fisheries and Forestry, and our colleague the member Warrego, Howard Hobbs—who is a wool and cattle producer and has spent tens of thousands of dollars of his own money fencing his own property at Tambo—will visit Charleville on Thursday this week.

I want to bring to the attention of people in this House that rural towns are doing it damn tough. Small business is on its knees. The cost of production has gone through the roof. The only person who has a job in most of these places is the person with a government job. This is a critical situation. This is the worst we have witnessed since the 1965 drought when commodity prices were low right across the eastern seaboard of Australia.

Our largest manufacturing industry in this state is our beef industry. It too is on its knees because of the drought in the far west, the south-west, the central west, the north-west and the mid-west. If we keep losing cattle and sheep numbers in this state we are not going to have rural and regional Queensland. We are not going to have the largest manufacturing industry in our state—that is the meat industry.

The Royalties for the Regions program has been a God send for many of our towns in rural and remote Queensland, especially those that are able to apply because they have resources in their areas. From 1901 to 2009 we have seen employment in rural areas decline from 14 per cent to three per cent. In 1990 there were 16.7 million sheep in Queensland. Today there are 2.9 million sheep in Queensland. In 1990 there were 9.9 million cattle in Queensland. Today there are 11.3 million cattle in Queensland.

Sheep producers cannot contend with the wild dog issue any longer. They are going to go broke if they stay in the sheep and wool industry. We have seen a mass exodus of employees from the shearing industry. The cattle industry is not as labour intensive as the sheep industry. Towns like Goondiwindi, St George, Cunnamulla, Charleville, Quilpie, Barcaldine, Blackall, Augathella and right through to Winton, Hughenden and Richmond are sheep towns. They traditionally boasted large numbers of employees who earned their money from the sheep industry and spent their money in those towns. We have to get those towns operational again. I suggest that Joe Hockey find $20 million to build the sheep fence that we need to protect the industry from wild dogs so that we can see the industry rebuild.

(Time expired)

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

HEALTH LEGISLATION AMENDMENT BILL

Introduction

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (12.02 pm): I present a bill for an act to amend the Ambulance Service Act 1991, the Health Ombudsman Act 2013, the Hospital and Health Boards Act 2011, the Mental Health Act 2000, the Public Health Act 2005, the Radiation Safety Act 1999, the Tobacco and Other Smoking Products Act 1998 and the Transplantation and Anatomy Act 1979 for particular purposes. I table the bill and the explanatory notes. I nominate the Health and Community Services Committee to consider the bill.

Tabled paper: Health Legislation Amendment Bill 2014 [5880].

Tabled paper: Health Legislation Amendment Bill 2014, explanatory notes [5881].

The bill amends eight Health portfolio acts to support policy initiatives of the government and to improve the effective operation of the relevant acts. The bill makes a number of amendments to the Tobacco and Other Smoking Products Act 1998 to strengthen smoking bans in Queensland. More than 3,400 Queenslanders die each year from smoking related illnesses and smoking accounts for an estimated $6.1 billion every year in health costs, lost productivity and premature death in Queensland.

Strong tobacco legislation is one element of a multistrategy approach for reducing smoking rates. While Queensland has some of the strongest tobacco legislation in Australia, there is community support for the laws to go further. The bill amends the tobacco act to extend smoking bans on and around health facilities, school grounds and in prisons.

The bill also amends the tobacco act to subject personal vaporisers and associated components to the same restrictions applied to tobacco products. This includes prohibiting their sale and supply to children, restricting advertising and display at retail outlets and prohibiting use in enclosed and outdoor smoke free places. This proposal is a ‘same rules apply’ approach rather than totally prohibiting personal vaporisers. This amendment aims to protect the years of campaigning by governments and communities to denormalise smoking. There is no doubt that many of these personal vaporisers are certainly being used as an introductory process for people, and particularly children, into the very bad and life-limiting habit of smoking.

The bill also makes amendments to the Transplantation and Anatomy Act 1979 to facilitate the appropriate supply of blood products and tissue based therapeutic products to Queensland patients and health service providers. Existing controls in the Transplantation and Anatomy Act on buying, selling and advertising human tissue based products are more restrictive in Queensland than in some other states. These controls have been effective in restricting the commercial trade in human tissue and organs. However, they potentially obstruct the efficient supply of blood and blood products under the national blood supply arrangements and the supply of tissue based therapeutic products approved by the Therapeutic Goods Administration.

The amendments to the Transplantation and Anatomy Act clarify that third parties contracted by the Commonwealth or Queensland to supply blood and blood products are able to buy, advertise and sell those products in Queensland. The amendments also clarify that tissue based therapeutic products that are included on the Australian Register of Therapeutic Goods can be bought, sold and advertised in Queensland. Tissue based products include surgical bone putty to aid in the healing of broken bones and skin tissue, with the cells removed, to promote skin growth.

The transplantation and Anatomy Act and the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003 both prohibit the commercial trade in human eggs, human sperm and human embryos. The Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act allows for reasonable expenses to be reimbursed to someone who supplies donor eggs, sperm or embryos. Reimbursement of expenses is prohibited by the Transplantation and Anatomy Act. The bill clarifies that if the Transplantation and Anatomy Act is inconsistent with the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act, the latter prevails to the extent of the inconsistency. The bill also creates a power of delegation for the minister under the Transplantation and Anatomy Act which will allow the minister to delegate his or her functions to an appropriate official.

The bill amends the Hospital and Health Boards Act 2011 and the Ambulance Service Act 1991 to give effect to recommendations of the review of root-cause-analysis legislation. Root-cause analysis is a method used to analyse serious clinical incidents associated with the provision of health care, such as those resulting in serious injury or unexpected death.

A multidisciplinary root-cause-analysis team will be appointed to retrospectively analyse the sequence of events leading to a clinical incident, identify contributing factors and making recommendations for how to prevent similar events from occurring in the future. The bill makes a number of amendments to the root-cause-analysis provision in these two acts to clarify their intent and improve the workability of the legislation.

The bill also expands the application of the root-cause-analysis provisions to include non-government organisations prescribed under a regulation as a means of further enhancing the quality and safety of the health services. Only those organisations considered able to conduct root-cause analysis as part of their quality improvement processes will be able to be prescribed.

The Public Health Act 2005 is also amended by the bill to transfer civil liability for asbestos related matters from local governments to the state. These amendments give effect to recommendations from the *Asbestos report: an investigation into the regulation of asbestos in Queensland*. The amendments provide indemnity to local governments against civil liability for the management of asbestos related health risks in non-workplace settings. The protection only applies to specified local government officers who are acting in an official capacity under the Public Health Act. The indemnity is contingent upon local governments complying with a number of conditions including record keeping and staff training.

The bill goes on to make a number of amendments to the Radiation Safety Act 1999 to improve the effective and efficient operation of this act. In particular, the bill will allow the renewal of an act instrument such as a licence up to 30 days after its expiry.

Currently the department of health cannot accept an application for renewal if it is received after a licence or another act instrument has expired. This creates a regulatory burden on individuals and businesses and an administrative burden on government. The bill creates a framework to enable act instruments to be renewed if they are received by the department within 30 days after their expiry date. These amendments will reduce both costs and red tape. Other amendments in the bill are minor and operational in nature and will improve the effective operation of the acts they amend.

This bill supports a number of key initiatives of this government. The amendments to extend smoking bans and apply existing tobacco restrictions to electronic cigarettes are consistent with this government's commitment to reinvigorate tobacco control efforts in Queensland. These amendments will assist in addressing the health, social and economic impacts that smoking has on thousands of Queenslanders.

Addressing the operational issues in the Transplantation and Anatomy Act will improve the accessibility of blood and blood products as well as tissue based therapeutic goods to Queensland patients and their service providers.

Clarifying the intent and workability of the root-cause-analysis provisions in the Hospital and Health Boards Act and the Ambulance Service Act will assist in addressing and preventing patient harm associated with health care. The bill is consistent with the government's commitment to reducing the regulatory burden and red tape and enhancing operational effectiveness. I commend the bill to the House.

First Reading

Hon. LJ SPRINGBORG (Southern Downs—LNP) (Minister for Health) (12.11 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 Health and Community Services Committee

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

DISASTER MANAGEMENT AMENDMENT BILL

Introduction

Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police, Fire and Emergency Services) (12.12 pm): I present a bill for an act to amend the Disaster Management Act 2003 and to make a regulation under the Disaster Management Act 2003 for particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Disaster Management Amendment Bill 2014 [5882].

Tabled paper: Disaster Management Amendment Bill 2014, explanatory notes [5883].

Today, I am pleased to introduce the Disaster Management Amendment Bill 2014. The purpose of the bill is to improve governance of disaster management at the state level. I believe Queensland is one of the best places in the world to live. However, to live in this great state, it is important to be prepared in the event we may need to face natural disasters.

In recent times there have been a number of significant natural disasters that Queenslanders have endured. We can all remember the devastation and destruction caused by events such as Tropical Cyclones Oswald, Ita and Larry and the numerous floods and bushfires that have affected almost every corner of this great state at some point in recent times. We all know someone whose life has been affected as a consequence of a natural disaster.

This government has a strong plan for a brighter and safer future. Queenslanders need a world-class disaster management strategy to ensure we are best placed to respond to, and overcome, natural disasters in the future. I believe we have reached that world-class standard and I am proud of the way that Queenslanders have responded to recent natural disasters that have affected our communities. However, we cannot be complacent. We must continually learn from previous experiences and strive for best practice.

The bill demonstrates this government's commitment to continually improve on our current disaster management measures. In response to issues highlighted during the disaster events I have just mentioned and the Floods Commission of Inquiry, this government has conducted a review of the high-level governance arrangements currently in place under the Disaster Management Act 2003. The Disaster Management Act 2003 established a model for responding to disasters at a local, district and state level. Currently, at the state level, the act creates the State Disaster Management Group, or

the SDMG, which is tasked with a range of high-level disaster management functions within the state. In addition to the SDMG, the Disaster Management Cabinet Committee, DMCC, exists to provide high-level governance of disaster management arrangements.

This review, conducted by an advisory group chaired by the Department of the Premier and Cabinet, focused on the interplay of the State Disaster Management Group with the Disaster Management Cabinet Committee. The review concluded that the Disaster Management Act should be amended to improve these governance arrangements. This would be achieved by creating a new cabinet committee called the Queensland Disaster Management Committee, QDMC, which will replace the Disaster Management Cabinet Committee, DMCC, and the State Disaster Management Group, the SDMG.

At this point, I wish to stress to the House that this bill does not change the disaster management arrangements at local or district levels. Rather, this bill will address state level management and strategic guidance matters. The formation of the Queensland Disaster Management Committee will simplify Queensland's disaster management structure by reducing one layer of governance and allow direct ministerial participation in the strategic management of disaster events. This change will ensure decision making is faster and better informed and will also allow a direct line of communication between the QDMC, the State Disaster Coordinator and the State Recovery Coordinator.

The QDMC will be chaired by the Premier and the deputy chair will be the Minister for Local Government, Community Recovery and Resilience. The Queensland Disaster Management Committee will include relevant ministers from the existing Disaster Management Cabinet Committee and their directors-general from the State Disaster Management Group. The chair can invite external members as required to draw on their relevant expertise.

The approach proposed in this bill ensures that all relevant personnel, including ministers, directors-general and appropriate non-government agencies and experts, are involved in providing strategic advice in relation to disaster management. The bill also responds to an observation of the Police and Community Safety Review about the position of State Disaster Coordinator. The bill ensures that a person will always be appointed to this position. This will ensure that at all times a suitably qualified and experienced person is available to lead the coordination of disaster response across the state.

This bill aims to provide cohesion and enhance efficiencies in the response to disasters. In doing so, this government is ensuring that Queensland is in the best position to prepare for, respond to and recover from disaster events. It is all part of this government's strong plan for a brighter, safer, more prepared and more resilient future for Queenslanders not just now but for years to come. I commend this bill to the House.

First Reading

Hon. JM DEMPSEY (Bundaberg—LNP) (Minister for Police, Fire and Emergency Services) (12.19 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 Legal Affairs and Community Safety Committee

Mr DEPUTY SPEAKER (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Legal Affairs and Community Safety Committee.

QUEENSLAND HERITAGE AND OTHER LEGISLATION AMENDMENT BILL

Introduction

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (12.19 pm): I present a bill for an act to amend the Queensland Heritage Act 1992 for particular purposes, and to make consequential amendments of other acts as stated in schedule 1 for purposes related to those particular purposes. I table the bill and explanatory notes. I nominate the Agriculture, Resources and Environment Committee to consider the bill.

Tabled paper: Queensland Heritage and Other Legislation Amendment Bill 2014 [5884].

Tabled paper: Queensland Heritage and Other Legislation Amendment Bill 2014, explanatory notes [5885].

Queensland's cultural heritage is part of our common inheritance and as communities, government, businesses, professional organisations and heritage advocates we all share a responsibility to conserve it for future generations. The places associated with that heritage are unique and, along with our diverse landscapes and ecosystems, set this state apart. Many exciting opportunities exist to ensure these places draw tourists to Queensland, further entice interstate migrants to make this great state their permanent home and reinforce our identity as Queenslanders. It is with pleasure that I introduce the Queensland Heritage and Other Legislation Amendment Bill 2014, which aims to reinvigorate our approach to conserving and promoting our important heritage assets, thereby forging strong connections with what is our living heritage.

This bill better aligns the Heritage Act to its purpose of conserving Queensland's cultural heritage, putting it in the forefront of heritage legislation across Australia. It has five core objectives, which are to (1) facilitate promotion of Queensland's places of cultural heritage significance, (2) streamline the statutory processes associated with entry of places in, and removal of them from, the Queensland Heritage Register, (3) reduce unnecessary regulatory burden on the owners of heritage listed places and further encourage appropriate development of these places, (4) strengthen protections for the state's most important historic heritage places and (5) provide more flexibility to local government in carrying out its important role in identifying and protecting places of local heritage significance.

Wide-ranging consultation on a discussion paper—which occurred in May and June this year and generated about 50 submissions—has informed preparation of this bill and provided clear direction on a number of key issues.

The Queensland Heritage Council, established under the Heritage Act as the independent decision-maker about the Queensland Heritage Register, has participated fully in the review and offered its valuable suggestions. I particularly acknowledge the contribution of the council's chair, Professor Peter Coaldrake, and thank him for that contribution.

In line with the Newman government's open data reform agenda, the bill makes appropriate information about places entered in the Queensland Heritage Register more accessible to the community. This may occur when someone is considering the purchase of a property, deciding to do work on a heritage listed place or researching a school assignment. The reforms also enable greater community participation in the process whereby places are considered for entry in, or removal from, the register. The bill emphasises that the Queensland Heritage Register is the chief instrument by which places of outstanding heritage value to the state are identified and protected. It acknowledges that local government plays a vital role in identifying and establishing appropriate protections for places of local heritage significance. This aligns with the national framework for managing heritage that matches the values of a place to the level of government best positioned to regulate them.

The bill makes improvements to the processes whereby places are nominated to the state register and assessed in terms of the level of their cultural heritage significance. It clearly articulates the standard of information that must accompany an application to ensure a convincing case is made that the place should be investigated further and considered for entry into the register. The bill gives owners the opportunity to make a considered written response to the recommendation made by the department before the Heritage Council makes its decision, and once the Heritage Council makes a decision about a place no new applications can be made for a period of five years unless substantial new evidence becomes available and development threatens the place.

On the subject of keeping regulatory burden at a minimum, the bill expands an existing fast-track mechanism to ensure minor work that has little impact on the heritage significance of a listed place can be approved without going through the development approval process. The changes in this bill increase the value of exemption certificates and support expansion of the scope of the general exemption, which applies to all places entered in the Queensland Heritage Register as well as to classes of places like war memorials. This will allow the department to increase certainty about agreed ways work can be carried out at heritage listed places without requiring the government's approval or involvement for that aspect of development.

The bill improves the focus of the essential maintenance provision, which was included in the Heritage Act to prevent damage caused by neglect of a heritage listed place. This power was not introduced to punish responsible owners but to deal with those rare cases where neglect is seen as a shortcut to having a place removed from the Heritage Register. It is being strengthened to ensure it is enforceable and can be used to intervene before any damage caused becomes too expensive to reasonably require someone to repair.

Tightening application requirements; recognising that the registration process, ending with a decision of the Heritage Council, represents a comprehensive consideration of heritage significance; and facilitating regular review of information about existing places will all serve to refocus the state's Heritage Register on our most important places. If such an effort is made to properly identify places, we must also have the means to protect them without encumbering owners who simply wish to keep them in use.

The bill will help safeguard underwater aircraft that were wrecked 75 years or more ago, which means that from 2016 those aircraft wrecked in Queensland waters when World War II's Pacific theatre opened will be protected.

Since 2008, local governments have been required to keep a local Heritage Register under the Heritage Act unless exempted from doing so because its planning scheme already protected local heritage places. This bill makes clear the obligation of local government in relation to local heritage places but explicitly gives it flexibility on how to fulfil this requirement. It can choose the mechanism best suited to its particular circumstances.

A number of useful green-tape-reduction tools are extended for use by local government with local heritage places, these being exemption certificates and heritage agreements. The bill similarly extends the power to issue essential repair and maintenance notices to those local governments prescribed by regulation because they have verified their capability to use it.

The bill refurbishes the orders available to the court when penalising those found guilty of damaging or destroying a heritage listed place. Public benefit and education orders are introduced to provide contemporary and effective sentencing options in addition to a fine. The Newman government will continue to consider and protect this state's treasured past when determining its future. I commend the bill to the House.

First Reading

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (12.26 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 Agriculture, Resources and Environment Committee

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

LAND SALES AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 3 June (see p. 1942).

Second Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (12.27 pm): I move—

That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its detailed consideration of the Land Sales and Other Legislation Amendment Bill 2014 as well as all of the stakeholders who made submissions to assist the committee in its inquiry. I note the committee tabled its report on 29 August 2014 and recommended that the bill be passed.

I would also like to take the opportunity to thank the expert reference committee that has overseen and guided the review of the Land Sales Act 1984. This government greatly appreciates the generosity of all members of the expert reference committee in sharing their time, experience and expertise in the development of this very important bill.

The Land Sales and Other Legislation Amendment Bill is yet another example of this government's commitment to growing Queensland's economy by focus on the four pillars of tourism, agriculture, resources and construction. This government recognises the importance of Queensland's

property and construction sectors and is therefore determined to ensure that Queensland is equipped with a modern property law framework which balances consumer protection and business growth. We have also promised to reduce regulation of red tape by 20 per cent. We want Queensland to be the best place in Australia to do business. Growth in investment creates jobs and opportunities for all Queenslanders. This bill is an example of how we are reforming and revitalising the property sector and property legislation and follows on from the very important reforms to the Property Agents and Motor Dealers Act split bills that were passed by the parliament earlier this year.

The Queensland University of Technology is also conducting a broad-ranging review of all property legislation in Queensland to get rid of duplication and complication, which only serves to confuse the consumers and tarnish our reputation as a good place to do business. The reforms we have undertaken are part of our strong plan for a brighter future in Queensland as we set about supercharging the economy.

The Land Sales Act 1984 is not necessarily well known outside of the property sector but it is very important legislation. In summary, the Land Sales Act regulates off-the-plan sales of land in Queensland as well as off-the-plan sales of lots proposed to be included in community titles schemes such as apartments and home units. The Land Sales Act has a number of policy objectives, but its broad aim is to facilitate property development in Queensland while providing appropriate protections for consumers in that process. This government believes that these objectives are entirely compatible and continue to be highly relevant in modern Queensland. The bill currently before the House enhances these objectives by removing unnecessary red tape and regulation to promote growth and development in our property sector while at the same time ensuring effective and appropriate consumer protections for people buying land or apartments off the plan.

An innovative, vibrant and growing property development industry provides jobs, homes and investment opportunities for Queenslanders. It also supports Queensland's tourism industry by providing a range of accommodation options for our domestic and international visitors. In turn, a fair and effective consumer protection framework enhances confidence for buyers and investors who are considering buying off the plan.

This bill is designed to provide Queensland with modern, streamlined legislation regulating off-the-plan sales of property for the benefit of both buyers and sellers. I know that many members of parliament, particularly honourable colleagues from the Gold Coast such as the Leader of the House, have a particular interest in off-the-plan development. The Gold Coast, the Sunshine Coast and areas of North Queensland have seen off-the-plan community titles sector growth, particularly over the past 20 to 30 years—nowhere more so than on the Gold Coast.

Passing this bill will eliminate redundant bureaucratic and regulatory requirements that add costs and complications for business and consumers and provide no real benefits for consumers, in line with this government's commitment to cut red tape for Queenslanders. Over the years this type of legislation—as well as the Property Agents and Motor Dealers Act, the Property Law Act and the Land Title Act of the honourable Minister for Natural Resources and Mines—has been so regulated by former Labor governments that it has strangled business opportunity and growth in this state. It has confused consumers. The Labor governments believed that they needed to hold the consumer's hand and business's hand through the process. The only answer they had to any of this was more regulation and more red tape. That is not the answer because that stifles growth, stifles opportunity and stifles job opportunities for Queenslanders. The bill we are passing today will reduce regulation and red tape but also include valuable protections for consumers and clarify and improve precontractual disclosure negotiation requirements.

Before hearing from members on this important debate, I would like to recap some of the specific highlights of the bill. First, the bill makes a significant structural change to how land sales regulations are dealt with in the Queensland statute book. Currently there is significant legislative overlap in how legislation deals with off-the-plan sales, particularly in the context of the sale of community title lots. For instance, both the Land Sales Act and the Body Corporate and Community Management Act 1997 contain separate disclosure obligations that apply to a person selling an apartment or unit that is proposed to be included in a community titles scheme.

The bill proposes a simpler structure to make the law more accessible for Queenslanders by making it easier for people to find the law relating to off-the-plan sales. Essentially, the bill provides for requirements in the Land Sales Act that apply to the sale of community title lots to be relocated to the relevant community titles legislation—that is, the Body Corporate and Community Management Act, the Building Units and Group Titles Act 1980 or the South Bank Corporation Act 1989. It is not rocket science; it is common sense. It should have happened years ago but the Labor Party did not

believe in regulation and red-tape reduction; it believed in more red tape and regulation for consumers. These changes will mean that the Land Sales Act itself will only deal with the sale of proposed land that is not proposed to form part of a development regulated under one of Queensland's community titles laws.

As part of restructuring the legislation to improve its accessibility, the government has also taken the opportunity to include amendments in the bill to modernise the terminology used in the legislation and to ensure that the language of the legislation is more reflective of and consistent with usage in the modern marketplace. The bill also takes substantial steps to freeing the property sector from restrictions and regulatory requirements imposed by the former Labor government that are unnecessarily adding costs and complication to property development in this state.

As I mentioned in my explanatory speech, while the Land Sales Act currently allows a seller or buyer to seek an exemption from requirements of the act in relation to non-community titles developments of not more than five lots, these exemptions are subject to assessment and approval by the chief executive. Applications for exemptions are common and are very rarely refused. Rather than requiring parties to spend their time and money applying for an exemption which will almost invariably be granted, the bill provides an automatic exemption for small developments. This will reduce costs for parties to property transactions and government. The bill also eases restrictions on selling unregistered, reconfigured land by allowing such land to be sold prior to receiving the relevant permits for developing the land. This flexibility is already available to sellers of proposed lots in community titles schemes.

An overarching theme of the bill is that it provides more freedom for buyers and sellers to decide for themselves what contractual arrangements are suitable and reduces legislative interference in those matters. For instance, the bill allows deposits of up to 20 per cent of the purchase price to be payable for off-the-plan sales without invoking the instalment contract provisions of the Property Law Act 1974. This change will help with the financing of major projects which deliver economic growth, jobs and housing opportunities for Queenslanders. Importantly, buyers are still protected as current trust account arrangements will continue to apply. It is also relevant to note that the amendments allow deposits of up to 20 per cent. This does not mean that all contracts must be subject to 20 per cent deposits. Parties are still free to negotiate the amount of deposit, provided it does not exceed the 20 per cent cap. So if a seller wants to do it, they will only attract buyers who wish to pay the 20 per cent deposit. If they do not, they do not have to enter the contract with the particular seller.

The bill also provides more flexibility for buyers and sellers of proposed lots in community titles schemes to contractually agree on the time for settlement. Further, the bill delivers real changes to help consumers make informed choices when thinking about buying property off the plan. Precontractual disclosure provisions under the current Land Sales Act are somewhat vague and, in some cases, may not adequately inform prospective buyers of key features of the property they are thinking about buying. The bill contains modernised disclosure requirements, tailored to reflect the different types of property that may be subject to off-the-plan sales, which will greatly assist buyers to understand the proposed characteristics and features of the land or apartment they are thinking about investing in. Facilitating clarity of expectations and certainty will benefit both buyers and sellers engaging in off-the-plan property transactions.

I foreshadow that I will be moving a number of amendments during consideration in detail. Some of the amendments were recommended by stakeholders in their submissions to the Legal Affairs and Community Safety Committee to improve the operation of the bill. Other amendments will address several issues arising from the roll-out of national electronic conveyancing, e-conveyancing, in Queensland.

The introduction of e-conveyancing in Queensland will bring conveyancing practice in this state into the 21st century and open the way to greater certainty and greater efficiency in the conveyancing process. The roll-out is occurring in stages. The first release, in December last year, applied only to a limited range of transactions. The next release, scheduled for next year, will extend e-conveyancing to a greater range of transactions, including transfers and caveats. In an e-conveyance, the traditional face-to-face settlement of a contract for the sale of land is replaced by an electronic exchange process for funds and transfer documents. The steps in the electronic process do not precisely mirror the paper process. This raises issues about applying the traditional concept of settlement to an electronic environment. To address this, I will be proposing amendments to the Property Law Act 1974 to expressly define 'settlement' in the context of e-conveyancing to ensure certainty as to when settlement occurs in the new digital environment.

I will also be proposing amendments to ensure that the exercise of statutory rights of termination that are expressed to end at settlement are practically workable. It is also necessary to make consequential amendments to the Land Sales Act and the three community titles laws being amended in the bill to ensure contracts for the sale of land or apartments off the plan can also be settled using e-conveyancing. I propose to move these amendments during consideration in detail.

The bill also includes amendments to the Breakwater Island Casino Agreement Act 1984 to provide for the transfer of the ownership of the Jupiters Townsville Hotel and Casino from Jupiters Ltd to CLG Properties Pty Ltd as trustee for CLG Property Trust. As I explained in my explanatory speech upon introduction of the bill, Jupiters is currently party to a casino agreement with the state of Queensland, the form of which is ratified by parliament and incorporated into schedule 2 of the agreement act. In order for the sale to proceed, the agreement act must be amended to recognise the form of the new agreement between the state and CLG as the new owners of Jupiters Townsville.

The amendments are procedural in nature, executing an existing function of the Breakwater Casino Agreement Act. This amending deed is part of a complex process which has seen a number of approvals sought and a significant probity investigation conducted by the Office of Liquor and Gaming Regulation into CLG and its associates. As a result of this probity investigation and a review of its findings, I recommended to the Governor in Council that CLG and a number of its associates were suitable to be associated with the ownership and management of a hotel-casino complex in Queensland.

In summing up, I reiterate that this bill delivers on this government's strong commitment to deliver practical reform by ensuring Queensland's property law framework is streamlined and promotes innovation, growth and flexibility in the marketplace. The government is committed to ensuring that Queensland's property and construction industries have a brighter future. I look forward to hearing members' views on the Land Sales and Other Legislation Amendment Bill as the debate progresses. I commend the bill to the House.

Mrs D'ATH (Redcliffe—ALP) (12.40 pm): I rise to make a contribution to the debate on the Land Sales and Other Legislation Amendment Bill 2014. At the outset I wish to advise that the opposition will not be opposing this bill, but there are a number of matters included in the bill that we have concerns with and I will be raising them during the debate. This bill has been quite some time in the making. In December 2010 then Minister Lawlor released an issues discussion paper that sought the views of stakeholders in relation to a review of the laws relating to the proposed subdivision of land and the sale of lots in a proposed community titles scheme such as a unit in an apartment complex. Stakeholders made some quite valuable contributions to that process and the department collated and compiled the issues discussed into a policy proposals consultation paper which was released by the current Attorney-General in 2012. The consultation paper built on the previous work of the issues discussion paper, together with the input from the expert panel advising on the review. This bill is the culmination of that work and largely reflects the proposals from industry and other stakeholders. The aim of the bill, which was the aim of the previous government in commencing the process, is to reduce any unnecessary regulatory burden on developers without reducing consumer protection provided in the act.

At the time it was initially introduced in 1984, the bill was considered necessary as there had been a number of instances where consumers had lost substantial sums of money through misdescribed land. I think most people would be aware of the Russell Island land scams under the Bjelke-Petersen government where purchasers bought blocks that were not where they thought they were, some even being underwater at high tide. That scandal was mentioned during debate of this legislation in 1984. Therefore, it was necessary for there to be some consumer protection introduced for land sales off the plan and the act sought to do that. The explanatory notes state that the bill has four objectives: to reduce red tape and regulation relating to the sale and purchase of proposed allotments and proposed lots while ensuring important consumer protections are maintained; modernise, improve and streamline the legislation regulating the sale of proposed allotments and proposed lots; address minor editorial errors that have been identified in section 157 of the Property Occupations Act 2014; and amend the Breakwater Island Casino Agreement Act 1984 to provide for the transfer of ownership of the Jupiters Townsville Hotel and Casino from Jupiters Ltd to CLG Properties Pty Ltd as trustee for CLG Property Trust.

I will address a number of the matters raised during consideration of the bill. Currently, the act provides that a proposed allotment cannot be sold until such time as there is an effective development or compliance permit in place or, if there is operational work required to be done, development approval has been granted for the operational works. This bill removes that restriction.

There is currently no similar restriction for proposed building units under the Body Corporate and Community Management Act and other jurisdictions do not have a similar requirement. This was included for discussion in the 2010 discussion paper. Stakeholders largely supported the proposal for the reasons I just stated. In addition, the change would allow sellers to make presales at an earlier stage, which is useful for securing finance for the project. It adds to financial viability. It also adds to the risks associated with purchasing the property off the plan. There is a risk that the development approval may not be granted; there is a risk that there may be a substantial difference between the allotment delivered and what was contracted on. There are protections for consumers contained in the act and in the bill such as a right to terminate the contract if title is not provided within 18 months of the contract and a right to terminate the contract if a buyer is materially prejudiced by any change to the plan. There is a disclosure obligation on the part of the seller and, if a seller becomes aware of any information in the disclosure plan that was not accurate or is no longer accurate, they must provide further information at least 21 days before the contract is settled. The buyer then has a right to terminate the contract. Given the protections for consumers, there appears to be an adequate balance in relation to this proposal between the rights of consumers with the needs of business.

There is currently an automatic exemption from the act for contracts which meet the definition of 'large transactions'. This means that, where the sale involves six or more proposed lots and the buyer of the lots is the same, the seller of the lots is the same and the sale is contained in one contract or two or more contracts entered into within 24 hours, parties are not required to comply with part 2 of the act. There is also provision in the act for parties to make application to be exempted from part 2 of the act for developments of not more than five lots. This means that for small scale developments the parties make application for an exemption. This bill creates an automatic exemption for these small developments from part 2 of the act. Part 2 prescribes the seller disclosure and trust account requirements for the sale of proposed allotments. Therefore, an applicant receiving an exemption from part 2 is exempt from these provisions.

The department advises that around 50 such applications are made every month and that almost all applications are granted. The explanatory notes tell us that it is very rare for such applications to be refused and they are only refused if the objective criteria for the exemption are not met. However, the explanatory notes do not tell us how many applications are approved with conditions attached. It may be none, but that information has not been provided, so I ask the Attorney-General to please address that issue during his speech in reply. The concern is that currently if the chief executive has a concern about the security of a deposit—for example, if the developer has a history of defaulting on deposits or purchasers previously having had difficulty in recovering a deposit—the exemption could be granted subject to a condition that required the deposit to be paid into a trust account of a solicitor or a real estate agent or the Public Trustee. Now, under this amendment the exemption will be automatic and it will not be possible to impose such a condition. Even if those provisions were only used in extraordinary circumstances, it is still comforting to investors to know that they are there. The transitional provisions apply to all development applications that have been submitted but have not yet been determined before the bill commences. The provisions also mean that, for any exemptions which have been granted subject to conditions, those conditions will still apply.

This proposal does not have the full support of the legal stakeholders. Some suggested that the automatic exemption should be limited to boundary realignments and transactions between sophisticated parties. Other legal sector stakeholders recommended that if the automatic exemption applies to the sale of a proposed allotment then the seller should be required to put any amount received from a buyer towards the purchase in a trust account. If the seller is represented by a real estate agent or lawyer, there will be a requirement for the money to be paid into their trust account. However, for a developer who does not act through an agent or lawyer, there is no protection for the buyer. There are no rules on how or even if the seller who receives the deposit invests it. There is no-one else to make a claim on if the deposit is squandered and the developer is bankrupt. I am not comfortable with the nature of this amendment without some guidance from the Attorney-General about how an investor will recover their deposit in the case of a defalcation by a developer.

In relation to an increase in amount of deposit for purchase of unregistered reconfigured land, one of the more contentious amendments contained in the bill relates to the increase to the cap on the amount of deposit that can be imposed by a developer. At present, there is a cap of 10 per cent on the amount of deposit that can be charged by a developer for the purchase of a proposed allotment. There is no similar cap for building units bought off the plan, and this bill seeks to remove the cap for flat land purchases to bring it into line with other strata title developments. However, even

without a cap, once the deposit is over 10 per cent at present the Property Law Act provides that the contract is an instalment contract. Section 71 of the Property Law Act defines an instalment contract to mean—

... an executory contract for the sale of land in terms of which the purchaser is bound to make a payment or payments (other than a deposit) without becoming entitled to receive a conveyance in exchange for the payment or payments.

Under an instalment contract, the deposit is liable to be forfeited and retained by the vendor in the event of a breach of contract by the purchaser. The obligations change once a contract comes within this definition in terms of, for example, the rights of both sellers and buyers to require conveyance of a property under an instalment contract; there is a restriction on a seller's right to rescind a contract; the developer is prohibited from mortgaging the property without the buyer's consent; and a buyer is permitted to lodge a non-lapsing caveat over the property.

Those changes in obligations provide protection for consumers because such a large proportion of their investment is being held pending successful completion of the project once the deposit is over 10 per cent. It is very telling that the UDIA said in its submission—

The Institute strongly supports the raising of the maximum deposit level to 20% (without triggering onerous instalment contract provisions).

There are two concerns about raising the limit on what can be charged as a deposit. The first is the question of entry into the market and housing affordability, particularly for first home buyers. The opposition is concerned about any move that makes it harder for Queenslanders to buy a home. The government has introduced the Great Start Grant, which increases the first home owner grant to $15,000 if you are building or purchasing a brand-new home. This includes homes off the plan. But conversely, this amendment will allow a developer to charge a maximum deposit of 20 per cent. I know that 20 per cent is not mandatory and that the QLS in its submission said—

... that market forces will probably prevent sellers from demanding such high deposits,

However, this is merely speculation on the part of the QLS. There was no similar view expressed by the UDIA or the Property Council. It will be very much more difficult for families to raise a 20 per cent deposit. This comes in an environment where university fees could increase substantially and HECS debts owed by young people entering the workforce would make saving for a deposit for property purchase almost impossible. The reasons given for the increase to the maximum deposit are that it is a means of derisking projects, making them more attractive to financiers; allowing for larger deposits will provide added comfort to financiers; property values can fall to such a degree that buyers will attempt to walk away from a deposit of 10 per cent; overseas investors are more likely to walk away due to the cost and difficulties in enforcing a sale; some financiers disqualify, or at least discount, sales to foreign investors when making lending decisions; significantly reduce red tape for property developers associated with instalment contracts; and facilitate improved financial viability for large off-the-plan developments. All of these benefits are benefits for developers. Nowhere is there identified any benefit to the purchasers.

Both the Queensland Law Society and the Bar Association of Queensland have expressed concerns about the blanket increase of 20 per cent to all property purchases. The Law Society said in its submission—

... the Society did have some concerns about extending this to all off the plan sales as it was felt it may have an adverse impact on first home buyers if it became common practice to require 20% deposits to buy land in housing estates.

That reflects the opposition's concerns. Housing affordability is becoming a matter of increasing concern to Queensland families. The Great Start Grant will help those purchasers when they come to settle on the property, but it will not be able to be put towards a deposit. Does the government intend to provide any financial assistance if developers charge over 10 per cent deposit? I am interested in knowing what economic modelling has been undertaken to ascertain the likely effect on first home buyers and whether there is any capacity for the government to help out.

The other concern about the possible lifting of the deposit cap to 20 per cent is that the amendments allow for the forfeiture of the full amount of the deposit. Increasing the amount of the deposit that may be forfeited under a contract poses a very significant risk to a purchaser. This amendment allows the full 20 per cent to be forfeited even if the loss to the seller is nowhere near that amount. As the Property Council said in its submission—

The Property Council also supports provisions under which a seller can retain this deposit of up to 20 per cent, rather than the 10 per cent (in cases wherein the seller cannot prove damages over that amount) that is common under case law.

It appears to the opposition that all the risk contained in these amendments shifts to the purchaser without any increased protection. As we made it clear in the debate on the Property Occupations Bill, the opposition supports any moves to remove unnecessary red tape. That is why the previous Labor government initiated this review of the laws. But we do not consider safeguards that have been inserted to protect consumers as being merely red tape. Any move that increases the risk for purchasers without any increased protections will not be acceptable to the opposition.

The Bar Association said in its submission—

> This change is an aspect of concern to the Association where a significant sum paid by deposit will be liable to forfeiture in certain circumstances, and otherwise excluded from the protection afforded to instalment contracts. It is not at all clear what economic or commercial case demonstrates or justifies the need to increase a minimum deposit up to 20%.

On this point, the opposition agrees with the comments of the Bar Association. We are also unclear what economic or commercial case demonstrates this need. The industry has said that it would like it. I have no doubt about that. It has said that it will make it easier for developers. I also have no doubt about that. But there has been no clear evidence produced to show that there is a problem of such an extent that developments are becoming nonviable. I would like to see the evidence on which the government has based these amendments. Without that clear evidence and in the light of the increased burden that has shifted solely to purchasers, we cannot support the amendments.

The Bar Association went on to say—

> It is not clear how this measure could reduce red tape or otherwise facilitate improved financial viability for large off the plan development. Larger deposits properly secured in a trust account would not ordinarily affect these matters. It is not a great burden for the vendor to have to give a notice (as required by the application of the instalment provisions) before terminating a contract and it is not clear why it is necessary to remove this requirement for deposits less than 20% (and above the present threshold).
>
> It is respectfully submitted that changes to the deposit maximum and instalment contract provisions ought to be reconsidered.

We agree. I now move to the other aspects of the bill that are less contentious. Currently, the Land Sales Act requires the seller of a proposed allotment or proposed lot to disclose particular information about the proposed lot or allotment to a prospective buyer before the prospective buyer enters into the sale contract. For a proposed allotment, the buyer must be given a disclosure plan and disclosure statement or an approved survey plan. Where the sale is of an approved lot, the seller must provide a statement in writing. There are then separate disclosure obligations contained in the Body Corporate and Community Management Act. Therefore, this bill moves the disclosure obligations for the sale of proposed strata title lots sold off the plan from the Land Sales Act to the community titles legislation. That means that the obligations will all be together in the same legislation, which is certainly a plus for everyone concerned—buyers and sellers alike. Stakeholders all appear to be supportive of this amendment.

A number of unnecessary disclosure obligations are removed, including the name and address of the buyer and seller and the requirement of the seller of a proposed allotment to provide a buyer with a copy of any plan for reconfiguring land for the allotment forming part of a development or compliance permit or approval. Stakeholders hold no concerns about those amendments. The names and addresses are contained elsewhere and providing the development plan may not be possible at the time of contract because the amendments that I referred to earlier allow sales before receiving development approval. In addition, the disclosure obligations already require a seller to give the buyer a disclosure plan that contains information about the proposed allotment and is more detailed and of greater benefit to the buyer than just the plan for reconfiguring the lot. Those requirements amount to unnecessary duplication and could correctly be described as unnecessary red tape.

The QLS identified a drafting concern in relation to exemptions for options, but the department has said in correspondence that it supported those amendments and has advised that amendments will be moved during consideration in detail to deal with that concern. I note that those amendments have been included in the amendments that have been circulated.

Another amendment that poses no problem—in fact, makes very good sense—is that of allowing the buyer and/or seller to authorise another person to act on their behalf. Currently, the LSA and the relevant community titles legislation provides for an agent of a buyer or seller of a proposed lot or allotment to act on the buyer's or seller's behalf for particular prescribed matters. This drafting means that, by prescribing what is permitted, it is unclear whether the parties can agree to allow agents to act in respect to other matters. The bill amendments the legislation to make it clear that the parties may authorise a person to act on their behalf in relation to anything that the buyer or seller is

permitted or required to do under the Land Sales Act or community titles legislation for the sale or purchase of the proposed lot or allotment. The proposed amendments provide clarity where there is an existing ambiguity. They are entirely uncontroversial and are supported by stakeholders and by the opposition.

In relation to the requirement for regulation to prescribe the extension to the time frame for the giving of registrable transfer, originally, the act provided that if a seller of a proposed lot fails to provide the buyer with a registrable instrument of transfer, known as a registrable transfer, within 3½ years of the buyer entering into the contract, the buyer is afforded termination rights. If a developer was unable to complete in the 3½ years due to circumstances beyond their control, they could apply to the minister to extend the time for a further two years, but that required the making of a regulation. In 2011, then minister Lucas introduced the Criminal and Other Legislation Amendment Bill 2011, which included an amendment to the LSA to allow vendors to specify the time for giving the registrable instrument of transfer in the contract up to a maximum of 5½ years. If no longer period was prescribed, a default period of 3½ years would apply. That amount was welcomed by the industry. However, the bill lapsed when parliament was prorogued. As developments have become more complex and as the time to presell, organise finance and build becomes longer, it has become increasingly clear that there are increasing instances where developments might not be completed within 3½ years. This bill reintroduces former minister Lucas's amendments. The intent of the amendment is that the 3½ years remain as the standard and any longer period should be agreed in the contract. If not, any later change would have to be with the consent of both parties.

The QLS has identified a drafting issue, which means that, as the bill stands currently, a seller could unilaterally extend a contract for up to 5½ years without the consent of the buyer. That was never the intention and the department has agreed. Their correspondence foreshadowed that amendments are likely to be introduced during consideration in detail. Again, I note that those amendments are included in the amendments that have been circulated by the Attorney-General.

The act as it stands currently contains offences for a contravention of the seller disclosure requirements and a requirement for a seller to give a registrable transfer to a buyer. We have been advised that the offences are rarely prosecuted. For these particular requirements, there are also associated contract termination rights for buyers where the seller does not comply with the requirements. The bill removes the offences but retains the termination rights for buyers.

Sitting suspended from 1.01 pm to 2.30 pm.

Mrs D'ATH: As I was stating just before the break, the Property Occupations Bill 2013 was debated earlier this year. That bill contained similar offence provisions for nondisclosure. Those offences were retained, although a termination right was removed for many of the provisions. No explanation has been provided for removing the offences other than that they are rarely prosecuted. This is inconsistent with the approach in the Property Occupations Bill 2013. We consider these are serious matters. There is, of course, a contractual remedy available to buyers. However, the offences should remain, with a discretion on the part of the prosecuting authorities, as there is now, on whether to act. No-one wants people prosecuted for unintentionally failing to provide a document where it does not affect the sale in any way, but it seems that in circumstances where a seller repeatedly fails to fulfil their obligations in respect of sellers, there should be a capacity for there to be prosecutorial action taken against them. The fact that the threat of prosecution exists might be enough to deter people from refusing to fulfil their obligations.

In relation to moving part 3 of the act into the relevant community titles scheme legislation, part 3 of the act currently deals with the sale of proposed lots in community titles schemes. Community titles schemes are, by and large, regulated by one of the following community titles laws: the Body Corporate and Community Management Act 1997; the Building Units and Group Titles Act 1980; and the South Bank Corporation Act 1989. Part 3 sets out the seller disclosure and trust account requirements for the sale of a proposed lot. However, there are also separate disclosure frameworks for the sale of proposed lots contained in the relevant Queensland community titles scheme laws. Moving part 3 to the relevant community titles legislation removes duplication and provides a more streamlined approach to the regulation of the sale of proposed lots by combining the separate disclosure regimes in the relevant community titles scheme legislation.

This was proposed in minister Lawlor's 2010 issues discussion paper and is supported by stakeholders. This amendment makes good sense and is beneficial for both buyers and sellers as it simplifies procedures. There are a number of amendments contained in the bill that provide greater clarity in respect of the trust account obligations. There are also further amendments that strengthen

the seller disclosure framework. The better informed the buyer is at the time of signing the contract, the less likely they are to have reason to terminate the contract. This will provide greater certainty for the seller and greater comfort to financiers. The bill provides that a person intending to buy a proposed lot will be informed upfront about when the seller is required to give the person a registrable transfer for the proposed lot. This obligation already exists for proposed allotments and it is being extended to strata title lots. This is especially important as the sunset date is being extended to 5½ years.

In relation to clarification of what is required to be disclosed, at present the act simply requires that the seller must identify the proposed lot in the disclosure material but does not describe exactly what is meant by 'identify'. This means that buyers are unsure of exactly what information they have to provide and sellers are unsure of exactly what information they are entitled to. The bill prescribes exactly what information must be disclosed by the seller in identifying the proposed lot. For example, for a proposed lot that is to be a proposed building format lot, the following must be disclosed by the seller: the proposed number of the lot; the total area of the lot; identification of any parts of the lot proposed to be outside the proposed primary structure, for example, the apartment building in which the lot is to be contained, including any proposed balcony, courtyard or carport; the floor level on which the proposed lot is to be located; identification of other lots and common property proposed to be on the same floor level in the proposed primary structure in which the lot is to be contained; and the identification of the proposed orientation of the lot by reference to north. This information will ensure that disclosure obligations are being met in a uniform and consistent manner and everyone is very clear about what is required.

A further amendment relates to disclosure of operational earthworks. At present the act requires the seller to disclose the contour levels as they exist before the operational works occur. This will be removed and instead the seller will be required to disclose prescribed information about the earthworks, including details about the areas of the land to be cut or filled, the depth of the fill and compaction rates and any retaining walls to be built. The Urban Development Institute of Australia submitted that the obligations relating to compaction rates and retaining walls were uncertain and the department supported amending these provisions. I note that those amendments have been circulated in the amendments to be discussed in consideration in detail by the Attorney. In addition, the Queensland Law Society recommended that a new seller disclosure requirement be included in section 14 of the Land Sales Act clause 43 to provide that a seller must give a buyer, at least 14 days before settlement, a compaction certificate. They are of the view that it is common practice for compaction certificates to be obtained by developers in the process of conducting a subdivision of land. This is a very good suggestion by the Queensland Law Society. Compaction rates provide very important information to buyers and if it is a common practice for compaction certificates to be obtained, there are very sound reasons for those certificates to be given to buyers. The department recommends considering this as part of the property law review being conducted at present. I support this proposal. I would like to ask the Attorney whether that issue has been referred to the property law review committee for its consideration.

In relation to survey plans required to be prepared by a cadastral surveyor, the bill will also clarify that the disclosure plan, which identifies the proposed allotment or proposed lot, must be prepared by a registered cadastral surveyor to provide greater protection and confidence for consumers. While this is technically a new requirement, the property development and surveying industries advise that over 95 per cent of disclosure plans are currently prepared by registered cadastral surveyors. This is a sensible measure and will impose very little burden on sellers, but will ensure buyers have a greater degree of security when signing contracts.

This bill also includes protections for security instruments, such as deposit bonds or bank guarantees, used by buyers to pay a deposit for the sale of a proposed allotment or a proposed lot. The bill prescribes how a law practice, real estate agent or the Public Trustee that receives the instrument on behalf of the seller, a registered entity, must deal with the security instrument. The proposed provisions of the Land Sales Act and community titles legislation require the recognised entity to keep the security interest at the prescribed place until the instrument is returnable to the buyer according to law or is given to the issuer of the security in exchange for the amount it secures. This amount is considered trust money and must be held by the recognised entity that held the instrument in its trust account in accordance with the provisions set out in the bill. The Queensland Law Society has pointed out that the proposed amendment does not apply where the seller retains the security deposit without giving to it a recognised entity. The Queensland Law Society suggests amending the bill to require that a seller who receives a bank guarantee from a buyer as security for a contract of sale must provide the bank guarantee directly to a recognised entity, for example, a law

practice, the Public Trustee or a real estate agent. The department supported this amendment in its correspondence. I am pleased to see that this issue has been addressed in the Attorney-General's amendments.

Another significant part of the bill is the amendment to the Breakwater Island Casino Agreement Act 1984. In accordance with the Casino Control Act 1982, the casino licensee of the Breakwater Island Casino and the state of Queensland are parties to a casino agreement which is called the Breakwater Island Casino Agreement. The casino agreement is included in the Breakwater Island Casino Agreement Act 1984 and is a document that has statutory force. The licensee of Jupiters Townsville Hotel and Casino, which is what the Breakwater Island Casino is known as, is Breakwater Island Limited as the responsible entity of the Breakwater Island Trust.

For all intents and purposes, Jupiters Limited is the owner of the casino licence as it owns all of the shares and units in Breakwater and the Breakwater Trust respectively. Therefore, Jupiters is a party to the casino agreement. The casino is being sold to CLG Properties Pty Ltd as trustee for CLG Property Trust. Under the sale, those shares and units will be transferred to CLG. Once Jupiters is sold to CLG, Jupiters will no longer be a party to the casino agreement, so it is necessary to remove it from the agreement and replace it with CLG as the obligations under the agreement will be transferred to CLG. Therefore, schedule 2 of the casino agreement act needs to be amended to reflect the changes to the agreement itself. The amendments are procedural in nature and they merely give effect to an amendment deed to the casino agreement that Jupiters, Breakwater and CLG propose to enter into with the state of Queensland. In practical terms, the amendments replace in the agreement references to Jupiters with references to CLG. These amendments are of a purely procedural nature and the opposition has no reason to oppose such amendments.

In conclusion, those are the only provisions in the bill that I intend to speak about today. Most of the matters contained in the bill are of a procedural nature or they are a genuine attempt to reduce unnecessary red tape and regulation. This project was commenced by the previous Labor government and it is pleasing to see that the Attorney-General continued where it left off. However, as I have already stated, we will be opposing the increase to the cap on deposits. In no way can they be described as red-tape reduction. In fact, those amendments are consumer protection reduction. They benefit developers exclusively at the expense of buyers and, even more importantly, they will place home ownership that bit further from the reach of Queensland families. The opposition supports the removal of those measures that unnecessarily impose extra burdens on parties. As Queensland continues to grow, the need for property development will also grow and we do not seek to place obstacles in the way of property development. However, it is unconscionable that, where the global financial crisis has shown that there is an increased risk to parties, that risk be transferred entirely to the families of Queensland who can least bear the burden.

I also take this opportunity to thank the stakeholders for their contributions to the development of this legislation. It has been a lengthy process and submissions, consultation and advice have been sought on a fairly regular basis. In particular, I thank the Bar Association for its consideration of the bill and the Law Society for its ongoing involvement in the entire project. Once again, the Law Society has shown the great value it provides in casting its collective eye over legislation and being able to identify potential problems with drafting that, when fixed at an early stage, will not cause problems for parties down the track.

Mr BERRY (Ipswich—LNP) (2.41 pm): It is a pleasure for me to stand before the House to speak in support of the Land Sales and Other Legislation Amendment Bill 2014. It is gratifying to hear the member for Redcliffe supporting this bill. It is accepted that this is an ongoing process that was started by the previous government. However, it is a shame that the previous government was a little slow in the process. Like all governments, we like to ensure that this House keeps up with what is happening economically. Of course, I have had my own issues with the previous government and former Attorney-General Lawlor in respect of some of the legislation that dealt with the issue of property. We all know about the Supreme Court and full court appeals over whether a person can get out of a contract based on whether or not there was a staple in the left-hand corner of a document. I ask members to consider that situation: in a state such as Queensland, where economically everybody is moving along and cooperating, and we can go to court over staples. We have nearly past that now. We are moving onto what Queensland does best and that is the way that I want to approach this bill.

This bill allows Queensland to move along unfettered. We must keep in mind that Queensland is competing with other states. We are here to not only service our consumers, who may be buyers, but also the buyers and the financiers, including the banks, as well as the developers. There are a lot of stakeholders. Almost on every occasion on which I have stood and spoken about a bill, I have

found that there is always a balance between one group of parties and another. This bill is no different. In times past, as a lawyer, I remember being involved in that balance and looking at whether it was equitable. I did not think it was, to be honest. I thought it was too much in the way of the consumer. We can legislate everything so that the consumer is 100 per cent protected. We could say, 'Don't worry about insurance; the state will look after you.' Of course, when we drill down and understand the complexity of consumer protection, we know—and if we explained it to the people of Queensland they would know—that there is a cost. If you want to upset the balance by over protecting the consumer, somebody has to pay. Always the issue is: who pays? Ultimately, if you want to saddle developers and financiers with consumer based protection, it is a cost to them and they will pass it on to the consumer. Somebody has to pay. Some consumers are quite sophisticated and are able to save a 20 per cent deposit. They will say, 'Why should I be paying that cost? Why ought not the government bring the balance that rightly ought to pass on the savings that are made through easing up legislation?' In this legislation there is no attack on any consumer item. In my speech I will explain why I believe that to be the case.

Firstly, I will indicate where we are at right now. As the member for Redcliffe rightly said, this process was started by the previous government. I remember the process as far back as 2009 when I was President of the Law Society. It was a little rough and ready and a little 'over consumer', but progress was being made. However, between then and 2012 somehow the mission was lost. We got bogged down. The legislation in its present form provides a proper balance. However, somewhere along the line the previous government lost track of what it was doing, because Queensland had changed. Queensland was a state of choice. We know that retiree Victorians and New South Welshmen were coming to the state to enjoy our lifestyle and climate, and also the tourism aspect of the state. We all knew that that changed and we needed a corresponding change within the legislation, but that did not happen until now. I thank the Attorney-General, because I think it is important to acknowledge that this legislative change happened in the first year of the LNP Newman government. It is important to acknowledge that, because Queensland is a tourist state. We know in this state there are investors who reside in other states. Therefore, we must move with the times.

I believe that this legislation brings back the balance between the rights of the financiers, developers, purchasers, real estate agents and so on. I wish to indicate some of those matters where balance is appropriate. For instance, the deposit in the instalment contracts has risen from 10 per cent to 20 per cent. There is a little bit of history behind that. Years ago, and I am not sure whether it was the Supreme Court or the full court of the Supreme Court made a decision that effectively said that the magical number of 10 per cent represented what the court believed to be liquidated damages, meaning that if it was liquidated damages and it received the court's assent for it to be the case then you could take 10 per cent and keep that as your recompense for the disadvantage you have suffered by a buyer not completing the contract or rescinding it unlawfully.

However, we are really beyond that now given that economic times change. When financiers are in an advantageous position in terms of the market people sometimes need 20 per cent before they get the nod at the bank's door. There is a large amount of consumerism in the market. I had the opportunity to talk with my good friend the member for Beaudesert, Jon Krause, who was a lawyer involved in the financing side of things. He told me how difficult it was in the financing sector where there were provisions which allowed people to unilaterally alter the time from 3½ years to 5½ years. It became quite nebulous. How can people work with a system when people can make unilateral decisions? Some balance has been brought back into the situation. We now have a proper equation where consumers are not paying unfairly due to all the red tape that was around. I respectfully suggest that 20 per cent is in accord with the economic circumstances at present. I think the Property Law Act dates back to 1974. That is a long time ago. That was a time when the economy was not as sophisticated as it is today.

With e-conveyancing I would be very surprised if there are many, if any, people today undertaking their own conveyancing. I will try to be as kind as I can, but I think people would be very unwise to do their conveyancing themselves, particularly having regard to the conveyancing prices in this state. They are very competitive. The process is reasonably complicated. Why would people do their own conveyancing? It is clearly the case now that people need to give it to an expert—somebody who knows what to do. Leaving aside everything else, a solicitor is insured. That provides some degree of certainty for the consumer.

That leads on to the question of deposits. By eliminating the deposit regime, a deposit can be paid to a solicitor, a real estate agent or another agent authorised under the legislation. It seems to me that that is an appropriate measure. After all, solicitors have been handling moneys in trust

accounts for a considerable period. Of course there is a side benefit to that. A certain percentage of interest on trust accounts goes to Legal Aid. So there are a lot of benefits to the state all round. Leaving that aside, there is no cost to a person in using a solicitor's trust account. It is there for convenience. It is appropriate and a modern measure for today's society.

The member for Redcliffe said—and this is a matter for debate in terms of whom we are seen to represent—that all the changes are for the benefit of developers. If that is the case, it could well be argued that four or five years ago all the amendments were for consumers. I think what this legislation really does is brings back into the equation the balance that is very much needed in the state for the state to progress.

The reality of life is that we are one of the fastest growing states, if not the fastest growing state, in Australia at the moment. Economic activity will increase over the next seven to 10 years. The mean income of our residents is increasing. There are a lot of reasons people want to go into their own home. Sometimes young couples want to be at the base level. They may want to be on the ground of a proposed lot or allotment. That is where they want to be. There is a reason for doing that. If they save the deposit they can get in on the bottom rung of the ladder. They ought to receive all the benefits. The developer should not be subject to so many restrictions that it impedes his development of that land and getting it out for people to purchase.

It is always the case that there is a price to pay. In this particular instance, it is a matter of consumer protection as opposed to the cost introduced. There are still quite a substantial number of consumer protections in the legislation. I think it would be unfair to say that there are none or the balance has been distorted in some way. The reality is that the protection that is afforded to consumers is still there. What we are talking about is very small matters. Most people are prudent and will go to a solicitor and receive proper advice and proceed as they would normally do based on that advice.

These provisions fit with the way land reform has occurred. I understand that there is still further land reform to proceed. That is heartening to hear. I thank, as the member for Redcliffe has duly acknowledged, the Law Society and the Bar Association for their contributions. This is an adversarial system and they have to be the devil's advocate and make sure that there is proper debate and argument, as occurs in this House. I think their contributions have been worthwhile to anybody considering this legislation.

I also wish to give due recognition to the secretariat for having produced a report which I believe was expertly written and summarised all the points adequately. It is comprehensive.

Mr Dillaway interjected.

Mr BERRY: I thank the member for Bulimba. I thank my colleagues on the committee. The member for Rockhampton was on our committee at that stage. We approached this in a consultative way. The thing about this legislation that I feel content and satisfied about is that the process was undertaken in a consultative way. It involved a lot of interested parties putting their ideas into the mix to make sure that, in a measured way, we start to have timely land reform in this state. As much as we may like to sit around and wait for five years or so—and that may be well considered—commerce goes on.

The member for Redcliffe mentioned evidence and so forth. I do not actually remember reading any evidence from the Attorney-General when he brought in that a contract have a warning statement on the front and it be stapled otherwise a person could get out of the contract. I have some reservations as to whether it is appropriate to really ask this government to bring back evidence. The reality is that the evidence is very clear. The evidence is that we have an organisation representing consumers. The Law Society represents both sellers and buyers. They work for both parties.

One can criticise organisations, but I do not think that criticism is warranted here. There is a consultative balance here. It is great to have so many contributors giving their viewpoints. In my considered opinion, it has brought about a very compact, precise and balanced view. I thank you, Madam Deputy Speaker.

Mr DILLAWAY (Bulimba—LNP) (2.57 pm): I rise this afternoon to contribute to the debate on the Land Sales and Other Legislation Amendment Bill 2014. I congratulate the Attorney-General on the introduction of this bill as another example of this government's commitment to its election promises on reducing regulation and red tape and building a four-pillar economy. Additionally, I acknowledge the work of my colleagues on the Legal Affairs and Community Safety Committee for their examination and report on the bill.

The main aim of the bill is to modernise the Land Sales Act, focusing on reducing red tape and regulation, whilst ensuring appropriate and effective consumer protections for people buying land or apartments off the plan. It is in line with the government's five key pledges to get Queensland back on track—particularly our commitments to growing a four-pillar economy and to revitalising front-line services for families by cutting waste resulting from unnecessary regulation.

The bill is a result of the extensive review of the Land Sales Act guided by a reference committee comprising experts from the legal and surveying professions. The Queensland government is working with industry and community stakeholders to continue to deliver real reforms and support to promote Queensland's property and construction sector.

The Land Sales and Other Legislation Amendment Bill has four key objectives. Its main aims are to reduce red tape and regulation relating to the sale and purchase of proposed allotments and proposed strata lots while maintaining important consumer protections. It will modernise, improve and streamline the legislation regulating the sale of proposed allotments and proposed strata lots. Additionally, it addresses minor editorial errors that have been identified in section 157 of the Property Occupations Act 2014 and the relevant legislation to provide for the transfer of ownership of the Jupiters Townsville Hotel and Casino from Jupiters Ltd to CLG Properties Pty Ltd as trustee for CLG Property Trust. I will mainly talk about the modernisation of the Land Sales Act focusing on reducing red tape and regulation.

A review of the Land Sales Act was undertaken in 2010 to 2013 that aimed to identify opportunities for modernisation and improvement, particularly through removing unnecessary red tape and regulation. In its examination of the bill, the committee noted the extensive consultation with both the public and targeted industry and community stakeholders that had occurred on this legislation. As a result, the submissions received on this bill are largely supportive of the proposed changes contained in the bill with the issues raised being mostly technical in nature.

Reducing red tape and regulation in the area of land sales is a primary objective of the bill and is achieved particularly through the following amendments. Firstly, the bill removes the existing restriction at the point at which a person may sell a proposed allotment. The proposed changes will allow for unregistered reconfigured parcels of land to be sold prior to receiving the relevant permits for developing the land. This will align the regulation for the sale of proposed allotments with the regulation of the sale of proposed lots for which prior development approval is not required.

This is a red-tape reduction measure for developers and will allow them to obtain presales which contribute to securing finance and ensuring viability of projects. It is anticipated that, by removing the existing restrictions, the bill will promote growth in the construction industry by aiding developers in obtaining finance approval from lenders and, additionally, is appropriately balanced by relevant consumer protection provisions. To further reduce red tape for industry, consumers and government, the bill extends the current Land Sales Act automatic exemption to include land that is to be subdivided into not more than five allotments. Whilst retaining the automatic exemption for 'large transactions', the bill proposes to remove the current provision that allows applications to be made for exemption of land that is to be subdivided into not more than five allotments and replace it with an automatic exemption. This change is expected to lead to monetary savings for homebuyers and support industry and government by removing time-wasting practices which involve the expenditure of financial resources for no tangible benefit.

The bill also makes amendments to the current disclosure requirements contained in the Land Sales Act. Currently, the seller must disclose the names and addresses of the buyer and seller. This requirement is unnecessary red tape due to duplication as this information would otherwise be communicated to the buyer and seller in the contract. Consequently, the bill proposes to remove the requirement and streamlines the existing Land Sales Act disclosure provisions by moving provisions from the Land Sales Act into the community titles legislation. This will greatly simplify and clarify the current legislation and allow for easier access to the relevant law on off-the-plan sales.

The bill makes a number of amendments to clarify and improve the trust account provisions and the seller disclosure framework, including the associated buyers' termination rights. It amends the community titles legislation to require the seller to state the period within which the seller must give the buyer a registrable transfer for the proposed lot in favour of the buyer by including that information in the disclosure statement. This enhances consumer protection by ensuring important information is disclosed to a proposed buyer at the beginning of the transaction.

Consumer protection is further enhanced through the prescription of exactly what information must be disclosed by the seller in identifying the proposed lot. This information must be given to the buyer in a disclosure plan forming part of the disclosure statement. Whilst simultaneously ensuring

consumer protection is maintained, the bill removes unnecessary red tape by ensuring only relevant information is required to be disclosed by a seller of a proposed allotment to a buyer where operational earthworks are to be carried out.

I note the opposition is not going to support the increase in the deposit provisions from 10 per cent to 20 per cent. I want to stress to all members in the House that this is a maximum amount, not a mandatory amount. It is for the parties to the contract to negotiate, which allows for flexibility, a key element of this bill.

This bill continues to deliver on the Newman government's commitment to reducing red tape and regulation on the construction industry, which is one of the four pillars of our state's economy. I once again commend the Attorney-General for introducing this bill and I register my support for the bill to the House.

Mr KRAUSE (Beaudesert—LNP) (3.04 pm): It is with great pleasure that I rise to speak on this Land Sales and Other Legislation Amendment Bill 2014. It is a great example of this government getting out of the way of the property development industry and simplifying the process for the sale of new allotments and lots and making it easier for consumers, buyers; developers, vendors; as well as financiers regarding those developments.

Before I came to this role in the parliament, I worked for a bank. One of the main roles I had in the bank was to review legal documentation as a solicitor for property developments. I can say with absolute certainty that the reforms introduced in this bill will make it easier for all parties to property transactions. In particular, it should reduce the cost of doing business for both buyers and developers when it comes to both subdivision of land and off-the-plan sales of apartments or other body corporate properties. It should also reduce legal fees and other regulatory costs that are associated with the purchase of land. These costs are always worn by the buyers who are consumers, mums and dads in Queensland who are investing in property—new property or an apartment off the plan—whether it be as a place to live in the future or part of their retirement plans or even where the property is purchased by a self-managed super fund as an investment. Overregulation, duplication of regulation or regulation which is hard for people to manoeuvre around adds to the cost of that process.

It is great to see some of the reforms that are coming forth in this bill. For example, going back to the role that I had in the finance sector, we used to be placed in the position, unfortunately, where because of uncertainty in legislation or the complexity of regulation, developers were unable to navigate these sorts of acts. I talk about the Land Sales Act but also the Body Corporate and Community Management Act. Because the banks were standing in the shoes of the people to whom they were lending money, we ended up taking on the role of ensuring that developers were complying with their obligations under laws. If the contracts that they were entering into with buyers were found to be ineffective, invalid or could be terminated by buyers, it obviously would have affected the ability of financiers to recover their money. So it added to the cost of doing business. That cost was always borne by the investors, the buyers in these situations.

I will talk briefly about some of the reforms that are being made. Firstly, one of the changes proposed in the bill is that a proposed allotment can now be sold prior to there being a development approval in place for the reconfiguring of a lot. This actually provides the ability for developers to get on with raising finance or applying for finance from institutions and entering into presale contracts prior to there being a development approval in place. As we know, in some cases around Queensland there are varying processes and time frames for the obtaining of development permits. Obviously contracts that are entered into before there is a development approval in place will need to be conditional upon that development approval being obtained. It is great that, while there was a prohibition in place previously for presale contracts being entered into before development approvals are obtained, we are taking that away to stimulate that activity and actually make it easier for developers to obtain finance on the back of those presales.

It also clarifies that where a seller grants an option to buy a proposed lot or allotment and a contract of sale is subsequently entered into, the disclosure requirements that apply to those transactions do not need to be undertaken again once the contract is entered into. That is just commonsense. Whilst we talk about disclosure documents in parliament and make it sound like it is not such a big deal, I can tell from experience that complying with disclosure requirements and having all of those documents prepared takes time and costs money. Those costs are always borne by the buyers, so clarifying that those requirements do not need to be complied with twice is a great move.

The bill provides that consumer protections will be maintained through the continuation of the requirement for the seller to notify the buyer of any changes in that disclosure before settlement occurs. It also requires that if the buyer who is to enter into the sale or contract is not the same buyer who entered into the option, the disclosure requirements need to be undertaken in relation to the person to whom that contract is assigned. In commercial arrangements it is a very common scenario for one party to enter into an option agreement and then assign their rights to buy the property to another party, and that may be another family member or it could be a self-managed super fund because we know those arrangements are very common in Queensland and the rest of Australia. Keeping consumer protections in place to ensure that disclosure is undertaken to all appropriate parties is a sensible move.

There is also a provision in the bill which allows buyers and sellers to authorise other people to act on their behalf, which basically fixes a drafting matter in the legislation. People were able to authorise agents to act on their behalf for certain matters, but seemed to be excluded from appointing agents for other matters. It is sensible that we are reforming that to remove doubts and costs to people associated with appointing agents to act on their behalf in all of these matters.

Furthermore, part 3 of the Land Sales Act has been removed from the act and moved into the community titles legislation. At the moment part 3 deals with the sale of proposed lots in community title schemes, but they are by and large regulated under the Body Corporate and Community Management Act. Where there is overlapping regulation between two different acts, it certainly does make sense and saves time and costs for everyone—especially consumers—to have a single set of regulations set out in the most appropriate act, and that is what we are doing here.

The bill also provides that people who are intending to buy a proposed lot will be informed upfront about when the seller is going to give a transfer, and that has not been the case in the past. There has been a long stop date which I think is 3½ years for lots and 18 months for allotments. It is important that that is set out upfront in disclosure documentation because if that provision is not complied with, it gives the buyer the right to terminate the contract. That is an important right, and so putting the need to disclose that in the bill is a very good move to make it clear to consumers that they have the right to terminate the contract if they do not have the transfer given to them by a certain time.

The bill also ensures that only relevant information will be required to be disclosed. One of the requirements in the existing legislation is for the 'metes and bounds' of a lot to be disclosed in a disclosure statement. Most people will not have a clue what the metes and bounds of a lot are, and I think it is probably a surveying term. That term is being removed and much more practical information is being included in this bill as information which needs to be disclosed in the disclosure statement.

In conclusion, can I say that aligning the two acts for lots and allotments is a good thing; removing duplicative provisions is a good thing; removing doubts about the rights of buyers and sellers and what needs to be disclosed and on what basis and clarifying the requirements of vendors is a good thing and will reduce the costs associated with obtaining finance for developers. It will encourage development by enabling finance to be given more easily and will, most importantly, reduce the regulation and cost that is imposed on buyers in all of these circumstances. I certainly support this bill.

Dr DOUGLAS (Gaven—Ind) (3.14 pm): This legislation is rather straightforward and reflective of some of those things that are needed for the orderly management for property and land sales. I do not agree with the Attorney-General's statement that it represents a great step forward in modernising the area; however, I do agree with some of what he said and I do agree with some of the statements that were made by the member for Beaudesert in his concluding remarks with regards to the bill. It was a nice summary of some of the very good things that will come from it. Having said that, I will be supporting some of the legislation; there is just one part of which I am not supportive.

I am aware of the lengthy genesis of this legislation—now about four years. This legislation primarily addresses property development in Queensland. It does include off-the-plan land sales, off-the-plan house and land sales, and it addresses community title schemes. There is a consumer protection framework incorporated within it. These things are very relevant in my electorate of Gaven and widely across the Gold Coast and my immediately bordering electorates. I border all of the electorates on the Gold Coast with the exception of Broadwater and Currumbin, both of whose markets are more mature and are now attracting redevelopment, urban renewal and multirise development which are now affecting my electorate as well. These types of developments are progressively now being proposed for Gaven after many years of very intensive house and land sale

developments, especially at Pacific Pines to the north of my electorate, where we have seen a 600 per cent increase in population from 3,000 people 10 years ago to 18,500 presently. This has occurred in tandem with a massive population shift to the Gold Coast in that time frame.

As an extremely volatile market with cyclic boom and bust, the Gold Coast market has not seen the reasonable rise in prices and movement in the last cycle that we have seen in Brisbane and New South Wales. There are many properties on the market and there is some demand, although the demand is limited by affordability. Land sales have been relatively low because of land cost and location, the size of lots and the lack of connectedness with transport and other options. This remains a very big problem. It has certainly been noticeable that the movement of southern people to the north has slowed markedly in my electorate, and neighbouring electorates are more likely to see movement than in the Gold Coast region by families who are looking to improve their lives by downscaling, upscaling or something more affordable. For those downscaling, unfortunately it has been difficult for them to achieve a reasonable market price for their property.

This legislation was widely consulted upon, so it does reflect that which industry and consumers would like. Land sales have a somewhat jagged history on the Gold Coast, although it is much better than in the Moreton Bay islands where, for those who may not be aware, there has been a terrible history. The new relaxation to allow land sales to allow presales at an early stage will certainly improve the financial stability and the holding costs of developers if they have valid development applications. This change allows for before the DA and could be a great step forward. We do have a number of examples on the Gold Coast post GFC which were related to the older first mortgage type funds and solicitor trust fund developments, where consumers did their money. They also did it at both ends; in other words, the elderly who were largely chasing interest on their investments, and consumers at the other end who barely had enough to make a deposit, lost on both sides of the equation. These protections in the consumer funds and the trust funds do not leave the possible situation for a developer collapsing without notice and either disappearing or setting up as a phoenix company. On the Gold Coast we have certainly seen multiple phoenix companies, and there have been cases on the Sunshine Coast and in Brisbane. This morning we have also seen the Glenzeil collapse, which is a $100 million building company and some major projects all of a sudden are affected. These are largely apartments and house and land packages, and those people will be looking to see whether their money is safe.

There always needs to be a correct balance between seller, buyer, vendor, developer and funder, for in many cases they are not aligned or do not even share a common objective. I say this because we have seen two very interesting issues, which I will allude to, with regard to the 20 per cent cap in the Gold Coast market and certainly right across Australia post-GFC.

The first issue relates to the takeover of Bankwest by the Commonwealth Bank and the mortgagees all having their property values marked down largely on the basis of the takeover value of the mortgages by the bank and their being demanded, by virtue of a call, to provide an immediate cash supplement or be hit with penalties at three times the going rate. This was not just for sophisticated investors; this was for average mums and dads. It certainly affected people in Brisbane, on the Sunshine Coast, in places such as Toowoomba and in South-East Queensland hinterland areas. It was a very significant problem. The Commonwealth Bank certainly made record multibillion dollar profits but a lot of people were wiped out. The consequential effects are still in the market.

The second issue relates to the stagnation of the house-and-land sales market on the Gold Coast due to a mixture of bizarre South-East Queensland plans, obscene council demands and the collapse of mezzanine finance. In other words, all the mezzanine financiers were knocked out and all of the capacity in the market to fund those types of things was instantly removed. If anything, a lot of these problems remain unresolved, and this legislation will not address it. Demand in the market has been restricted by the equity demands of the banks on borrowers leading to a 35 to 50 per cent increase in demands for guarantees over equity, largely from relations of the purchasers or, sadly now, from leveraging—this is a new development—of the individual's or the couple's combined superannuation.

The 20 per cent deposit cap seems reasonable if all goes well, but things do change. Members need to realise that circumstances do change and they need to clearly understand that the 20 per cent deposit is increasingly being achieved by an amalgam of off-borrowing-sheet loans and agreements because there are insufficient levels of equity available to individuals or even broad groups of individuals. This affects not just entry-level buyers. Not all of these borrowers are sophisticated borrowers. Many are unsophisticated borrowers who may be re-entering the market by virtue of a change in domicile. It is also reflective of the 50-plus per cent divorce rate in society.

Has anyone here considered the impact of these issues as to the justification for the 20 per cent cap? For those who are not quite clear on what the 20 per cent cap might do—and certainly funding this—is it fair? Members can consider the issues of proportionate risk for anyone out in the community, but they should also put themselves in this situation. Let us say you buy an apartment off the plan, even for an investment. Perhaps it is not to live in. For 5½ years you have put a 20 per cent deposit down with no return. You can be told 21 days before the final transfer of that contract—that is after 5½ years—that everything has changed. Under the current scheme, when any major change is made within that contract you have 14 days, but this is 21 days before the end of that contract. That is a huge risk that you have to carry. You need to consider that risk in light of what happened when Bankwest took over the sale price of those mortgages and immediately decreased the valuations of those properties. They took the value down by an average of 70 per cent and the consumers were forced by call to make up the gap in the total amount of borrowing. That is an enormous call. This happened right across Australia because Bankwest had actively competed in the market for mortgages. In other words, you take on all of that risk as well. The valuation of your property is very important when you consider that you are putting down that deposit and you are considering what you might do with it for all those years that you own it. The only way you make money out of property is by hanging on to it for a long time.

This legislation has obviously been driven in part by the banks demanding higher equity contributions post GFC. We did not have this as a significant problem in Australia post GFC because the high valuations of properties remained. I think this legislative step is disproportionate. It is not justified. It provides an unequal benefit for the consequential impacts of the housing availability problems and the risk people have to carry. Just to improve the LVR ratios of banks it is not justified.

(Time expired)

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.24 pm), in reply: I begin by thanking all honourable members for their contributions to this debate. This debate is about regulation and red-tape reduction. It is about consumer protection. It is about driving the economy of Queensland forward under a bright plan.

The Labor Party in the shadow Attorney-General talked about the timing of this legislation. I find it funny that over the past few years members of the Labor Party have said in debate of legislation that they were just about to do it. They had had an inquiry, they had sought submissions from the world, they had put out an issues paper and they were just about to do it—but for an election. They were just about to do it but for an election. Over the past two years we have seen so many bills being debated, particularly in the Justice and Attorney-General portfolio, which the Labor Party supported because they were 'just about to do it', had it not been for the election. They had 20 years in government, give or take a few—apart from 1996 to 1998 under the good Borbidge-Sheldon government. They could have achieved the objective of reducing regulation and red tape. I do not think Queenslanders cop it anymore when the Labor Party say that they would have done this had they been in power for 23 years, not for 20 years. I am proud to be part of a government that is doing this in 2½ years. We have been in government for just over two years, after being out of full government for 20 years, and we are achieving this objective for both the consumer and the property industry.

The member for Redcliffe also asked what evidence there is to support the need for some of these amendments as the property sector is booming along. I do not know where the member for Redcliffe has been over the past few years.

Mr Crisafulli: Canberra.

Mr BLEIJIE: I take the interjection from the local government minister: she has been in Canberra putting carbon tax on people and so on.

Where has the member for Redcliffe been over the past few years? In this state we have had to deal with the global financial crisis, the property sector has been on a downturn and we have experienced natural disasters right across the state, particularly in my colleague the honourable the minister's electorate with cyclones. The property and construction industry has been battered not only by natural disasters and the global financial crisis but also by the Australian Labor Party, Queensland division. This is about reducing regulation and red tape developed by the Labor Party, put on to the consumers by the Labor Party and put on to the property industry by the Labor Party. I am very proud that we are part of a government that is getting on with the job and just doing it. We talk, we listen, we send the legislation off to a committee and we are getting on with the job of implementing it in 2½ years. We will not be sitting around in 20 years time wondering if we will get around to this.

The member for Redcliffe can mention Peter Lawlor all she wants. The Minister for Tourism, Major Events, Small Business and the Commonwealth Games knows all too well about former minister Peter Lawlor. He was always just about to do something; he just never did it. We on this side of the House are getting on with the job. Queenslanders wanted reform in this area. The development industry needed reform in this area. The four pillars of our economy demand that we act on this issue. Of course, construction is one of the key pillars of the economy. That is why we are getting on with the job of doing this. I thank all honourable members for their contributions—particularly the government members, who fully support the legislative reform that we are putting through the House today.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clause 1, as read, agreed to.

Clause 2 postponed.

Clauses 3 to 5, as read, agreed to.

Clause 6—

Mr BLEIJIE (3.31 pm): I move the following amendment—

2 Clause 6 (Amendment of s 82 (Claims))

Page 14, lines 4 to 32 and page 15, lines 1 to 13—

omit, insert—

(1) Section 82(1)(g), last dot point—

omit, insert—

- section 212.

(2) Section 82(1)(h)—

omit.

I table the explanatory notes to my amendment and indicate to the House that I am happy to henceforth move amendments en bloc if the clerks at the table work out which blocks they are. Thank you.

Tabled paper: Land Sales and Other Legislation Amendment Bill 2014, explanatory notes to Hon. Jarrod Bleijie's amendments [5886].

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 10, as read, agreed to.

Clause 11—

Mr BLEIJIE (3.32 pm): I move the following amendment—

3 Clause 11 (Insertion of new ch 5, pt 2, div 1)

Page 18, lines 24 to 29—

omit.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12—

Mr BLEIJIE (3.32 pm): I move the following amendment—

4 Clause 12 (Insertion of new s 212B)

Page 19, lines 2 to 30—

omit, insert—

(1) Section 213, as modified by this section, applies if a person grants an option (the ***option***) to another person—

(a) to purchase a proposed lot; or

(b) to sell a proposed lot.

(2) For subsection (1)—

(a) section 213(1) requires the giving of a disclosure statement in relation to the option as if a reference to a contract for the sale of a proposed lot being entered into were a reference to an option to purchase or sell the proposed lot being granted; and

(b) any right of termination under section 213 relating to the disclosure statement applies in relation to—

(i) the option; and

(ii) a contract entered into by the seller and buyer for the sale to the buyer of the proposed lot arising from the option.

(3) If the seller and buyer enter into a contract for the sale to the buyer of the proposed lot arising from the option, section 213(1) does not require the giving of a disclosure statement in relation to the contract for the sale.

(4) If the buyer is not a party to the contract for the sale of the proposed lot arising from the option, the seller must comply with section 213 before entering into the contract for the sale.

(5) In this section—

buyer means the person who is granted an option to purchase, or grants an option to sell, the proposed lot.

seller means the person who grants an option to purchase, or is granted an option to sell, the proposed lot.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13—

Mr BLEIJIE (3.33 pm): I move the following amendment—

5 Clause 13 (Amendment of s 213 (Information to be given by seller to buyer))

Page 20, lines 9 to 13—

omit, insert—

(iii) state the date by which the seller must settle the contract for the sale of the proposed lot as provided under section 217B; and

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14—

Mr BLEIJIE (3.33 pm): I move the following amendments—

6 Clause 14 (Insertion of new s 213AA)

Page 20, lines 24 to 28—

omit, insert—

(a) for a proposed lot intended to be a building format lot—the building format lot particulars; or

(b) for a proposed lot intended to be a volumetric format lot—the volumetric format lot particulars; or

(c) for a proposed lot intended to be a standard

7 Clause 14 (Insertion of new s 213AA)

Page 21, lines 13 to 33—

omit, insert—

building format lot particulars, for a proposed lot intended to be a building format lot, means the following—

(a) the proposed number of the lot;

(b) the total area of the lot;

(c) identification of any parts of the lot proposed to be outside the building in which the lot is proposed to be located, including any proposed balcony, courtyard or carport;

(d) the floor level in the building in which the lot is proposed to be located;

(e) identification of other lots and common property proposed to be on the same floor level in the building in which the lot is proposed to be located;

(f) identification of the proposed orientation of the lot by reference to north.

8 Clause 14 (Insertion of new s 213AA)

Page 22, lines 11 and 12—

omit, insert—

(c) if the seller of the lot intends that before the contract is settled, a building be constructed on the lot by the seller, or by another person who is not the buyer under an arrangement procured by the seller—

9 Clause 14 (Insertion of new s 213AA)

Page 22, lines 28 to 34—

omit, insert—

(ii) the location of any retaining walls that are part of the work; and

(iii) the height of any retaining walls that are part of the work or, if the height varies across the length of the wall, the height of the lowest and highest points of the wall and the average height of the wall; and

(iv) the areas of the lot to be cut or filled as part of the work; and

(v) the following information about any fill that is part of the work—

(A) the depth of the fill;

(B) whether the compaction of the fill will be done in accordance with Australian Standard AS 3798-2007, and the level of inspection and testing services carried out;

(C) if the compaction of the fill will not be done in accordance with that Australian Standard, the nature of the departure from the standard.

10 Clause 14 (Insertion of new s 213AA)

Page 23, after line 4—

insert—

volumetric format lot particulars, for a proposed lot intended to be a volumetric format lot, means the following—

(a) the proposed number of the lot;

(b) an isometric representation of the lot;

(c) the area of the projected footprint of the lot;

(d) the level of the ground surface in approximate values for illustrating the location of the lot in relation to that level;

(e) identification of the proposed orientation of the lot by reference to north;

(f) if the lot is proposed to contain a building or be located in a building—

(i) the floor level on which the lot is proposed to be located; and

(ii) identification of other lots and common property proposed to be on the same floor level in the building.

Amendments agreed to.

Clause 14, as amended, agreed to.

Clause 15—

Mr BLEIJIE (3.34 pm): I move the following amendment—

11 Clause 15 (Amendment of s 214 (Variation of disclosure statement by further statement))

Page 23, line 15, 'the building or'—

omit, insert—

the building format lot particulars,

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 to 60—

Mr BLEIJIE (3.35 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr BLEIJIE: I move the following amendments—

12 Clause 17 (Insertion of new s 217B and ch 5, pt 2, div 5, hdg and div 5, sdiv 1, hdg)

Page 24, lines 19 to 29 and page 25, lines 1 to 6—

omit, insert—

217B Terminating contract if not settled within particular period

(1) This section applies if, other than because of the buyer's default, the seller has not settled the contract for the sale of the proposed lot before—

(a) if the contract provides for a date by which it must be settled (the ***sunset date***), the earlier of the following—

(i) the sunset date or, if the buyer requests a later date for settlement and the seller agrees to the date, the later date;

(ii) the end of 5½ years after the day the contract was entered into by the buyer or, if the buyer requests a later date for settlement and the seller agrees to the date, the later date; or

(b) otherwise—the end of 3½ years after the day the contract was entered into by the buyer or, if the buyer requests a later date for settlement and the seller agrees to the date, the later date.

13 Clause 17 (Insertion of new s 217B and ch 5, pt 2, div 5, hdg and div 5, sdiv 1, hdg)

Page 25, lines 12 to 14—

omit, insert—

termination given to the seller before the contract is settled.

14 Clause 19 (Insertion of new ch 5, pt 2, div 5, sdiv 2 and ch 5, pt 2, div 5, sdiv 3, hdg and ss 218E and 218F)

Page 26, lines 18 to 20—

omit, insert—

the lot (other than an amount paid at settlement);

15 Clause 19 (Insertion of new ch 5, pt 2, div 5, sdiv 2 and ch 5, pt 2, div 5, sdiv 3, hdg and ss 218E and 218F)

Page 29, lines 12 to 20—

omit, insert—

(1) This section applies if an instrument is received from the buyer of a proposed lot as security for the payment of an amount under the contract for the sale of the lot—

(a) by a recognised entity on behalf of the seller; or

(b) by any other person on behalf of the seller; or

(c) by the seller.

Example of an instrument for subsection (1)—

bank guarantee

(2) For subsection (1)(a), the recognised entity must keep the instrument at the prescribed place until—

16 Clause 19 (Insertion of new ch 5, pt 2, div 5, sdiv 2 and ch 5, pt 2, div 5, sdiv 3, hdg and ss 218E and 218F)

Page 30, line 10—

omit, insert—

(5) For subsection (1)(b), the person must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(6) For subsection (1)(c), the seller must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(7) If the instrument is given to a recognised entity under subsection (5) or (6), subsections (2), (3) and (4) apply as if the instrument were received from the buyer by the recognised entity on behalf of the seller as provided in subsection (1)(a).

(8) In this section—

17 Clause 21 (Insertion of new ch 8, pt 13)

Page 33, lines 29 to 31 and page 34, lines 1 to 25—

omit, insert—

(b) the contract does not provide the date by which it must be settled.

(3) Section 217B is modified by omitting subsection (1)(b) and inserting the following—

'(b) if the contract does not provide the date by which it must be settled—the end of the period prescribed in the repealed *Land Sales Regulation 2000*, schedule 2, worked out from the day the contract was entered into.'

(4) In this section—

18 Clause 21 (Insertion of new ch 8, pt 13)

Page 35, lines 14 to 17—

omit, insert—

(2) However, if, at any time before the settlement of a contract to which the part applies, the parties to the contract agree to settle the sale using e-conveyancing, the part is to be read with the following changes—

(a) old LSA, section 22(4)(a)—

omit, insert—

'(a) the vendor or the vendor's agent can not require the purchaser to settle; and';

(b) old LSA, section 23(1), ', without becoming entitled in terms of the instrument to receive a registrable instrument of transfer in exchange therefor'—

omit, insert—

'(but excluding an amount payable at settlement)';

(c) old LSA, section 23(4)—

omit;

(d) old LSA, section 25(2)(a)—

omit, insert—

'(a) before settlement of the sale of the proposed lot; or';

(e) old LSA, section 25(2)(b)(ii)—

omit, insert—

'(ii) before settlement of the sale of the proposed lot;';

(f) old LSA, section 27, heading—

omit, insert—

'27 Purchaser's rights if purchase not settled within a certain period';

(g) old LSA, section 27(1)(b), 'the vendor has not given the purchaser a registrable instrument of transfer for the lot'—

omit, insert—

'the sale of the proposed lot has not been settled';

(h) old LSA, section 27(2), 'before the vendor gives the purchaser the registrable instrument of transfer for the proposed lot'—

omit, insert—

'before the sale of the proposed lot has been settled';

(i) old LSA, section 28, heading, 'for giving of registrable instrument'—

omit.

(3) In this section—

e-conveyancing see the *Property Law Act 1974*, section 58A.

old LSA, followed by a provision number, means the provision with that number in the *Land Sales Act 1984* as in force at any relevant time before the commencement.

19 Clause 22 (Amendment of sch 6 (Dictionary))

Page 36, lines 9 and 10—

omit.

20 Clause 27 (Amendment of s 7 (Interpretation))

Page 43, lines 19 and 20—

omit.

21 Clause 28 (Replacement of pt 4, div 3, hdg (Original proprietors))

Page 44, lines 9 to 18—

omit, *insert—*

48D Definition for div 3

In this division—

cadastral surveyor see the Surveyors Act 2003, schedule 3.

22 Clause 28 (Replacement of pt 4, div 3, hdg (Original proprietors))

Page 45, lines 15 to 33 and page 46, lines 1 to 12—

omit, insert—

(1) Section 49, as modified by this section, applies if a person grants an option (the ***option***) to another person—

(a) to purchase a proposed lot; or

(b) to sell a proposed lot.

(2) For subsection (1)—

(a) section 49(1) requires the giving of a disclosure statement in relation to the option as if a reference to a contract for the sale of a proposed lot being entered into were a reference to an option to purchase or sell the proposed lot being granted; and

(b) any right of avoidance under section 49 relating to the disclosure statement applies in relation to—

(i) the option; and

(ii) a contract entered into by the original proprietor and purchaser for the sale to the purchaser of the proposed lot arising from the option.

(3) If the original proprietor and purchaser enter into a contract for the sale to the purchaser of the proposed lot arising from the option, section 49(1) does not require the giving of a disclosure statement in relation to the contract for the sale.

(4) If the purchaser is not a party to the contract for the sale of the proposed lot arising from the option, the original proprietor must comply with section 49 before entering into the contract for the sale.

(5) In this section—

original proprietor means the person who grants an option to purchase, or is granted an option to sell, the proposed lot.

purchaser means the person who is granted an option to purchase, or grants an option to sell, the proposed lot.

23 Clause 29 (Amendment of s 49 (Duties of original proprietor))

Page 46, lines 31 and 32 and page 47, lines 1 to 3—

omit, insert—

(ii) state the date by which the original proprietor must settle the contract for the sale of the lot as provided under section 49B; and

24 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 50, lines 21 to 33—

omit, insert—

(c) identification of any parts of the lot proposed to be outside the building in which the lot is proposed to be located, including any proposed balcony, courtyard or carport;

(d) the floor level in the building in which the lot is proposed to be located;

(e) identification of other lots and common property proposed to be on the same floor level in the building in which the lot is proposed to be located;

25 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 51, lines 13 and 14—

omit, insert—

(c) if the original proprietor of the lot intends that before the contract is settled, a building be constructed on the lot by the original proprietor, or by another person who is not the purchaser under an arrangement procured by the original proprietor—

26 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 51, lines 30 to 33 and page 52, lines 1 to 3—

omit, insert—

(ii) the location of any retaining walls that are part of the work; and

(iii) the height of any retaining walls that are part of the work or, if the height varies across the length of the wall, the height of the lowest and highest points of the wall and the average height of the wall; and

(iv) the areas of the lot to be cut or filled as part of the work; and

(v) the following information about any fill that is part of the work—

(A) the depth of the fill;

(B) whether the compaction of the fill will be done in accordance with Australian Standard AS 3798-2007, and the level of inspection and testing services carried out;

(C) if the compaction of the fill will not be done in accordance with that Australian Standard, the nature of the departure from the standard.

27 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 52, lines 8 to 25—

omit, insert—

49B Avoiding contract if not settled within particular period

(1) This section applies if, other than because of the purchaser's default, the original proprietor has not settled the contract for the sale of the proposed lot before—

(a) if the contract provides for a date by which it must be settled (the ***sunset date***), the earlier of the following—

(i) the sunset date or, if the purchaser requests a later date for settlement and the original proprietor agrees to the date, the later date;

(ii) the end of 5½ years after the day the contract was entered into by the purchaser or, if the purchaser requests a later date for settlement and the original proprietor agrees to the date, the later date; or

(b) otherwise—the end of 3½ years after the day the contract was entered into by the purchaser or, if the purchaser requests a later date for settlement and the original proprietor agrees to the date, the later date.

28 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 52, line 33 and page 53, lines 1 and 2—

omit, insert—

the contract is settled.

29 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 54, lines 9 to 11—

omit, insert—

the lot (other than an amount paid at settlement);

30 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 56, lines 31 and 32 and page 57, lines 1 to 7—

omit, insert—

(1) This section applies if an instrument is received from the purchaser of a proposed lot as security for the payment of an amount under the contract for the sale of the lot—

(a) by a recognised entity on behalf of the original proprietor; or

(b) by any other person on behalf of the original proprietor; or

(c) by the original proprietor.

Example of an instrument for subsection (1)—

bank guarantee

(2) For subsection (1)(a), the recognised entity must keep the instrument at the prescribed place until—

31 Clause 30 (Replacement of s 49A (Interpretation of awareness in s 49(5)))

Page 57, line 27—

omit, insert—

(5) For subsection (1)(b), the person must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(6) For subsection (1)(c), the original proprietor must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(7) If the instrument is given to a recognised entity under subsection (5) or (6), subsections (2), (3) and (4) apply as if the instrument were received from the purchaser by the recognised entity on behalf of the original proprietor as provided in subsection (1)(a).

(8) In this section—

32 Clause 34 (Insertion of new pt 7, div 2)

Page 61, lines 26 to 34 and page 62, lines 1 to 22—

omit, insert—

(b) the contract does not provide the date by which it must be settled.

(3) Section 49B is modified by omitting subsection (1)(b) and inserting the following—

'(b) if the contract does not provide the date by which it must be settled—the end of the period prescribed in the repealed *Land Sales Regulation 2000*, schedule 2 worked out from the day the contract was entered into.'

(4) In this section—

33 Clause 34 (Insertion of new pt 7, div 2)

Page 63, lines 3 to 6—

omit, insert—

(2) However, if, at any time before the settlement of a contract to which the part applies, the parties to the contract agree to settle the sale using e-conveyancing, the part is to be read with the following changes—

(a) old LSA, section 22(4)(a)—

omit, insert—

'(a) the vendor or the vendor's agent can not require the purchaser to settle; and';

(b) old LSA, section 23(1), ', without becoming entitled in terms of the instrument to receive a registrable instrument of transfer in exchange therefor'—

omit, insert—

'(but excluding an amount payable at settlement)';

(c) old LSA, section 23(4)—

omit;

(d) old LSA, section 25(2)(a)—

omit, insert—

'(a) before settlement of the sale of the proposed lot; or';

(e) old LSA, section 25(2)(b)(ii)—

omit, insert—

'(ii) before settlement of the sale of the proposed lot;';

(f) old LSA, section 27, heading—

omit, insert—

'27 Purchaser's rights if purchase not settled within a certain period';

(g) old LSA, section 27(1)(b), 'the vendor has not given the purchaser a registrable instrument of transfer for the lot'—

omit, insert—

'the sale of the proposed lot has not been settled';

(h) old LSA, section 27(2), 'before the vendor gives the purchaser the registrable instrument of transfer for the proposed lot'—

omit, insert—

'before the sale of the proposed lot has been settled';

(i) old LSA, section 28, heading, 'for giving of registrable instrument'—

omit.

(3) In this section—

e-conveyancing see the *Property Law Act 1974*, section 58A.

old LSA, followed by a provision number, means the provision with that number in the *Land Sales Act 1984* as in force at any relevant time before the commencement.

34 Clause 41 (Amendment of s 6 (Definitions))

Page 67, lines 22 to 27—

omit.

35 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 70, lines 7 to 32 and page 71, lines 1 to 3—

omit, insert—

(1) Section 10, as modified by this section, applies if a person grants an option (the ***option***) to another person—

(a) to purchase a proposed lot; or

(b) to sell a proposed lot.

(2) For subsection (1)—

(a) section 10(1) requires the seller to give the documents mentioned in section 10(1)(a) or (b) to the buyer in relation to the option as if a reference to a contract for the sale of a proposed lot being entered into were a reference to an option to purchase or sell the proposed lot being granted; and

(b) any right of termination under section 10 relating to the giving of the documents applies in relation to—

(i) the option; and

(ii) a contract entered into by the seller and buyer for the sale to the buyer of the proposed lot arising from the option.

(3) If the seller and buyer enter into a contract for the sale to the buyer of the proposed lot arising from the option, section 10(1) does not require the seller to give the documents to the buyer.

(4) If the buyer is not a party to the contract for the sale of the proposed lot arising from the option, the seller must comply with section 10 before entering into the contract for the sale.

(5) In this section—

buyer means the person who is granted an option to purchase, or grants an option to sell, the proposed lot.

seller means the person who grants an option to purchase, or is granted an option to sell, the proposed lot.

36 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 72, lines 2 to 4—

omit, insert—

(1) A disclosure plan may comprise 1 or more documents and must include—

(a) for a proposed lot intended to be a volumetric format lot—the volumetric format lot particulars for the lot; or

(b) for a proposed lot intended to be a standard format lot—the relevant lot particulars for the lot.

37 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 72, line 23, after 'proposed lot'—

insert—

intended to be a standard format lot

38 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 73, lines 5 to 11—

omit, insert—

(ii) the location of any retaining walls forming part of the work; and

(iii) the height of any retaining walls forming part of the work or, if the height varies across the length of the wall, the height of the lowest and highest points of the wall and the average height of the wall; and

(iv) the following information about any fill that is part of the work—

(A) the depth of the fill;

(B) whether the compaction of the fill will be done in accordance with Australian Standard AS 3798-2007, and the level of inspection and testing services carried out;

(C) if the compaction of the fill will not be done in accordance with that Australian Standard, the nature of the departure from the standard.

39 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 73, after line 15—

insert—

standard format lot see the *Land Title Act 1994*, schedule 2.

volumetric format lot see the *Land Title Act 1994*, schedule 2.

volumetric format lot particulars, for a proposed lot intended to be a volumetric format lot, means the following—

(a) the proposed number of the lot;

(b) an isometric representation of the lot;

(c) the area of the projected footprint of the lot;

(d) the level of the ground surface in approximate values for illustrating the location of the lot in relation to that level;

(e) identification of the proposed orientation of the lot by reference to north;

(f) if the lot is proposed to contain a building or be located in a building—the floor level on which the lot is proposed to be located.

40 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 73, lines 28 to 32 and page 74, line 1—

omit, insert—

(c) that the seller must—

(i) settle the contract for the sale of the proposed lot not later than 18 months after the buyer enters into the contract for the sale of the lot; and

(ii) give any other documents required to be

41 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 76, lines 1 to 5—

omit, insert—

Division 3 Settlements

14 Settlement and documents to be given before settlement

(1) The seller of a proposed lot must settle the contract for the sale of the lot not later

42 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 76, lines 21 to 34—

omit, insert—

(b) a statement prepared by a cadastral surveyor to the effect that there are no differences between the information contained in the registered plan and the information contained in the disclosure plan for the lot given to the buyer under section 10.

(4) For subsection (3)(b), if the information contained in the disclosure plan is rectified by a further statement given to the buyer under section 13, the reference to the information contained in the disclosure plan means the information as rectified.

(5) If the seller fails to comply with subsection (1) or

43 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 77, line 28 and page 78, lines 1 and 2—

omit, insert—

the lot (other than an amount paid at settlement);

44 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 81, lines 7 to 15—

omit, insert—

(1) This section applies if an instrument is received from the buyer of a proposed lot as security for the payment of an amount under the contract for the sale of the lot—

(a) by a recognised entity on behalf of the seller; or

(b) by any other person on behalf of the seller; or

(c) by the seller.

Example of an instrument for subsection (1)—

bank guarantee

(2) For subsection (1)(a), the recognised entity must keep the instrument at the prescribed place until—

45 Clause 43 (Replacement of pt 2 (Sale of proposed allotments))

Page 82, line 3—

omit, insert—

(5) For subsection (1)(b), the person must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(6) For subsection (1)(c), the seller must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(7) If the instrument is given to a recognised entity under subsection (5) or (6), subsections (2), (3) and (4) apply as if the instrument were received from the buyer by the recognised entity on behalf of the seller as provided in subsection (1)(a).

(8) In this section—

46 Clause 54 (Insertion of new pt 4, div 2)

Page 85, after line 7—

insert—

contract includes agreement as defined under old section 6.

e-conveyancing see the *Property Law Act 1974*, section 58A.

lot includes allotment as defined under old section 6.

47 Clause 54 (Insertion of new pt 4, div 2)

Page 86, line 11—

omit, insert—

(3) However, if, at any time before the settlement of the contract for the sale of the proposed lot, the parties to the contract agree to settle the sale using e-conveyancing, old sections 9 and 10 are to be read with the following changes—

(a) old section 9(5) is omitted and the following provision inserted—

'(5) If the vendor or the vendor's agent contravenes this section, other than subsection (3)(a), (b) or (h), the purchaser may avoid the instrument relating to the sale by written notice given to the vendor or vendor's agent before the settlement of the sale of the allotment.';

(b) old section 10(1)(a) is omitted and the following provision is inserted—

'(a) the sale of the proposed allotment has not been settled;';

(c) old section 10(3)(b)(ii) is omitted and the following provision inserted—

'(ii) settle the sale of the allotment.';

(d) old section 10(4)(a) is omitted and the following provision inserted—

'(a) for a contravention of subsection (2)—before the settlement of the sale of the allotment; or'

32 Application of new s 14 and old s 10A to contracts

48 Clause 54 (Insertion of new pt 4, div 2)

Page 86, lines 15 to 23—

omit, insert—

(2) Old section 10A continues to apply after the commencement in relation to a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.

(3) However, if, at any time before the settlement of the contract, the parties to the contract agree to settle the sale using e-conveyancing, old section 10A is to be read with the following changes—

(a) old section 10A(1) is omitted and the following provision inserted—

'(1) The vendor of a proposed allotment must settle the sale of the allotment not later than 18 months after the purchaser enters upon the purchase of the allotment.';

(b) old section 10A(4) is omitted and the following provision inserted—

'(4) If the vendor contravenes this section, the purchaser may avoid the instrument relating to the sale by written notice given to the vendor before the sale is settled.'

(4) The purchaser may avoid the contract under old section 10A(4) for a contravention of the section by the vendor (including as it is applied under subsection (3)) only if the contravention arose other than because of the purchaser's default.

49 Clause 54 (Insertion of new pt 4, div 2)

Page 86, lines 30 and 31 and page 87, lines 1 and 2—

omit, insert—

(1) Old sections 11 and 12 continue to apply in relation to amounts paid under a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.

(2) However, if, at any time before the settlement of the contract, the parties to the contract agree to settle the sale using e-conveyancing—

(a) old section 11(1) is to be read by omitting ', without becoming entitled in terms of the instrument to receive a registrable instrument of transfer in exchange therefor' and inserting '(but excluding an amount payable at settlement)'; and

(b) old section 11 is to be read by omitting section 11(3).

50 Clause 54 (Insertion of new pt 4, div 2)

Page 87, lines 4 to 7—

omit, insert—

(1) Old section 11A continues to apply in relation to a contract for the sale of a proposed lot entered into before the commencement as if the amendment Act had not been enacted.

(2) However, if, at any time before the settlement of the contract, the parties to the contract agree to settle the sale using e-conveyancing, old section 11A(2) is to be read by omitting 'before the registrable instrument of transfer for the allotment is given to the purchaser' and inserting 'before the sale of the allotment is settled'.

51 Clause 54 (Insertion of new pt 4, div 2)

Page 87, lines 14 to 16—

omit, insert—

(1) Except to the extent provided under subsection (3), an application under old section 19 that has not been decided at the commencement lapses at the commencement.

(2) Subsection (3) applies if, at the commencement—

(a) a contract is conditional on an application being granted under old section 19(2); and

(b) the application has not been decided.

(3) The application is taken to be granted without any condition being imposed under old section 19(2A).

52 Clause 59 (Insertion of new pt 3.3, div 2A)

Page 89, after line 16—

insert—

Example of when a law practice may consider a dispute may arise—

A party to the contract does not take the required action to complete the contract and does not make contact with the other party or law practice to explicitly state a dispute has arisen.

Amendments agreed to.

Clauses 16 to 60, as amended, agreed to.

Insertion of new clause—

Mr BLEIJIE (3.35 pm): I move the following amendment—

53 After clause 60

Page 92, after line 4—

insert—

60A Insertion of new ss 58A and 58B

Part 6, division 3—

insert—

58A Definitions for div 3

In this division—

conveyancing transaction see the National Law, section 3.

e-conveyance means a conveyancing transaction to be completed using e-conveyancing.

e-conveyancing means a system of land conveyancing that uses an ELN to lodge documents electronically for the purposes of the land titles legislation.

electronic workspace, for an e-conveyance, means a shared electronic workspace within an ELN that allows the participating subscribers to the e-conveyance—

(a) to lodge a document electronically under the National Law; and

(b) if relevant, to authorise or complete financial settlement of the e-conveyance.

ELN means an Electronic Lodgment Network under the National Law.

financial settlement, of an e-conveyance, means the exchange of value, in an ELN, between financial institutions in accordance with the instructions of participating subscribers to the e-conveyance.

land titles legislation see the *Electronic Conveyancing National Law (Queensland) Act 2013*, section 6.

National Law means the Electronic Conveyancing National Law (Queensland).

participating subscriber, to an e-conveyance, means a subscriber who is involved in the e-conveyance as a party to the e-conveyance or as a representative of a party.

subscriber see the National Law, section 3.

58B Meaning of *settlement* of a sale of land in an e-conveyance

(1) In an Act, a reference to the *settlement* (however described) of a sale of land or a contract for the sale of land has the meaning given by this section if the sale is to be completed using e-conveyancing, unless the Act expressly provides otherwise.

Example of another way to describe a settlement of the sale of land—

completion of the sale of the land

(2) Settlement, of the sale of land, occurs when the electronic workspace for the e-conveyance records that—

(a) financial settlement occurs; or

(b) if there is no financial settlement, the documents necessary to transfer title have been accepted for electronic lodgment by the registrar.

(3) In this section—

sale, of land, includes an exchange for value.

60B Insertion of new s 67A

After section 67—

insert—

67A When statutory rights of termination end for land sales if e-conveyancing is used

(1) This section applies if—

(a) an Act provides for a right of termination (however described) in relation to the sale of land or a contract for the sale of land; and

(b) the right is expressed to end on settlement; and

(c) the sale is settled using e-conveyancing.

(2) The right of termination ends on settlement.

(3) However, the right of termination may not be exercised during any period the electronic workspace for the e-conveyance is locked for the purpose of settlement.

(4) In this section—

locked, in relation to an electronic workspace for an e-conveyance, means the ELN for the workspace does not allow a participating subscriber to the e-conveyance to change a document or instruction in the workspace.

Amendment agreed to.

Clauses 61 and 62—

Mrs D'ATH (3.36 pm): I rise to speak to clauses 61 and 62. These two clauses give effect to the government's policy to increase the cap on deposits that can be charged by developers on buyers of proposed lots. As I said during the debate, our concerns are twofold. The possibility that buyers will be required to find a 20 per cent deposit will mean that potential buyers are priced out of the market. Housing affordability is already an issue for Queensland families. Cost-of-living pressures have increased enormously under the LNP government. Adding to this by requiring families to find a 20 per cent deposit will make things even harder. I am aware that the 20 per cent is not mandatory; it is merely a maximum. But when the maximum was 10 per cent, the deposit was always 10 per cent. I do not know of any instances where less than 10 per cent deposit was actually required.

The Law Society spoke of market forces perhaps keeping the rate below the maximum, but that was, in my view, a very optimistic assessment. Neither the UDIA nor the Property Council reiterated that perspective. Neither declared that deposits would stay below the 20 per cent, and to have 20 per cent of the purchase price tied up in a development that may be so different from what was contracted for that the buyer no longer wishes to proceed with the purchase means they will be significantly disadvantaged, particularly as there is no requirement for the interest on the deposit to go to the buyer. As these amendments now mean that even if a developer becomes aware of a change that means the buyer is seriously prejudiced by the change they will no longer be required to advise the buyer as soon as they become aware or even within 14 days, but they can hold on to that information until 21 days before settlement is due. That could be a matter of years. Tying up 20 per cent of a buyer's purchase price for this extended period seems manifestly inequitable. Has the government conducted any analysis of how this might affect the property market?

Our other concern is that, even if a purchaser can pull together a 20 per cent deposit, if they default on the sale that 20 per cent is forfeited, and that is even if the loss to the seller is significantly less than 20 per cent. Case law has determined that forfeiture of 10 per cent does not amount to a penalty under a contract. Any amount over that is questionable. That is why these amendments specifically provide that a deposit of a sum not exceeding 20 per cent that is forfeited as a deposit and retained by a seller is not either at law or in equity a penalty. These are our concerns. Without proper analysis of how these changes are likely to affect the property market, making these changes is unwise.

Dr DOUGLAS: I want to endorse the comments made by the shadow minister. The utilisation of a 20 per cent cap means that it will be a 20 per cent deposit. That is effectively what will happen in the market. There may be some minor movement around that market, but the problem is it unnecessarily ties up very needy capital, whether it is borrowed capital—effectively amalgam capital where it is acquired from multiple sources—or it is direct equity by an unsophisticated or a sophisticated investor.

There is a problem of a lack of capital in the market—real capital—firstly, because governments are hoarding and, secondly, because we rely on borrowing overseas capital and leveraging the market. That has been the success of the Australian market. We have high valuations of property relative to everyone else. In fact, it is believed to be 3½ times the average value of the US market. We are putting double the amount down in the deposit for twice as long. That sucks that capital out of the market.

There are plenty of members here who represent areas that need growth in land sales, house sales, house and land packages or apartments. We want that growth in the market. We need to see our market pick up. Currently, we do not have that. This situation affects everyone. The member who just spoke represents Redcliffe. The issue is as important in Redcliffe as it is in the Gaven electorate. I was just in the library with two members. One is in Keppel and one is in Bundaberg. I am telling members that the issue is important. Another member represents one of those seats located between Brisbane and the Gold Coast. The issue is as important there, particularly for those new large developments where they are selling land. If we tie up the capital for an excess length of time, as this bill requires, we are going to cut off our noses to spite our faces, because we are going to diminish the amount of available money in the community. This is not the right thing to do. It is wrong thing to do at this time in the market.

It may be in several years to come that it might be the right thing to do but, at this time in the market, it is the wrong thing to do. We need that cash circulating in the community. We must not pull it out just because the banks want to have better loan to value ratios, want to have high capital to loan valuations. I know that the Commonwealth bank is demanding that the government improve it, but post GFC we did not have that problem in Australia. Now, all of a sudden in this market we are going to be doubling in one area and doubling in another and that is a mistake. It really does not help the developers anyway. So it is not as if they are going to be affected. It is primarily a bank-driven demand and we should be resisting it.

Mr BLEIJIE: I think the member for Redcliffe has just gone back to form for the Labor Party, followed by the member for Gaven. The provision that we are debating says that the developer may charge a deposit of 20 per cent. I say to the member for Redcliffe that we live in a buyer beware market. Nothing in this bill or the act says that a buyer has to buy that property. A person can buy the property under the marketing and it has a 20 per cent deposit required. The buyer has a choice not to sign up to buy the property. If they do not want to buy the property with a 20 per cent deposit, then they do not have to. It is just the same with the 10 per cent, which is the maximum at the moment. If they did not want to pay a 10 per cent deposit, they could walk on to somewhere else and buy a unit where a developer is saying that a five per cent deposit is required.

Obviously, if in six months time developers all have 20 per cent deposits required and they are not selling any units, they can reduce that amount, because that is what the free market says. That is where you get negotiations between sellers and buyers. It is voluntary. The legislation does not say that buyers have to pay a 20 per cent deposit. The legislation is just raising the amount to 20 per cent if the developer wants it. So it is the developer's choice. I say to the member for Redcliffe that, if the developer sells a unit and wants a 20 per cent deposit, let the developer have it. It is their development. If the buyer signs up to it, good on them. They have negotiated a contract where they are buying property for which they will pay a 20 per cent deposit. If the buyer—

Opposition members interjected.

Madam DEPUTY SPEAKER (Mrs Cunningham): Order! It is very difficult to hear. The Attorney-General is not taking interjections.

Mr BLEIJIE: If the buyer does not want to pay the 20 per cent deposit or they cannot afford a 20 per cent deposit, then they do not sign the contract. That is the simple reality. I would suggest that if you have a unit development of 200 units selling off the plan and they all get sold within a few weeks of opening, all with a 20 per cent deposit, that means that all of those buyers have willingly signed up to a contract to pay the 20 per cent deposit, because that is what was marketed and that is the contract that was entered into. Developers will adjust the marketing campaign and the deposit amount if necessary because they want to sell their places.

This is just going back to the same old Labor Party. They do not trust Queenslanders to make these informed decisions themselves. They believe that they need to hold their hand the whole way through. I thought it was a bit of a stunt when the member for Redcliffe started her contribution to the debate today by saying, 'We support this bill.' But now, true to form, the old Labor Party comes out and we know exactly where they are, fully supported by the member for Gaven.

The point is this: the bill says that buyers may pay 20 per cent. If they choose to, good on them. If the developer chooses to charge 20 per cent deposit, good on them. That is their right. If they can find the buyers to sign up to them, then that is the economy working, that is the marketplace working. It is the buyer's choice, not the government coming in saying to the buyer what they should or should not do. It is the buyer's choice. We on this side of the House—the LNP—will always go for the buyer's right to decide these matters themselves and get rid of the government from their daily lives.

Division: Question put—That clauses 61 and 62, as read, stand part of the bill.

AYES, 69:

LNP, 69—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grimwade, Hart, Hathaway, Hobbs, Holswich, Johnson, Kaye, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Powell, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 13:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 2—Hopper, Katter.

INDEPENDENTS, 2—Douglas, Wellington.

Resolved in the affirmative.

Clauses 61 and 62, as read, agreed to.

Clauses 63 to 75—

Mr BLEIJIE (3.51 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr BLEIJIE: I move the following amendments—

54 After clause 63

Page 95, after line 7—

insert—

63A Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

conveyancing transaction, for part 6, division 3, see section 58A.

e-conveyance, for part 6, division 3, see section 58A.

e-conveyancing, for part 6, division 3, see section 58A.

electronic workspace, for part 6, division 3, see section 58A.

ELN, for part 6, division 3, see section 58A.

financial settlement, for part 6, division 3, see section 58A.

land titles legislation, for part 6, division 3, see section 58A.

National Law, for part 6, division 3, see section 58A.

participating subscriber, for part 6, division 3, see section 58A.

settlement, of a sale of land or a contract for the sale of land, see section 58B.

subscriber, for part 6, division 3, see section 58A.

55 Clause 67 (Amendment of s 3 (Definitions))

Page 96, line 25—

omit.

56 Clause 69 (Insertion of new pt 9A)

Page 100, lines 1 to 6—

omit.

57 Clause 69 (Insertion of new pt 9A)

Page 101, lines 9 to 31 and page 102, lines 1 to 8—

omit, insert—

(1) Section 97F, as modified by this section, applies if a person grants an option (the ***option***) to another person—

(a) to purchase a proposed lot; or

(b) to sell a proposed lot.

(2) For subsection (1)—

(a) section 97F(1) requires the giving of the disclosure statement in relation to the option as if a reference to a contract for the sale of a proposed lot being entered into were a reference to an option to purchase or sell the proposed lot being granted; and

(b) any right of termination under section 97F relating to the disclosure statement applies in relation to—

(i) the option; and

(ii) a contract entered into by the seller and buyer for the sale to the buyer of the proposed lot arising from the option.

(3) If the seller and buyer enter into a contract for the sale to the buyer of the proposed lot arising from the option, section 97F(1) does not require the giving of a disclosure statement in relation to the contract for the sale.

(4) If the buyer is not a party to the contract for the sale of the proposed lot arising from the option, the seller must comply with section 97F before entering into the contract for the sale.

(5) In this section—

buyer means the person who is granted an option to purchase, or who grants an option to sell, the proposed lot.

seller means the person who grants an option to purchase, or who is granted an option to sell, the proposed lot.

58 Clause 69 (Insertion of new pt 9A)

Page 102, lines 27 to 31—

omit, insert—

(d) if the contract is for the sale of any proposed lot by a seller—state the date by which the seller must settle the contract for the sale of the lot as provided under section 97J.

59 Clause 69 (Insertion of new pt 9A))

Page 103, lines 25 to 31 and page 104, lines 1 to 6—

omit, insert—

(c) identification of any parts of the lot proposed to be outside the building in which the lot is proposed to be located, including any proposed balcony, courtyard or carport;

(d) the floor level in the building in which the lot is proposed to be located;

(e) identification of other lots and common property proposed to be on the same floor level in the building in which the lot is proposed to be located;

60 Clause 69 (Insertion of new pt 9A)

Page 107, lines 1 to 19—

omit, insert—

Division 3 Additional ground for terminating contract

97J Terminating contract if not settled within particular period

(1) This section applies if, other than because of the buyer's default, the seller has not settled the contract for the sale of the proposed lot before—

(a) if the contract provides for a date by which it must be settled (the ***sunset date***), the earlier of the following—

(i) the sunset date or, if the buyer requests a later date for settlement and the seller agrees to the date, the later date;

(ii) the end of 5½ years after the day the contract was entered into by the buyer or, if the buyer requests a later date for settlement and the seller agrees to the date, the later date; or

(b) otherwise—the end of 3½ years after the day the contract was entered into by the buyer or, if the buyer requests a later date for settlement and the seller agrees to the date, the later date.

61 Clause 69 (Insertion of new pt 9A)

Page 107, lines 26 to 28—

omit, insert—

termination given to the seller before the contract is settled.

62 Clause 69 (Insertion of new pt 9A)

Page 108, lines 26 to 28—

omit, insert—

the lot (other than an amount paid at settlement);

63 Clause 69 (Insertion of new pt 9A)

Page 111, lines 19 to 27—

omit, insert—

(1) This section applies if an instrument is received from the buyer of a proposed lot as security for the payment of an amount under the contract for the sale of the lot—

(a) by a recognised entity on behalf of the seller; or

(b) by another person on behalf of the seller; or

(c) by the seller.

Example of an instrument for subsection (1)—

bank guarantee

(2) For subsection (1)(a), the recognised entity must keep the instrument at the prescribed place until—

64 Clause 69 (Insertion of new pt 9A)

Page 112, line 15—

omit, insert—

(5) For subsection (1)(b), the person must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(6) For subsection (1)(c), the seller must give the instrument directly to a recognised entity.

Maximum penalty—200 penalty units or 1 year's imprisonment.

(7) If the instrument is given to a recognised entity under subsection (5) or (6), subsections (2), (3) and (4) apply as if the instrument were received from the buyer by the recognised entity on behalf of the seller as provided in subsection (1)(a).

(8) In this section—

65 Clause 72 (Insertion of new pt 11, div 8)

Page 115, lines 27 to 31 and page 116, lines 1 to 23—

omit, insert—

(b) the contract does not provide the date by which it must be settled.

(3) Section 97J is modified by omitting subsection (1)(b) and inserting the following—

'(b) if the contract does not provide the date by which it must be settled—the end of the period prescribed in the repealed *Land Sales Regulation 2000*, schedule 2 worked out from the day the contract was entered into.'

(4) In this section—

66 Clause 72 (Insertion of new pt 11, div 8)

Page 116, lines 31 to 33 and page 117, lines 1 to 4—

omit, insert—

(2) The following provisions continue to apply in relation to the contract as if the *Land Sales and Other Legislation Amendment Act 2014* had not been enacted—

(a) schedule 4, section 49 and 49A of this Act as in force at any relevant time before the commencement;

(b) old LSA, part 3.

(3) However, if, at any time before the settlement of a contract to which the part applies, the parties to the contract agree to settle the sale using e-conveyancing, old LSA, part 3 is to be read with the following changes—

(a) old LSA, section 22(4)(a)—

omit, insert—

'(a) the vendor or the vendor's agent can not require the purchaser to settle; and';

(b) old LSA, section 23(1), ', without becoming entitled in terms of the instrument to receive a registrable instrument of transfer in exchange therefor'—

omit, insert—

'(but excluding an amount payable at settlement)';

(c) old LSA, section 23(4)—

omit;

(d) old LSA, section 25(2)(a)—

omit, insert—

'(a) before settlement of the sale of the proposed lot; or';

(e) old LSA, section 25(2)(b)(ii)—

omit, insert—

'(ii) before settlement of the sale of the proposed lot;';

(f) old LSA, section 27, heading—

omit, insert—

'27 Purchaser's rights if purchase not settled within a certain period';

(g) old LSA, section 27(1)(b), 'the vendor has not given the purchaser a registrable instrument of transfer for the lot'—

omit, insert—

'the sale of the proposed lot has not been settled';

(h) old LSA, section 27(2), 'before the vendor gives the purchaser the registrable instrument of transfer for the proposed lot'—

omit, insert—

'before the sale of the proposed lot has been settled';

(i) old LSA, section 28, heading, 'for giving of registrable instrument'—

omit.

(4) In this section—

e-conveyancing see the *Property Law Act 1974*, section 58A.

old LSA, followed by a provision number, means the provision with that number in the *Land Sales Act 1984* as in force at any relevant time before the commencement.

Amendments agreed to.

Clauses 63 to 75, as amended, agreed to.

Schedule, as read, agreed to.

Madam DEPUTY SPEAKER (Mrs Cunningham): The House will now consider the postponed clause.

Clause 2—

Mr BLEIJIE (3.52 pm): I move the following amendment—

1 Clause 2 (Commencement)

Page 10, lines 7 and 8—

omit, insert—

> This Act, other than parts 4 and 10 and sections 60A and 63A, commences on the commencement of the *Property Occupation Act 2014*, part 7.

Amendment agreed to.

Clause 2, as amended, agreed to.

Third Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.52 pm): I move—

That the bill, as amended, be now read a third time.

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

Bill read a third time.

Long Title

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.52 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.

MINERAL AND ENERGY RESOURCES (COMMON PROVISIONS) BILL

Resumed from 5 June (see p. 2115).

Second Reading

Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (3.53 pm): I move—

That the bill be now read a second time.

This is an omnibus bill that implements a number of amendments to Queensland's resources acts. Many of the key amendments in this bill intend to make it easier for industry to do business in Queensland, ensuring we are competitive, both nationally and internationally, and that crucial investment in Queensland's resources sector is not lost to other jurisdictions. The resources sector is one of the Newman government's four pillars of the Queensland economy. In 2012-13, the sector contributed an estimated $37.9 billion to the Queensland economy, accounting for approximately 13 per cent of gross state product. When the already planned liquefied natural gas plants come fully online, the CSG industry is expected to increase gross state product by over $3 billion. Royalties from resources projects help deliver public infrastructure such as roads, hospitals and schools. However, the Newman government also recognises the impacts mining can have on landholders and communities in resource regions. This bill seeks to achieve a balance between ensuring a competitive resources sector and protecting the rights of individuals and communities potentially impacted by mining activities.

The bill seeks to achieve this balance by putting in place appropriate regulatory processes, taking into account the risk, size and impact of a mining operation. However, let me point out that the balance the bill seeks to achieve does not extend to enabling green and anti-economic development groups based interstate or overseas whose motive is to stop resource projects and the thousands of jobs the sector supports or cause significant delays to the progress of mining projects by lodging ideologically based objections. We have worked closely with the resources sector and communities across Queensland to develop these key amendments. Some are also the direct result of recommendations from independent working groups comprising both mining and agricultural representatives. Despite these efforts, there has been feedback from submitters to the Agriculture, Resources and Environment Committee's inquiry into the bill from a number of landholders who suggest that the bill may not have fully achieved the balance that we intended to deliver. To a degree, those views reflect a misunderstanding of the bill that has been fuelled by a campaign of misinformation from environmental groups that aim to stop mining irrespective of the economic benefits that could be lost to communities in the process. It has also been fuelled by certain legal firms more interested in encouraging conflict than providing a fair and accurate description of what is in this bill.

Nevertheless, the Newman government has listened to Queenslanders and the genuine submissions made to the committee. I have taken note of valid issues landholders have raised throughout the committee process. As a result, I will move several amendments during consideration in detail, which I will detail later in my second reading speech, to ensure that we achieve this intended balance. I will not be responding to inaccurate and misleading submissions from environmental groups or irresponsible law firms, and I will go into that in a bit more detail later in my contribution. Let me be clear, the balance that this bill is seeking to achieve is between resource operations and those impacted by those resource activities.

This bill initiates the first stage of a significant reform program to modernise resource sector legislation. The Modernising Queensland Resource Acts Program proposes to replace the five existing resource acts, and their associated regulations, with a single, common provisions act that unifies tenure administration across Queensland's resources sector. Queensland's current resources legislation is lengthy, complicated and overly prescriptive, with common processes duplicated across the five separate acts, making the legislation inefficient and costly for government to administer and industry to comply with. The program aims to streamline the existing legislative requirements and processes and establish a framework that allows the government to respond to the dynamic environment within which the resources industry operates.

This bill creates a common provisions act that harmonises and consolidates provisions relating to dealings, caveats and associated agreements and land access, with simultaneous repeal of these relevant provisions from the existing resource acts. The new act will exist alongside the current resource acts and is being used as a transitional statute until all of the provisions of the existing acts migrate to the new consolidated statute. In migrating these provisions, the aim has been to achieve as much consistency as possible and to redraft provisions in a less prescriptive manner, making more appropriate use of regulations. Simplifying the regulatory environment and a centralised reference point for resources legislation will benefit all stakeholders, whether they be industry, landholders or the community, and will facilitate an improved understanding of the framework both now and in the future. The consolidation process has seen the Queensland government work with the resources sector, agricultural bodies and the community through a broad consultation process which has included government-industry working groups, discussion papers and the distribution of exposure draft provisions.

This bill will give landholders land access protection rights they have never had before. The bill fulfils three of the Land Access Implementation Committee's recommendations on ways to implement the government's six-point action plan of reforms to improve the land access framework. These reforms respond to some of the issues raised by stakeholders during the land access review which commenced in 2012. An independent land access review panel conducted extensive consultation in early 2012 through a submission process and individual meetings with stakeholders who had direct experience with, or expressed strong interest in, land access arrangements across Queensland. Stakeholders included landholders, community groups, peak bodies, resource authority holders, lawyers and other land access professionals from across Queensland.

Through this extensive consultation process, the review panel was able to identify key issues affecting the land access framework. The Queensland government released the review panel's report in early 2012 and sought public submissions on the recommendations. That was followed by the

release of a six-point action plan of reforms in late 2012 and the appointment of an implementation committee, including peak body representatives from AgForce, the Queensland Resources Council, the Queensland Farmers Federation, the Australian Petroleum Production and Exploration Association and the GasFields Commission Queensland, to provide direction on implementing the action plan. The Queensland government has endorsed the implementation committee's recommendations to make the necessary legislative changes to resource legislation to implement these actions and address stakeholder concerns. These reforms to the framework will help balance the needs of the state's agriculture and resources sectors and aim to improve the way in which land access negotiations occur.

Many landholders indicated that they were generally more concerned about the conduct of resource companies on their property, rather than just the issue of compensation. Concerns were also raised about the Land Court's inability to examine the behaviour of parties during the conduct and compensation agreement negotiation process. The government has acknowledged those concerns in our response to the review panel's recommendations. Action 1(b) in the six-point action plan involves expanding the jurisdiction of the Land Court to hear matters concerning conduct in addition to compensation. The bill delivers on this by expanding the Land Court's jurisdiction to enable it to make determinations on matters relating to conduct issues that should form part of a conduct and compensation agreement, as well as to examine the behaviours of all parties during the negotiation process.

Stakeholders also expressed concern about the lack of discoverability of a conduct and compensation agreement during a title search and the potential for a property to change hands without adequate knowledge that an agreement exists. The government supported this recommendation in action 3. The implementation committee recommended legislative changes to implement this action that will require a resource authority holder to notify the Registrar of Titles of an executed conduct and compensation agreement, who must then note its existence on the title. Having it noted on the relevant property title will enable a prospective purchaser to make genuine inquiries as to its content.

The review panel also heard varying feedback about the statutory process for negotiating a conduct and compensation agreement, particularly relating to time frames and costs. Both landholders and resource companies expressed concerns that there was no option in the legislation to opt out of entering into a formal conduct and compensation agreement. During the consultation process, the review panel also noted cases in which the formal conduct and compensation agreement process was unnecessary. The review panel reported that some stakeholders had developed relationships prior to the land access framework being introduced and the conduct and compensation agreement process was considered unnecessary where there was already a history of positive cooperation and co-existence.

To address those concerns, the review panel recommended that the government allow two willing parties to opt out of the requirement to sign a CCA. The government supported this recommendation and included it as action 4 in its six-point action plan. The bill gives effect to this recommendation and allows two willing parties to opt out of the formal requirement for conduct and compensation agreements. The bill leaves it to landholders and resource authority holders to determine whether the circumstances are such that an opt-out agreement would be suitable. This amendment will streamline the existing negotiation process and provide flexibility for landholders and resource authority holders that already have a functional relationship to build on. The bill allows for a number of requirements to be placed on the resource authority holder to protect the legal interests of the landholder and balance out any potential power imbalances that may arise in these dealings.

It is intended that the implementation committee's recommended requirements, including that a landholder be provided with a fact sheet about the implications associated with entering into an opt-out agreement, will form part of the prescribed requirements under the regulation. An opt-out agreement will not be valid unless it meets the requirements to be prescribed by regulation. The land access code and the resource company's compensation liability will also continue to apply. This process will encourage better relationships between landholders and resource companies, and has the potential to significantly reduce the costs and time associated with negotiating and executing conduct and compensation agreements. Where a landholder has elected to opt out of a CCA framework, an executed opt-out agreement, which could be in the form of a legal release, will be required and must be recorded on the property title.

I turn now to the provisions in the bill concerning restricted land. Currently, different land access rules apply depending on the activity and/or the resource being accessed. This can be complex and confusing for landholders and the resources sector alike. Other than mining leases and claims, which require a compensation agreement prior to grant, the 600-metre rule currently applies to all resource activities. This requires resource companies and landholders to negotiate and enter into conduct and compensation agreements for all activities, including those that have low or no impact within 600 metres of an occupied residence or school, although this does not cover neighbouring landholders.

Under the proposed changes to this bill, the 600-metre rule will be repealed. However, to provide greater certainty for landholders affected by all types of resource activities, the bill proposes to introduce a single and consistent restricted land framework. A consistent restricted land no-go zone is proposed to be established around homes and businesses within which resource companies must have landholder consent for most resource activities. Landholders will now have this additional and more substantive right to withhold consent. This buffer will be established by regulation and 200 metres was proposed in the associated regulatory impact statement. These consent rights will extend to neighbouring landholders whose homes or infrastructure are within the restricted land distance. This new framework will apply to future petroleum and gas sector applications for the first time.

There are some exemptions that will apply to the restricted land framework, particularly in situations where mining and residential uses cannot co-exist, such as large open-cut mines that are approved with full surface rights. In those situations, restricted land would not apply and the landholder would have to be compensated not only for the loss of the right of consent, but also if they need to relocate from their existing residence. This is a significant change to the existing situation and, in recognition of this, the bill includes a requirement for the minister to have particular regard for any disadvantage to the owner or occupier of the area of restricted land prior to making a decision on any such mining lease application.

The bill establishes a new overlapping tenure framework for managing Queensland's coal and coal seam gas tenures. The current model is proving ineffective in facilitating the responsible and productive use of the state's coal seam gas resources and coal resources. It is unable to cater for the substantial developments in the nature and scope of coalmining and gas projects. To address this, the resources sector and the Queensland government have cooperated to develop solutions to complex issues and proposed a new framework to deal with overlapping tenures. The framework provides incentives for the coal and coal seam gas industries to work together and develop their projects in a way that does not restrict them from carrying out their operations. It also allows industry the flexibility to develop alternative agreements outside the framework in the bill, leaving it to be the fallback and not the benchmark, which encourages innovation and cooperation.

The new framework will provide increased certainty for the grant of production tenures for authority holders in circumstances of overlapping tenure. The main components of the amendments are: a direct path to grant for both coal and coal seam gas production tenures; for the coal tenure holder to have a right of way to develop coal deposits; an ongoing obligation for overlapping coal and coal seam gas tenure holders to exchange relevant information; and the freedom for proponents to negotiate other arrangements as an alternative to the default. My Department of Natural Resource and Mines will continue to work closely with the resources sector in the implementation of the new framework.

The proposed amendments in this bill seek to reduce those costs for the mining sector associated with application assessment under both the Mineral Resources Act 1989 and the Environmental Protection Act 1994. The bill proposes to amend the notification and objection process for a mining lease application and environmental authority to create a more streamlined and efficient process, taking into account the size, risk and impact of a mining operation.

The amendments propose to remove the duplication of the right to object under two different acts, removing unnecessary delays in the application assessment process. This is so that smaller mining projects, which make up around 90 per cent of all mining leases in Queensland, and whose impacts can be managed under the standard conditions of an environmental authority, do not have to follow the same process as a large scale project, which may have broader impacts.

Under the proposed changes, the bill restricts notification for mining lease applications to 'affected persons', meaning that landholders and local councils will also have the opportunity to object to the Land Court during the mining lease application process. The amendments will prevent the misuse of Queensland's objection process, which was intended to allow for genuine landholder and community concerns to be raised.

The bill also proposes to amend the requirement for public notification of mining lease related environmental authority applications. Proposed low-impact mines which meet specified eligibility criteria for a standard or variation application will no longer be subject to notification requirements or potential objections to an EA. Where the mining project does not meet these eligibility criteria—for example, all coal and large scale mines—a site specific application will be required for the EA. For these mining projects, current notification processes are proposed to be retained.

Objection rights are also preserved for any person who has made a submission on a site specific application for an environmental authority, either through the notification process for that EA or an associated environmental impact statement process. Such persons will be entitled to appeal to the Land Court concerning the grant of that EA. Therefore, the public will still be able to object to the grant or conditions of an EA for any medium to large size mine that requires a site specific application for their EA.

The only exception is where the project has gone through the Coordinator-General's EIS process. Any conditions directed by the Coordinator-General to be placed on the EA are not subject to objection rights. I will be moving an amendment during the consideration in detail stage to clarify this as the Land Court currently has no power to vary these conditions. This will ensure objectors are clear about the scope of grounds for an objection. I will also move another amendment during the consideration in detail stage so that where an objection has been lodged, which the Land Court does not have grounds to consider, the Land Court has the power to strike out these objections early in the court process.

EAs for proposed mines which may have environmental impacts on people some distance from a proposed mine, such as coal mines, will always be publicly notified, so anyone, including landholders, local councils, adjoining landholders and the community can lodge a submission about a site specific application for an EA on environmental grounds.

The bill also includes amendments to the matters the Land Court can consider. The changes in the bill clearly identify the jurisdiction of the Land Court to ensure the issues considered by the court relate to the impacts of the proposed mine on those directly impacted by the proposed mining lease application. Additional rights to object are provided under the Environmental Protection Act 1994, in regard to environmental impacts for site specific applications for an EA, under which any individual or the wider community may object.

The bill includes provisions that allow the government to appoint an authorised person to act immediately to access land to remediate bore holes that present a safety concern. These amendments relate to an incident in August 2012 where a legacy coal exploration bore hole ignited on state owned land near Kogan. This situation was resolved quickly by a collaborative industry and government response.

Following the incident, the Queensland government and industry worked together to develop a protocol to manage any future legacy bore hole incidents. In developing the protocol, it was identified that the same approach to the Kogan incident would not work in other circumstances or scenarios without changes to the legislation. For example, if the incident occurred on private land and required immediate action, it may not be possible to determine the type, origin or history of the bore.

The amendments in the bill have been broadly constructed so if urgent action is needed, because of a fire or other emergency, remediation can be undertaken regardless of whether the bore's history can be determined. It is intended the state authorised process be limited to situations where it is determined that there is a safety concern requiring urgent action. Landholders will be consulted as part of the assessment where the incident does not threaten life or property.

The amendments require authorised persons to not cause or contribute to unnecessary damage to any structure or works on the land. In addition, the authorised person must take all reasonable steps to minimise inconvenience and any disturbance as is practicable in the circumstances.

Consistent with current arrangements for the rehabilitation of abandoned mines, the amendments do not provide for costs or compensation. This approach ensures the greatest flexibility for all affected parties by having each incident assessed and negotiated on a case-by-case basis, allowing consideration of the individual circumstances of each case.

As part of the Newman government's commitment to reduce red tape for small scale mining and the broader mining sector, the amendments in the bill provide flexibility in identifying the boundaries of a mining lease or mining claim, by allowing miners to use mapping and satellite

imagery to mark out the area of their proposed operations rather than physically pegging a claim. Removing these prescriptive pegging requirements will result in substantial savings for potential mining lease applicants, particularly in relation to travelling to remote locations.

The amendments will also enable miners to increase the size of leases they can apply for on land previously subject to an exploration permit—during the two-month moratorium on new exploration permits—as the bill removes the 50-hectare restriction per mining lease application. The existing 300-hectare cumulative limit on this land per mining lease applicant will remain. More than $3,000 in application fees could potentially be saved for applicants applying for up to six leases. The bill also includes other amendments that deliver on the Newman government's promise to reduce red tape.

I thank the Agriculture, Resources and Environment Committee for its consideration of the Mineral and Energy Resources (Common Provisions) Bill 2014. I note the committee tabled its report on Friday, 5 September 2014. The committee has recommended that the government's Queensland Globe and Mines Globe initiative allow any interested user to know where exploration and resource authorities have been applied for, and the option to allow interested parties to be automatically notified if exploration licences are allocated or applied for in a particular area, as per the Productivity Commission's recommendation.

I thank the committee for raising the Queensland Globe which is a key part of the government's open data initiative. This government is committed to opening up more opportunities through this initiative. The Queensland Globe has been developed as a new capability to share Queensland's spatial information. In relation to the committee's recommendation I can advise members that application areas for all permits are made available through a central publishing area and in mines online as soon as practical after the application is made. Additionally, local area mining permit reports are available on the Department of Natural Resources and Mines' website, providing landholders and the wider community with detailed information about permits, including applications and grants, in and around their local area based on the lot on plan or a local government area. As such, this information is already readily available to the public. However, the Department of Natural Resource and Mines will continue to look at opportunities to add information to the Queensland Globe.

The committee also recommended that a review of the land access code be completed by the Land Access Implementation Committee, in consultation with key resource, agriculture and landholder sectors, within six to 12 months of the commencement of the Common Provisions Act. The land access code was developed in 2010 by the Queensland government, in consultation with resource and agricultural sectors through the Land Access Working Group. The working group included representatives from AgForce, the Queensland Farmers Federation, the Australian Petroleum Production and Exploration Association and the Queensland Resources Council. The land access code was again reviewed as part of the review of the land access framework that commenced in 2011.

The code clearly outlines the mandatory conditions for a resource authority holder to carry out authorised resource activities and best practice guidelines for communication between the holders of authorities and owners and occupiers of private land. Given the recent and extensive development that the land access code has undergone, it is the government's view that a review of the code is not warranted at this time. The government, therefore, will not be progressing this recommendation.

The committee also recommended that the bill be amended to provide that reasonable costs incurred by landholders in negotiating an agreement are compensable by resource companies with consideration of a capped amount, including where the resource company withdraws from the negotiations prior to finalising the agreement.

The Land Access Implementation Committee commissioned an independent consultant to review the heads of compensation for land access. After a comprehensive analysis of the key heads of compensation for land access in Queensland, the review undertaken by Sinclair Knight Merz found that Queensland has comprehensive heads of compensation arrangements in comparison to other jurisdictions. It is the only jurisdiction where compensation for reasonable and necessary legal valuation and accounting costs and diminution of the value of the land are identified in a formal legal head of compensation. As a result, the Land Access Implementation Committee considered that further legislating heads of compensation would frustrate the positive interactions taking place between landholders and resource authority holders, particularly in negotiating conduct and compensation agreements. Instead, both parties are encouraged to continue to work together on

negotiating mutually beneficial conduct and compensation arrangements that minimise business and social amenity impacts on landholders. Therefore, the government will not be progressing this recommendation.

The committee also commented at page 71 of its report that the land access code is not part of the primary act and may not be available to landholders and has requested that I table the code during my second reading speech. I now table the land access code.

Tabled paper: Department of Employment, Economic Development and Innovation: Land Access Code, November 2010 [5887].

I can also advise members that the land access code is, and will continue to be, readily available to all landholders. Each of the current resource acts currently requires that a copy of the land access code be provided to the relevant owner or occupier with the first entry notice from the exploration tenement holder. This requirement will be moved to the regulations under the new common provisions act, but I can assure all members that the government has no intention of changing this requirement. The land access code is also readily available on my department's website and on the Queensland GasFields Commission website.

I would now like to reflect on the two dissenting reports attached to the committee report. The member for South Brisbane has claimed in her dissenting report that the overwhelming majority of submissions to the committee do not support the bill being passed. What the member for South Brisbane should be saying, more accurately, is that the majority of template submissions oppose the bill, influenced and misled by green groups or certain law firms whose main interest is to generate community concern and discontent. As I have already pointed out, the key amendments in this bill intend to make it easier for industry to do business in Queensland, ensuring we are competitive both nationally and internationally and that crucial investment in Queensland's resources is not lost to other jurisdictions. However, this bill also seeks to achieve a balance between ensuring a competitive resources sector and protecting the rights of individuals and communities impacted by mining operations. The bill seeks to achieve this balance by ensuring appropriate regulatory processes taking into account the risk, size and impact of a mining operation.

The amendments the opposition oppose are the result of my department working closely with the resources sector and communities across Queensland over several years. Many amendments that the opposition has indicated it opposes are the direct result of recommendations from independent working groups comprising both mining and agricultural representatives.

The member for Dalrymple has stated in his dissenting report attached to the committee report that he is deeply troubled about the removal of key infrastructure from the restricted land framework. He need not be troubled because potential impacts on stockyards, bores, artesian wells, dams and other artificial water storages connected to a water supply are already managed under the conduct and compensation agreement framework for petroleum and gas operations. The proposed changes ensure that this approach is consistent across all resource sectors.

The member for Dalrymple also claims that the bill removes all public notification and objection rights to land tenure decisions with only impacted landholders having the right to object. This statement is simply not correct in fact. The Environmental Protection Act 1994 provides the ability for the public to have impact on broader public interest issues. Under that act, in relation to low-risk activities, the public will be able to have a say on the development of standard conditions and eligibility criteria. The government is of the view that mining lease applications which require a standard or variation application for an environmental authority will not have fundamental impacts on communities. The eligibility criteria for such applications include numbers of employees, area of disturbance and locational considerations and, as such, the risk of off-site issues from such an application is considered to be low.

In relation to high-risk projects that require an application for a site specific EA, there will be a broad right to object. The evidence is that these are the applications that the community is concerned about and which potentially have social, economic or environmental impacts beyond the boundary of the proposed mining lease. Notification and objection rights are preserved for these mining projects under the Environmental Protection Act 1994 or through the environmental impact statement. The type of mine that requires a site specific environmental authority generally includes all large scale mining projects including all coalmining proposals.

The member for Dalrymple is concerned that opt-out agreements do not contain adequate safeguards such as information and warning statements to ensure landholders are aware of the risks and implications of these agreements. Firstly, as I mentioned earlier, opt-out agreements can only be

entered into at the election of the landowner. Secondly, the government is developing a template opt-out agreement for use by the parties. Finally, the bill allows requirements of opt-out agreements to be prescribed by regulation. It is proposed that a requirement in that regulation will be that an opt-out agreement contains a warning statement.

The member for Dalrymple has also expressed concern about the impact that a uranium mine may have on landowners downstream and the fact that the bill would not give the community the right to object. The government's policy, as has been articulated on many occasions, is that all uranium mining projects will be assessed by the Coordinator-General as a coordinated project under the State Development and Public Works Organisation Act 1971. This means that uranium mining projects will undertake a rigorous and comprehensive impact statement. This will require uranium mining projects to develop an environmental impact statement which will require the assessment of the current environmental values of the site and the project's proposed environmental impacts and will provide measures that would be in place to prevent, minimise or offset those impacts throughout the life of a mine.

When preparing the EIS, proponents consult with stakeholders and members of the community who may be impacted by the project. This consultation can occur through activities such as community reference groups and consultative communities, letters, public meetings, media articles, emails, newsletters and websites. The proponent is required to report on the progress and outcomes of its public consultation activities when it provides the draft EIS to the Coordinator-General. Public notices inviting submissions on the draft EIS are published through various newspapers, and any person may make a submission. Objection rights to the Land Court will be limited as conditions imposed by the Coordinator-General cannot be subject to an objection.

The Ben Lomond uranium deposit is currently covered by mining leases, but the environmental authority issued by the Department of Environment and Heritage Protection prevents mining or processing of uranium at the site. Should an application to mine uranium at Ben Lomond be received, the application would be subject to the government's new best practice framework and will be assessed under the coordinated project process.

Finally, the member for Dalrymple states that the bill will further erode the rights of farmers in coal seam gas areas, whose rights have already been trampled. Again, that statement is not correct in fact because, as I have repeatedly stated, this bill achieves an appropriate balance between ensuring a competitive resources sector and protecting the rights of individuals and communities impacted by mining operations. I now table the government's response to the committee report and I would like to address some of the key issues raised by submitters to the committee about the bill.

Tabled paper: Agriculture, Resources and Environment Committee: Report No. 46—Mineral and Energy Resources (Common Provisions) Bill 2014, government response [5888].

As I referred to earlier, it is unfortunate that some legal firms have made submissions more aimed at attracting and/or protecting their business than accurately scrutinising the impacts of the bill. These firms have suggested that public objection rights that currently exist for 90 per cent of proposed mines will be lost. This figure is very misleading at best and more likely deliberately mischievous, because numerically the majority of mining leases issued in Queensland carry low environmental risk, and much of that 90 per cent is comprised of very small mines which must be alluvial, clay pit, dimension stone, hard rock, opal or shallow pit. These small mines must also cause less than 10 hectares of significant disturbance at a time, have no more than 20 employees and be removed from environmentally sensitive areas. These law firms seem to be asserting that the same objection rights should apply to small mines as they do to large-scale open-pit coalmines. This, of course, is nonsense.

A review by my department and the Department of Environment and Heritage Protection of applications made over the previous five years uncovered that objections for small mines with low environmental risks were made almost exclusively by affected landholders and related to compensation. These affected landholders will retain notification and objection rights. Not one community or green group has made an objection to these small mines—not a single one. Let me also point out there is an opportunity for the community to have a say through a review of the eligibility criteria and standard conditions for mining activities which must be completed before 31 March 2016.

Some concern has also been expressed about the change in criteria for objecting to the Land Court against a mining lease application. This is causing confusion regarding the notification and objection process and enforcement and compliance issues. The changes to the legislation will have

no impact on the assessment of, or safeguards applied to, either the mining lease or the EA. The breadth of matters the Land Court can currently consider increases the complexity of the process and has led to objections being lodged beyond the scope of the Mineral Resources Act 1989. This in turn has increased the cost to the applicant and community.

There are currently a range of proceedings brought before the Land Court that can and do result in delays in progressing applications, and these can be easily avoided. The bill seeks to reduce the potential for unnecessary delays to occur such as through the changes to who can object to a mining lease application and on what grounds they can object. Some objections under the Mineral Resources Act and the Environmental Protection Act are: lodged, but withdrawn prior to the Land Court hearing; situations where the objector does not bring forward any evidence to the Land Court hearing; and situations where the Land Court may dismiss the objection before hearing without making any overt ruling on whether the objection is either vexatious or frivolous, but currently does not have the power to do so. These amendments will ensure only affected persons such as landholders and members of the community who have genuine concerns with the proposed mining project will have the opportunity to object to the Land Court during the application process.

These amendments are intended to prevent the direct abuse of Queensland's objection process by green groups which are pursuing an ideological agenda to object in the Land Court on matters which do not relate to the project under application. The Queensland Resources Council provided a number of examples to the Agriculture, Resources and Environment Committee during its consideration of the bill, and I would like to highlight several of them for the benefit of members of the House.

The Zaborszczyk case is a key case in which the applicant caused undue delay in appeal proceedings. The objection was lodged in 2009 and was not resolved until 2012. This case and the Donovan case caused so much delay that they resulted in the Department of Justice and the Attorney-General amending the Land Court rules to provide for the Land Court to take action to expedite a hearing despite the actions of one party. Recent examples of appeals which display some of these characteristics include RTA Weipa Pty Ltd v The Wilderness Society (Qld) and Department of Environment and Heritage Protection [2014] QLC 25. In that case an amendment to an existing EA was objected to by The Wilderness Society on grounds that it provided insufficient analysis of environmental impacts, inadequate specification of key environmental management strategies and inadequate conditions in relation to particular activities. The Land Court found that the application for the amendment of the EA was properly made and complied with the requirements of the Environmental Protection Act 1994. The application was referred on 20 November 2012 and the Land Court decision was issued on 3 February 2014. The Land Court recommended that the EA be issued with no changes.

In Xstrata Coal Queensland Pty Ltd & Ors v Friends of the Earth Brisbane Co-Op Ltd & Ors [2012] QLC 013, the Friends of the Earth made an objection to the draft EA solely on the grounds that the mine, if approved, would contribute to global climate change. The rationale to this objection was not specific to the mine but was a broader objection opposing coalmining generally. The Land Court rejected the Friends of the Earth's objection. Nevertheless, the same climate change grounds were again pursued in the recent Alpha Coalmine case for the Galilee Basin. In this case the court pointed out that the nature of the Friends of the Earth's objection was entirely political or philosophical; however, as these issues had never been tested in the court previously the court did not order costs against the objector. There are many examples of where costs have been awarded where the objector has failed to consider the weight of the evidence against them; for example, Dunn v Burtenshaw & Anor [2010] QLAC 0005. This Land Court process took 13 months from the last day of objections in February 2011 to the court's recommendation in March 2012.

In the case of Jax Coal Pty Ltd v Garry Reed and Mackay Conservation Group and Whitsunday Regional Council and Anor [2013] QLC 397, the only grounds for objection to the mining lease application appears to be a matter of opinion of the reputation of the company. In the case of Wallace v Anson Holdings Pty Ltd & The Environmental Protection Agency [2009] QLC 00638, the objection was on the grounds that the mining lease application was not signed properly. The Land Court recommended the mining lease be approved, albeit for a lesser term than the term that was applied for. The EA was approved without amendment, and I understand the objector in this case was subsequently subjected to a costs order for raising trivial issues.

These cases were a waste of valuable time and resources and are proof of the disruptive claims peddled time and again by green groups, whose sole purpose is to shut down the resources sector and deny Queenslanders jobs and royalties. The government will not be swayed by

scaremongering lawyers seeking to expand their client base or green groups seeking to alarm communities, but we will listen carefully to the genuine concerns of landholders. Some submitters have suggested that changes to the notification and objection process will erode the rights of local communities. Principally concerns have been raised about the proposed removal of the right of adjoining landholders to object to a mining lease as well as the broader community in which the mine is proposed.

The purpose of the amendments is to create a more streamlined and efficient notification and objection process that takes into account the risk, size and impact of a mining operation in determining the notification and objection process and particularly to reduce the requirements on small scale operators to reflect the level of risk. As such, expanding the notification and objection rights to the broader community would not meet the objectives of the amendments; however, notifying and allowing adjoining landholders to object to a mining lease application is considered to be a reasonable compromise between industry and landholder concerns, and as such I will move amendments during consideration in detail of the bill to provide for owners of land that share a common boundary with a proposed mining lease to be notified of, and have the right to object to, an application for a mining lease.

To ensure consistency with the notification and objection framework in the bill, the grounds of objection for a relevant adjoining landholder will be about the specific impacts of the proposed mine resulting from the proximity of the mine to, and the current use of, the adjoining lot. The Newman government is committed to balancing resource sector growth with landholder rights and environmental protection. It is misleading and untruthful for green activists to suggest that the public will lose its rights completely to have a say on a proposed resource project, and it is dishonest and inaccurate to suggest that we are removing all landholder rights. In fact, other proposals in the bill provide landholders with more rights than they have ever had before under existing legislation. The reforms simply propose to streamline a bureaucratic, confusing and duplicated process. It will remove unnecessary regulatory burden and duplication and simplify approvals for smaller mines.

Some people in the legal profession with vested interests have also suggested that removing stockyards, bores, dams and other key infrastructure as restricted land will result in a significant and disastrous impact on the livelihoods of people in rural industries. Again, this claim is simply not borne out by the facts when considered holistically and rationally. The proposal in the bill that would see stockyards, dams and bores not considered restricted land was based on this type of infrastructure currently being adequately provided for under the conduct and compensation framework for the petroleum and gas industry. These sectors do not currently have restricted land requirements, and in coming to a consistent framework for all sectors the petroleum and gas arrangements have been adopted to provide a balanced approach and some consistency across all resource sectors.

The restricted land framework for minerals and coal activities was introduced well before the land access framework in 2010. Therefore, there is now an alternative mechanism available for this type of infrastructure to be provided adequate consideration on potential impacts from resource activities. This is not about correcting a problem for the resources sector; it is about selecting the most appropriate aspects of the various land access related provisions in reaching a balanced framework for addressing resource activities close to homes and businesses under a common act.

Potential impacts on stockyards, bores, artesian wells, dams and other artificial water storages connected to a water supply are already managed under the conduct and compensation agreement framework for the petroleum and gas sector. The proposed changes ensure this approach is consistent across all resource sectors; however, to provide greater certainty for landholders affected by all types of resource activities, the bill will introduce a single and consistent restricted land framework.

Some submitters to the committee expressed concern about the exclusions from what is taken under the bill to be restricted land and when restricted land applies. To address these concerns I will move amendments during consideration in detail to make changes to the restricted land framework in the bill. The amendments will allow for multiple homes to be classed as restricted land and will align with the resource authority type the point in time when buildings and areas can be taken to create restricted land.

For exploration permits, restricted land can be established at any time during the resource authority. This recognises that exploration authorities cover large areas and have uncertain outcomes, where landholders can carry on with their business and personal lives and establish buildings and other areas to which restricted land will apply. For production tenures, restricted land

will be established at the time of application lodgement and include an exemption to restricted land when a landholder has withheld consent to block entry through the only access point to an area of the resource authority and a reasonable alternative entry point has not been able to be negotiated with the landholder.

There has also been an unwarranted level of alarm created in relation to the amendments pertaining to legacy boreholes. There has been a concern that there is no adequate description about what constitutes a legacy bore—whether it is an old exploration bore left by the mining industry or an old water bore left behind by rural industry. Claims have been made that the amendments enable a person to enter a property and plug a bore being used by the landholder simply because it is emitting gas above the lower flammability limit. These claims are nonsense. Firstly, the definition of 'legacy borehole' includes a provision that it is a well or bore that is no longer used for the original or another purpose. This means that where a bore is being used for water it would not meet the definition of 'legacy borehole'.

The proposal for the state to authorise remediation action where there is a safety concern with a bore does extend to bores only where there is a risk to life or property or if it is on fire or emitting gas causing a gas concentration in the surrounding air greater than the lower flammability limit. In most cases it is likely that it will be the landholder who identifies the safety concern in the first place so that they will be consulted with, where possible, as part of the authorisation process. The government acknowledges that there are a variety of scenarios that would be caught by the amendments in the bill. However, they are necessary so that if urgent action is required because of a fire or other emergency the state authorisation can be granted where the facts or other requirements cannot be determined immediately.

Some submitters have expressed concern that the bill denies community members appeal rights in relation to the impact a mine in an area might have on groundwater. Groundwater impacts are appropriately managed under the Water Act 2000. I can advise members that the Consultation Regulatory Impact Statement: Strategic Review of the Water Act 2000 was released for public comment in July of this year. This contained proposals for better managing the impact of mining on groundwater. Public submissions to that regulatory impact statement have now closed, and I anticipate that I will bring a decision regulatory impact statement and amendments to the Water Act 2000 before the House in the near future.

I will now briefly outline the substance of the amendments to be moved during consideration in detail. The Land Court has made rulings that it does not have the power to strike out objections made in relation to the environmental authority under the Environmental Protection Act 1994. This has led to the perverse situation where the Land Court hears the objection but then notes in the recommendation that it is outside of its jurisdiction, contributing to lengthy court delays particularly for coordinated projects. Therefore, I will be proposing an amendment to the Environmental Protection Act 1994 to make it clear that the Land Court has the power to strike out all or part of an objection if it is outside its jurisdiction. I will also progress four other minor amendments to the Environmental Protection Act 1994 which correct drafting errors that have been identified since introduction of the bill.

The bill proposes to allow a landholder to opt out from entering a conduct and compensation agreement under the land access framework. Submitters have expressed concern about whether an opt-out agreement is binding on successors in title. An amendment to the bill is required to make the opt-out agreements binding on successors and assigns of both parties. This was agreed in the Land Access Implementation Committee report but not included in the bill. The bill already provides for those agreements to be noted on property titles to allow for their existence to be discoverable if a property is subsequently sold. The proposed amendments for overlapping-tenure provisions will provide increased certainty to the resources sector and improve the operation of the new framework. They seek to clarify the legislation to better reflect the intent of the industry white paper on overlapping tenures and do not signify a change in the policy position as previously agreed between the coal and coal seam gas industries and the Queensland government. Additionally, I will move amendments to correct a number of minor errors in the bill.

I table the explanatory notes to the amendments that will be moved during consideration in detail and I commend this bill to the House.

Tabled paper: Mineral and Energy Resources (Common Provisions) Bill 2014, explanatory notes to Hon. Andrew Cripps's amendments [5889].

Ms TRAD (South Brisbane—ALP) (4.47 pm): I rise to speak in the debate of the Mineral and Energy Resources (Common Provisions) Bill 2014 to outline the Queensland Labor Party's opposition to this bill. The Labor Party will not be supporting this bill as it constitutes the repeal of and an attack on the long-held legal rights of landholders, rural communities and all Queenslanders—the repeal of the right of landholders, rural communities and Queenslanders to know about mining applications in their community; the repeal of the right of landholders, rural communities and Queenslanders to object to mining applications in their communities; and the repeal of the right of landholders, rural communities and Queenslanders to be notified of an application for an environmental authority and to object to the environmental authority.

In essence, this bill seeks to pervert land-use management arrangements in our state by stacking the process in favour of big miners and the resources industry at the expense of landholders, rural communities and all Queenslanders. Fundamentally, this bill is about the question of whether government believes there should be a balance in the access to and use of our state's land and fairness in the access to and exploitation of our state's underground resources. In response to this fundamental question the Newman government has come back with a resounding, arrogant no.

The LNP government is not about balance and it is certainly not about fairness. The Mineral and Energy Resources (Common Provisions) Bill demonstrates clearly that the Premier is not listening and that this government has not changed, and it is the whole of the Queensland community that will suffer from this Premier's arrogant disregard for their concerns. This bill was introduced on 5 June this year during budget week and followed consultation on the government's mining lease notification and objection initiative discussion paper, including regulatory assessment. Of the submissions made on this discussion paper, 159 out of 176 submissions or more than 90 per cent of submissions opposed the changes to remove public notification and objection rights on mining lease applications and to limit notification and objection rights to directly impacted landholders and local governments.

So how did the minister and this arrogant Newman LNP government respond to this feedback? They just ignored it, as is their arrogant nature, and steamrolled ahead and introduced this unfair bill anyway. After picking a fight with government workers, picking a fight with the Queensland legal community, picking a fight with doctors and picking a fight with the judiciary, now this arrogant and out-of-touch government is set on picking a fight with farmers, with rural landholders and with environment groups by pushing ahead with this grossly unfair bill. And what of the public submissions made to the committee? Of the 284 submissions available online to the Agriculture, Resources and Environment Committee inquiry on this bill, 261 submitters opposed the removal of public notification and objection rights on mining lease applications and/or changes to the restricted land framework—that is, 261 out of 284. I note that the minister in his earlier comments remarked upon the fact that some were in template submission format. I have made this point before and I will make it again: if this government has such an objection to template submissions or proforma submissions, then it should have knocked out all of the proforma submissions that were made during the inquiry into the government's changes to vegetation management laws in Queensland, but it did not. It gratefully, gleefully and gladly accepted all of those proforma submissions because they had been whipped up by the government itself. Based on the submissions—

Government members interjected.

Madam DEPUTY SPEAKER (Miss Barton): Order, members!

Ms TRAD: Thank you, Madam Deputy Speaker. I note that those members on the LNP back bench who will not be here for very much longer actually understand what alliteration is. I would not have expected that, but they continue to surprise me. Based on the submissions publicly—

A government member interjected.

Ms TRAD: Not on this bill you are not—not on this bill. Based on the submissions publicly available, this government has chosen deliberately to ignore more than 90 per cent of the submissions to the Agriculture, Resources and Environment Committee. That is after ignoring more than 90 per cent of the submissions that were made on the initial discussion paper that led to this legislation. That is a trend of 90 per cent ignoring of Queenslanders' concerns. Unlike the Newman LNP government, the Labor Party in this state is listening to Queenslanders. We have listened to the concerns of landholders, rural and regional communities and Queenslanders more broadly and we do not support these proposed changes, and that is why we will be opposing them in this bill. The Labor Party conference which met earlier this year—just about four weeks ago—actually considered this issue and it was the Labor Party conference that determined that we would, when we get back to the

government benches, reinstate these rights to rural landholders and Queenslanders and rural communities because the Labor Party understands that unless you have public notification and objection rights there is a whole range of things that the public cannot engage with significantly and genuinely in relation to land use management in this state.

Let me give the House an example. Earlier today Mr John Sinclair emailed my office. John Sinclair would be familiar to the member for Greenslopes because he is actually a constituent of the member for Greenslopes and has tried on a number of occasions to actually get assistance from the member for Greenslopes to meet with the Minister for National Parks, but unfortunately the Minister for National Parks has not been available to meet with Mr John Sinclair. Mr John Sinclair, for those people who do not know who he is, received an Order of Australia in 1976 and later the international Goldman Environmental Prize in 1993 which is equivalent to the Nobel Prize for environmentalism for his work to save Fraser Island from both sandmining and logging. Mr John Sinclair has described this bill as—

> … more than one step too far. It goes so much further than any of the more extreme measures introduced by Bjelke-Petersen to inhibit public objections to mining proposals.

It was the Premier's father who ended sandmining on Fraser Island as a federal minister and John Sinclair AO has said that the protection of Fraser Island would not have been possible if this bill was in place at the time. He has said that this bill is beyond anything that Joh Bjelke-Petersen ever tried and that at least under Joh Bjelke-Petersen people had a right to object to mining proposals. By contrast, this Premier has passed legislation to continue the facilitation of sandmining on the world's second largest sand island after receiving very healthy electoral support from the sandmining company himself. While the Premier paid homage to Joh Bjelke-Petersen in his maiden speech, as John Sinclair AO has said, this legislation goes more than one step too far and further than Joh Bjelke-Petersen would ever have contemplated.

Clauses 395 to 398 and 418 to 421 of this bill give effect to the removal of third-party notification and objection rights on all mining lease applications in Queensland, not just for small scale mining. Under these changes, the only entity that can object to a mining lease application will be the owner of the land directly impacted, an owner of access land or a local government. I note that the minister has introduced last-minute amendments to this bill to give adjoining landowners a right to be notified and to object to a mining application. Quite frankly, this does not go far enough and it is a small, tiny, minuscule concession to the overwhelming massive concern that was expressed not only through the government's initial discussion paper but also through the parliamentary committee's inquiry in relation to this bill. Nearby landowners who may be directly impacted by a mine will no longer be publicly notified of a mining lease application and will no longer have any right to object to that mining lease application following the passage of this bill. This could include, for example, an agricultural producer who has a creek running through their operation that has been impacted by an upstream mine. They will no longer be notified of the application for a mining lease and they will have no right to object to that mining lease application under this bill.

It is clear that both this government and the LNP members of the Agriculture, Resources and Environment Committee have turned their back on regional landowners right across the state. Quite frankly, the member for Lockyer, the member for Whitsunday, the member for Thuringowa, the member for Maryborough and the member for Barron River have all turned their backs on their electorates and on their rural constituents. They have all allowed this arrogant government to ride roughshod over their communities. We saw no recommendations from these members to reverse the backward changes in this bill to remove public notification and objection rights for mining lease applications or to the changes to the legislative framework for restricting land. Quite frankly, this is a gross failure in their responsibilities and obligations to the parliamentary committee process and to the people of Queensland and the rural constituents in their electorates. Quite frankly, for those members to sit on a committee and get a huge big pay rise for the pleasure of doing so and then come back to this parliament and make absolutely no recommendation—absolutely not one recommendation—in relation to concerns contained in this bill and notified during the public submission process is a gross failure in their responsibility and they should hang their heads in shame.

Furthermore, they should give back the pay increase they received for sitting on this committee and acquitting their duties, because they have failed grossly. Only the member for Dalrymple and the Labor opposition in the Agriculture, Resources and Environment Committee stood up to these changes. Quite frankly, we were happy to do so. We are happy to stand up in relation to the concerns and make sure that the concerns of rural landholders and rural communities are expressed in this

parliament, because we know that those members opposite have failed repeatedly to do so. The only voice in this parliament for the farmers and landholders in this state has come from the Labor Party and Katter's Australian Party.

Government members interjected.

Ms TRAD: I would like to hear the contributions—I look forward to hearing the contributions—from those members and I look forward to them objecting to those provisions contained in the bill that their constituents have such a problem with, have such deep concerns about, in relation to their ability to know about mining applications in their communities and their right to have a say and to object.

Mr Cripps interjected.

Ms TRAD: I note that the minister is getting a bit tetchy. I think that he might have a bit of a backlash in the area that he represents. What happened to the National Party members in this parliament? Where did they go? Seriously, where did they go? They are not even a shadow of their former selves. They are a neutered shadow of their former selves. Who in this government is there to listen to Cotton Australia—not extreme green groups, just Cotton Australia, which submitted—

The Bill as it currently stands potentially reduces the rights of landholders and consequently Cotton Australia objects to any weakening of transparency, fairness or oversight.

Who from the LNP is going to stand up for the LNP and say, 'I agree with Cotton Australia. I agree that this bill weakens transparency, fairness and oversight and we will stand against it?' Who from those members opposite is there to listen to Landholder Services in Toowoomba, which submitted—

The Government's action in stripping away the right of any person to object clearly demonstrates it is prepared to sweep away basic rights for the benefit of mining interests, in a way and with such intent that it ranks as openly anti-landholder.

Who is there to listen to AgForce—another non-extreme green group—which submitted—

The primary concerns with the proposed changes in the two discussion papers can be summarised as loss of rights to object in many circumstances, limited protection for non homestead property infrastructure and reduction in negotiating power (of producers) in general. The overall concern being that a reduction in existing rights will erode further any goodwill between the agriculture and resources sector and will not increase possibilities of co-existence.

That is AgForce, guys. AgForce stated further—

... the removal of these notifications will mean landholders in the vicinity who often have legitimate concerns will not be aware of what is about to occur with a particular mining lease that could impact on them.

These are not my words. Once again, that is from AgForce. The LNP government has flat out ignored those concerns. Who is there to listen to renowned rural legal firm Shine Lawyers, which submitted that this bill—

Government members interjected.

Ms TRAD: I will repeat myself. Who from those members opposite will take into account what renowned rural legal firm Shine Lawyers said in relation to this bill? It states that this bill—

... has abrogated many of the rights of landholders—

Mr Cox: All they're worried about is their bottom line.

Ms TRAD: I will take that interjection from the member for Thuringowa. If the member for Thuringowa thinks that their objections in relation to this bill are based on the bottom line, then I suggest that the member for Thuringowa should have listened to what the minister said. Quite clearly, the minister has said in his address in this debate earlier today that the reason for taking away the basic fundamental rights that Queenslanders have had for many decades in relation to being able to be notified of mining applications and the right to object to mining applications is that it holds up mining proponents from getting on with doing their business and it affects their bottom line. So it is not okay for farmers and for those industries that support farmers to be concerned about their bottom line but it is okay for mining companies—many of which donate very handsomely to the LNP coffers—to be concerned about their bottom line and to ensure that the government passes laws that, in fact, enhance and improve their bottom line. Fundamentally, this is what it is all about.

I get back to what Shine Lawyers said in relation to this bill. They state that this bill—

... has abrogated many of the rights of landholders which exist in both common law and statute—such as the right to object to a proposed mining lease, the right to withhold consent for restricted land within a mining lease, the right to peaceful use and enjoyment of the land etc.

If there are any true National Party members left in this House, I invite them to join with the opposition and stand up for their constituents in their electorates and for regional landholders right across Queensland and oppose this bill. I invite them to do the right thing and object to the stripping away of the fundamental right of landholders to be told about and to lodge an objection to mining lease applications.

The claims made by this government that it is inequitable for mining companies to have to publicly notify an application for a mining lease when this is not required for residential or retail development is complete and utter nonsense. An open-cut mine with a 30-year life is not a comparable development with the new Woolies store down the corner. This argument is verging on the satirical and, quite frankly, is stupid. As Ergon set out in its submission to the committee, recently it had to object to the grant of a mining lease because the company had not properly planned for the impact on their infrastructure. In the example set out by Ergon, the mining company was proposing to mine directly underneath Ergon's poles and wires, which would have caused subsidence and which would have placed Ergon in breach of the Electrical Safety Act 2002. The changes in this bill to the notification of mining lease applications are nonsensical. The broader community, adjoining landholders, nearby landholders all have a right to know about and to object to applications for mining leases in their state. Neither the government nor the resources industry has provided any substantive evidence of the objection process for mining lease applications being improperly used to effectively stall or delay projects. The removal of notification and objection rights is a solution looking for a problem.

The head of the Queensland Resources Council referred to the Land Court objection to the Alpha Coal Project from the Coast and Country Association of Queensland and complained that it took 15 months. There was no evidence provided at these legal proceedings that it was causing any actual delay to this project. The Land Court in that case recommended that the government impose water-monitoring licences and make-good compensation arrangements for impacted landholders. I would hardly describe that as vexatious litigation and the reason for stripping away objection rights on mining leases. This is a case where landholders and pastoralists appropriately used the legal process to place pressure on the government to put in place proper regulatory arrangements to protect the groundwater needed for their ongoing viability. It is not what the minister has described as extreme green groups in Melbourne or California, whose life goal is to create a roadblock for economic development; it is the very landholders, pastoralists and agricultural producers who the Nationals in the LNP are supposed to represent. When asked about the vexatious litigants register in Queensland, the Land Court advised the Agriculture, Resources and Environment Committee that it is not aware of any related to mining lease applications.

Mr Cripps: You weren't listening to what I said, were you? You didn't listen.

Ms TRAD: I will take that interjection.

Mr Cripps: You didn't listen to what I said.

Ms TRAD: When asked about the vexatious litigants register in Queensland, the Land Court advised the Agriculture, Resources and Environment Committee that they are not aware of any related to mining lease applications. So I hope, for the second time, the minister was able to comprehend that. The Parliamentary Library had also been unable to find any vexatious objections being thrown out of the Land Court relating to applications for mining leases after it was requested by the Agriculture, Resources and Environment Committee in relation to our inquiry and deliberations.

The Land Court advised the Agriculture, Resources and Environment Committee that—

> In the court's experience, there have not really been a lot of stalling tactics. If there is, it generally comes from both sides. It is not just landowners or objectors who generally are not ready to proceed; it is also often the mining companies that are not ready. Having said that, the main tool that the court has to deal with delays and putting parties to unreasonable expense and delay is the power to award costs. A party can agree to seek costs against the other party if that is something they perceive as happening.

There is simply no justification for the removal of the right of the broader community and nearby landholders to be notified of and object to mining lease applications. As Mr George Houen of Landholder Services Australia Pty Ltd described the Mineral and Energy Resources (Common Provisions) Bill in Toowoomba at the public hearing that I attended—

> This is a wrecking ball. It is a train wreck. It is an acid bath for the rights of the landholder.

How the members for Lockyer, Whitsunday, Thuringowa, Maryborough and Barron River can live with their conscience by omitting any reference to the issues that were raised by landholders during that process, omit to reference in any of the recommendations their concerns, is a disgrace. As I said before, it is a complete and abject failure of their responsibility to the parliamentary committee process and also to their constituents.

This bill does not just remove public notification and objection rights for mining lease applications, it also removes at clause 245 these notification and objection rights for standard or variation environmental authority applications for a resource activity—that is, the removal of existing public rights to be notified of and to object to 90 per cent of environmental authority applications for mining activities in Queensland. That is what this government's discussion paper and regulatory impact statement says. These changes are all about lowering application costs for mining operators at the expense of landholders and the broader community's right to know about and object to a mining lease and standard environmental authority applications. As the Department of Environment and Heritage Protection advised the Agriculture, Resources and Environment Committee—

There is no evidence of vexatious litigation in relation to those low level, what we call standard applications. In fact, we undertook an analysis of all the submissions that we had received on those types of applications back to 2009 and we did not receive one objection from anyone who was not a landholder directly affected by the mine.

Whether these rights are readily acted upon is irrelevant. The resources being extracted are held by the Crown on behalf of the people and they have a fundamental right to know about it and to object to the environmental conditions being attached to a mining project near them, even if it is a small scale operation. Once again, a gold mine is not a comparable level of development with a new Masters Home Improvement store. It involves the permanent extraction of resources over a potential operational life of 30 years. To make this comparison is nonsense.

Standard conditions for an environmental authority can also permit the sedimentation of a watercourse or waterways which may have impacts on nearby landholders and they should have a right to be notified and a right to object. The opposition does not accept the reasoning provided for these changes: that the rights of mining companies to save money on application costs outweighs the rights of the individual or the public to be notified of and to object to a standard environmental authority application. For these reasons the opposition will also be opposing clause 45 of this bill.

The attacks on the rights of landholders in this bill do not stop here. At clause 68 of the bill, amendments are made to the infrastructure that restricted land applies to and it states that the prescribed distance for restricted land will be set in future regulation. As part of these changes, principal stockyards, bores, artesian wells, dams or other artificial water storages connected to water supplies have been removed from the legislative framework for restricted land. As Shine Lawyers said in its submission on these changes—

Many of the areas which have been removed are essential to the operation of a farming business and to 'do away' with them will place farmers and others at a significant disadvantage in what is already an imbalanced negotiation. It will no longer be a question of whether or not the landholder will be able to continue his operation or retain the piece of infrastructure, but rather, a question of compulsory acquisition and/or compensation.

These changes are also opposed by the majority of submissions to the Agriculture, Resources and Environment Committee, including the submissions from AgForce, Cotton Australia and Landholder Services Pty Ltd. Once again, the members for Lockyer, Whitsunday, Thuringowa, Maryborough and Barron River should hang their heads in shame for recommending that these changes pass through the parliament. Any member in this House who represents regional landholders should vote against these changes.

This legislation also removes the prescribed distances for restricted land for resource activities set out in the Mineral Resources Act 1989 of 100 metres from permanent buildings or 50 metres from other infrastructure, the distances in the Geothermal Energy Act 2010 of 300 metres from permanent buildings or 50 metres from other infrastructure, and of 600 metres from occupied residences or schools under the Petroleum and Gas (Production and Safety) Act 2004. This bill proposes to replace these with prescribed distances set in regulation which is currently proposed to be 200 metres. The opposition is concerned at any reduction in the prescribed distance between resource activities and permanent buildings such as schools, residential buildings or places of worship and the prescribed distance should be included in legislation to provide certainty to landholders.

The opposition does not support the continued piecemeal approach by this government of passing key elements of its framework legislation in subsequent regulations. We saw it with the Regional Planning Interests Bill 2013 and we are seeing it here again today. The opposition will not be supporting clause 68 because we do not support the removal of infrastructure that is essential for agricultural production being removed from the legislative framework for restricted land.

Once again I invite any real National Party members remaining in this House to join with the opposition and vote against this clause. After all, this is meant to be the Liberal National Party government. Their silence has been deafening so far in relation to the Treasurer's plan to give the private sector control over the regional electricity framework. Here is another issue where they have an opportunity to actually stand up for their electorates. I also invite any National Party members in this parliament to join with the opposition to oppose clause 429, which amends the Mineral Resources Act 1989 to allow the minister to grant a mining lease where compensation has not been agreed over restricted land. As Shine Lawyers said in its submission in relation to this clause—

> We also note that it is apparently unjust and unfair to grant a mining lease over all restricted land without the consent of the landholder and to do so abrogates from a Landholder's current statutory rights. The activities can have extensive impacts and should not simply fall to an issue of compensation alone.

The opposition also cannot support clauses 262 and 263 of this bill which remove the requirement that each amendment to an environmental authority application be publicly notified.

To conclude, the opposition strongly opposes the removal of public notification and objection rights in mining lease applications and environmental authority applications without any substantive policy justification. As I said before, this is a solution looking for a problem. I note the significant donations that the LNP has amassed since coming into government: over $30 million in 2½ years—not a bad track record, I have to say. During the hearing that I attended in Toowoomba one of the witnesses said if you had gone and asked the mining industry to write a bill that protects and advances their interests over the interests of landholders then they could not have done a better job themselves.

Why is it that landowners are feeling as though this government has completely ignored them and their concerns? I can tell the House that I think it has something to do with the fact that last financial year the top five political donors to the LNP were mining companies. If this bill is passed today, it will be payday for all of the investment that they have made through their big political donations to the LNP since the LNP has come into government. It is absolutely shameful.

The minister raised some issues in relation to the dissenting reports, but I note that he did not go into any of the recommendations contained in my dissenting report. In fact, he suggested that I was part of the whipping up of hysteria around this issue. I have to say that it would have provided the parliament with a little bit more information if the minister had engaged intellectually in this and had addressed some of the recommendations contained in my dissenting report, but I note that the minister chose not to do that.

The Agriculture, Resources and Environment Committee found no evidence of significant costs or vexatious use of objections to mining projects when investigating the bill. As I have said before, mining resources are held by the Crown on behalf of the people, and nearby landholders and the broader community have a right to know about and to object to mining projects in their state. To infer that landholders and agricultural producers are part of some green conspiracy for genuinely trying to protect their rights to both object to nearby mining projects and provide prior consent before resource activities are undertaken near their strategic infrastructure shows just how arrogant and out of touch this LNP government has become. To engage in a consultation process and to have 90 per cent of submissions reject the proposed changes and then proceed with them anyway, only to then have more than the 90 per cent of public submissions to the parliamentary committee process reject the same changes, clearly shows that this minister and this government are not listening. We have already seen this government ride roughshod over the rights of Indigenous native title owners with the legislation passed to extend sandmining on Stradbroke Island.

Mr Cripps: That is not true.

Ms TRAD: I take the interjection from the minister. It is absolutely true and it is why they are in the High Court as we speak—

Mr RICKUSS: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER (Miss Barton): Order! The member for Lockyer has risen on a point of order.

Mr RICKUSS: There is no relevance to the bill at all. It is totally irrelevant.

Mrs Scott: Oh!

Madam DEPUTY SPEAKER: Order! Member for Woodridge, there is no need to contribute. Minister, did you have a point of order as well?

Mr CRIPPS: Apart from the fact that the matter is currently before the High Court and ought not be referred to by the member for South Brisbane, it also establishes the fact that it has not been proven.

Madam DEPUTY SPEAKER: Order! I remind the member for South Brisbane not only to remain relevant to the long title of the bill but also to be very cognizant of the sub judice rules that govern this House.

Ms TRAD: Thank you. If anything shows the failure of this government to actually listen, to respond to and to care for their constituents then it is actually contained in this bill. The Labor Party was built on fairness. It is a fundamental tenet that underscores our values and our identity, and that is why we will be opposing this bill. That is why the next Labor government will restore these rights in statute for landowners, rural landowners, regional communities and all Queenslanders across-the-board.

In closing, I thank the former research director of the Agriculture, Resources and Environment Committee, Mr Rob Hansen, for his contribution to the committee's work in relation to this bill and to all of the committee's work since its establishment in May 2012. I place on the parliamentary record my deep appreciation for Rob's professionalism, his intellect and his assistance over this time. I wish for him to know that he will be missed. I also thank Ms Heather Crighton, acting research director, Ms Megan Johns, principal research officer, and Rhia Campillo, executive assistant, for all their hard work in conducting the public consultation sessions and pulling together the committee report for the Mineral and Energy Resources (Common Provisions) Bill.

I go back to our original objection in relation to this bill: we cannot and we will not support this bill. It constitutes a repeal of and attack on the long-held legal rights of landholders, rural communities and all Queenslanders, right across this state, to have a say and to know about mining applications in their communities. This bill is a disgrace and should be voted against by every single regional member of the LNP.

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (5.25 pm): I rise to support the Mineral and Energy Resources (Common Provisions) Bill 2014. This bill carries amendments that will result in greater efficiencies and cost savings for the mining industry and for government, while maintaining environmental safeguards. The amendments are in line with the proportional assessment model that was put in place as part of the green-tape-reduction reforms that commenced in March 2013—green-tape-reduction reforms that, I recall, were actually supported by the opposition.

There are two key amendments to the legislation in my portfolio of Environment and Heritage Protection that I would like to speak briefly about today. Firstly, the bill amends the Environmental Protection Act 1994 to remove duplication that currently occurs if an environmental impact statement has been completed under the State Development and Public Works Organisation Act 1971. These amendments mean that where there has been public notification as part of the EIS process and the environmental risks have not changed, there is no need to duplicate that public notification as part of the application for an environmental authority. I reassure the House that the public notification requirement for an environmental authority is only removed if the administering authority is satisfied that the environmental risks of the activity have not changed or that any submissions on a change would not be likely. If in doubt, public notification would still be required. This ensures that streamlining would only occur when appropriate.

Secondly, the bill carries amendments to reduce red tape for the mining industry by removing the requirement for low-risk mines that lodge a standard application to provide public notification of their application for an environmental authority. This approach better reflects the level of risk and scale of operations. The risks associated with standard applications are well known and not dependent on the location of the project. Those projects must meet the eligibility criteria, which includes that the type of mining may only be, as the minister rightly pointed out, alluvial mining, clay pit mining, dimension stone mining, hard rock mining, opal mining or shallow pit mining. However, the public right to object has been retained for higher risk mining leases. Mines that carry a higher risk

and are required to lodge a site-specific application will still need to provide public notification about the application for an environmental authority. For example, I reassure the House that coalmines will always need to make a site-specific application. This provides an appropriate environmental safeguard that is proportionate to environmental risk.

The bill also clarifies the Land Court's role in relation to conditions imposed on an environmental authority by the Coordinator-General. Currently, an applicant or submitter has the right to appeal these conditions, but the Land Court has no power to vary the conditions so the appeal is groundless. This bill makes it clear that an objection to the Coordinator-General's conditions cannot be a ground of the appeal and the Land Court can strike out any objection that is made on those grounds. This means that the Land Court does not have to proceed to a full hearing where there are no grounds for the appeal.

These amendments strike a balance between reducing regulatory burden and providing the opportunity for community participation in the granting of environmental authorities. I seek leave to have the remainder of my speech incorporated in *Hansard*.

Madam SPEAKER: I have viewed the speech in question and I have approved that being done, subject to the agreement of the House.

Leave granted.

The amendments in the bill provide for a notification and objection process that reflects the level of risk and scale of operations, removes duplication, reduces project delays and lowers costs for industry—especially for low risk operations. By reducing red tape, these changes have the potential to encourage investment in Queensland and further strengthen the resources industry, which is a pillar in our plan for a strong economy.

In summary, this bill strikes the right balance between resources sector growth, landholder rights and environmental protection. It will deliver on the Newman government's commitment to support the resources sector and stimulate Queensland's economy, while still retaining strong environmental safeguards. I commend this bill to the House.

Debate, on motion of Mr Powell, adjourned.

COMMITTEE OF THE LEGISLATIVE ASSEMBLY

Portfolio Committees, Reporting Dates

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) (5.29 pm): I advise the House of determinations made by the Committee of the Legislative Assembly at its meeting today. The committee has resolved, pursuant to standing order 136, that the Health and Community Services Committee report on the Health Legislation Amendment Bill by 17 November 2014, the Legal Affairs and Community Safety Committee report on the Disaster Management Amendment Bill by 9 October 2014 and the Transport, Housing and Local Government Committee report on the Queensland Heritage and Other Legislation Amendment Bill by 22 October 2014.

MOTION

Gold Coast Cruise Ship Terminal

Ms TRAD (South Brisbane—ALP) (5.30 pm): I move—

That this House:

- notes that Gold Coast residents value The Spit, Wave Break Island and the Broadwater as important community assets;
- notes that the proposed Gold Coast cruise ship terminal will put these community assets at risk;
- notes that the former Labor government supported sustainable development on the Gold Coast including the new light-rail system, the Gold Coast University Hospital, and a new convention centre; and
- calls on the Newman LNP government to join Labor and rule out development on The Spit, Wave Break Island and the Broadwater.

The Australian Labor Party is a party that listens to Queenslanders. We do not arrogantly pursue massive developments that Queensland communities do not want and that do not stack up environmentally. That is why we opposed development on Wave Break Island, we oppose development on the Broadwater and we oppose development on The Spit. It was a Labor government that brought sustainable development to the Gold Coast and we are calling on those opposite to support us in those calls for sustainability and sensible treatment of our environment to continue.

The truth is that those opposite have had more positions on this matter than the Deputy Premier has had taxpayer funded charter flights in the little brown aeroplane. I refer the House back to 2006—before the current Deputy Premier and Treasurer hatched a plan to install the member for Ashgrove as Premier on someone's back deck—

Mrs Miller: Over a glass of red.

Ms TRAD:—over a glass of wine as the floodwaters in Brisbane rose—when the then opposition leader and the member for Surfers Paradise made their views about development on The Spit clear. The member for Surfers Paradise stated—

The Liberal Party and National Party have been resolute on this for over 40 years. There's to be no more development north of where there currently is, there's to be no selling of land or giving away of open space to developers.

The member for Southern Downs also chimed in. He stated—

We have stood against development on the spit for 40 years and we will stand against development of the spit for another 40 years, and beyond, and beyond, and beyond.

Today we have seen a very different story. We have seen the end of a 40-year position on development on The Spit. The Newman government has dumped the promises made by a former leader and the LNP's local Gold Coast representative and now resorts to using weasel words to try to dupe locals. Quite frankly, they have dumped their promises in the same way they dumped the member for Surfers Paradise and the member for Southern Downs from the leadership all those years ago.

But the irrefutable facts remain. The Newman government has not ruled out development on the Broadwater. The Newman government has not ruled out development at Wave Break Island. The Deputy Premier was very specific in his exclusive statement to the *Gold Coast Bulletin* recently. His message was that the Newman government has ruled out development at Doug Jennings Park and The Spit. But it is what he did not say that has locals anxious. A cruise ship terminal, high-rise development and megaresorts are still on the books when it comes to Wave Break Island. The Gold Coast community does not want a cruise ship terminal, high-rise development and megaresorts on Wave Break Island.

Labor has ruled out a cruise ship terminal, high-rise development and megaresorts on Wave Break Island. Those opposite have not. The LNP has not listened and they have engaged in measures to muddy the waters and mislead the public about their plans. I suspect that will last as long as it takes them to get through the next state election.

A cruise ship terminal on Wave Break Island makes no sense. Development on Wave Break Island makes no sense. If those opposite were listening, they would support Labor's motion tonight. They backed down on Abbot Point; they need to back down on this.

Documentation prepared for the Gold Coast City Council explains why a cruise ship terminal, high-rise development and megaresorts on Wave Break Island just do not make sense. The Gold Coast cruise ship terminal report No. 1 highlights that significant infrastructure like a bridge of up to 800 metres would be required. The impacts on local marine life would also be massive, affecting both the ecosystem and the recreation value of this part of the Gold Coast. Facilitating a cruise ship terminal would require construction of a swing berth in the Broadwater deep enough to accommodate a ship and with a diameter of 500 metres. Facilitating a cruise ship terminal will require connections for sewerage, power, water and telecommunications from the mainland. Facilitating a cruise ship terminal will require the dredging of a 130-metre channel and the removal of an estimated 3.6 million cubic metres of dredge spoil.

The report states—

The Seaway system is a complex and dynamic system for which the siltation processes are not completely quantified or uniform. Any proposed modifications through the above dredging will significantly impact the sedimentation processes and tidal regime of the system.

In fact, the Gold Coast City Council has assessed the possible expense of such a project at Wave Break Island or on the Broadwater as being up $73.5 million in capital costs. Initial dredging will be up to a further $63.3 million and then there is annual dredging and maintenance of $6.1 million. Clearly, those figures show that the kind of development being considered by the LNP for Wave Break Island and the Broadwater does not make sense. It does not stack up environmentally and it does not stack up economically.

The member for Southern Downs knew it in 2006. The member for Surfers Paradise knew it in 2006. But now they are in government they have adopted a different position. Way back in 2006 Labor ruled out a cruise ship terminal for the Gold Coast in response to a comprehensive study and community concerns. When the LNP revived this proposal after the 2012 election, Labor immediately pointed out that we knew the plan would not work because we had listened to the community and we had done the hard yards in assessing the project on its merits.

How much money has the LNP wasted on reviving this study when they know it does not stack up? How many members of the Gold Coast community have they betrayed when they knew this project did not stack up? It seems they are more interested in keeping their developer mates happy rather than listening to the residents who live in this area, who work in this area, who play in this area.

I take members back to the statement of the member for Surfers Paradise in 2006. He stated—

The Liberal Party and National Party have been resolute on this for over 40 years. There's to be no more development north of where there currently is, there's to be no selling of land or giving away of open space to developers.

I take members back to the statement of the member for Southern Downs in 2006. He stated—

We have stood against development on the spit for 40 years and we will stand against development of the spit for another 40 years, and beyond, and beyond, and beyond.

It is not 2046. The member for Southern Downs and the member for Surfers Paradise have clearly broken their promise to the Gold Coast. The LNP has broken its promise to the Gold Coast. They are part of a government that supports a cruise ship terminal in this vital area.

The member for Gaven felt so strongly about this that he resigned from the LNP because he knew the LNP government was not listening to the Gold Coast community. The Labor opposition is listening and we call on the Newman government to stop the arrogance, listen to this community and rule out development at The Spit, on the Broadwater and on Wave Break Island. In fact, I note that in the member for Currumbin's ministerial statement in the House this morning she pointed to a number of developments on the Gold Coast, including the new light-rail system.

That was initiated, funded, conceived and progressed by Labor. The member also mentioned the Commonwealth Games on the Gold Coast. I do not think this event would ever have happened without the leadership or the drive of the former Labor government. That is another big tick for the former Labor government. The Gold Coast University Hospital—Deputy Leader of the Opposition, confirm for me that this was something that was initiated, funded and built by Labor. A new convention centre—I could go on and on and on about the investment that the Labor Party has made on the Gold Coast. When we assessed a cruise ship terminal we listened to the community and the community said they do not want it; it does not stack up. It is time for those opposite to listen, to rule out absolutely and categorically the development of a cruise ship terminal on Wave Break Island and on The Spit.

Hon. TS MULHERIN (Mackay—ALP) (Deputy Leader of the Opposition) (5.40 pm): I rise to second the motion moved by the member for South Brisbane. The proposal to develop a cruise ship terminal and a casino on Wave Break Island in the Gold Coast Broadwater is both economically and environmentally irresponsible. The idea was first floated many years ago and considered by the then Labor government. It was found to be untenable and we cast it aside. It should be noted that when the proposal was first mooted, it was strenuously opposed by the then Leader of the Opposition, the member for Southern Downs, and the future Leader of the Opposition, the member for Surfers Paradise. Given how emphatic those statements were, which the member for South Brisbane detailed, and the fact that the Deputy Premier who was then Deputy Leader of the Opposition accompanied the member for Southern Downs to the rally at which he made that commitment, the people of the Gold Coast had a right to expect it was still the position of the LNP when they voted in 2012. Before the 2012 election there was not one word from anyone within the LNP that they would revive the idea for a cruise ship terminal on the Broadwater. The Deputy Premier often supports his change of heart by pointing to the fact that Tom Tate was elected as mayor in 2012 proposing a cruise ship terminal. With all due respect to Mayor Tate, I think it is fair to say that he has a lot of ideas and not all of them are very good. This is one of his bad ideas.

Supporters of the cruise ship terminal often say it is necessary to support the tourism sector on the Gold Coast, but this argument does not hold water. State governments should make decisions in the best interests of local communities and in the best interests of the state. This development is neither. The ALP candidate for Broadwater, Penny Toland, told me recently that any development on Wave Break Island would destroy the amenity of the local community. I agree with Penny, that this part of the Gold Coast is all about lifestyle. Anyone who has been down there, as I have, and has

talked to the locals would know that. Another factor is that the cruise ship terminal would be unlikely to return a profit once dredging was factored in. Cruise ships can cover the distance from Sydney to Brisbane in just one day and can cover the distance between Brisbane and the Broadwater in just a few hours. It is extremely unlikely that any ship will stop at both the Gold Coast terminal and the existing Brisbane one. Building a terminal on the Broadwater will not increase the number of cruise ships stopping in Queensland; it will just shift them from stopping in Brisbane. If this development goes ahead, it is highly likely that South-East Queensland will have two terminals, both operating significantly below capacity. It is not in the Gold Coast's interests to have an environmentally harmful terminal which cannot turn a profit, it is not in Brisbane's interests and it is certainly not in the interests of Queensland.

The main reason tourists visit the Gold Coast is to experience its wonderful beaches, its beautiful natural hinterland and its outdoor lifestyle. This is particularly the case for surfers. If the cruise ship terminal goes ahead it will have a serious and a negative effect on surfers. Currently, many surfers paddle across the seaway to the break on South Stradbroke Island. That will no longer be possible for long periods of time because there will be large cruise ships entering the Broadwater. There have been suggestions that the seaway will need to be closed to other traffic for as much as a day on either side of a cruise ship terminal travelling through. That will reduce the ability of surfers to access waves on South Stradbroke and reduce the ability of other people to enjoy being out on the Broadwater in smaller vessels.

The surf industry is worth $1.4 billion to the Gold Coast economy and supports more than 20,000 jobs. Labor understands the importance of the surf industry both economically and socially. That is why we have ruled out developing The Spit, Wave Break Island and the Broadwater. That is why we have announced a policy to create a world surfing reserve along southern Gold Coast beaches. That is why we would quite happily support a reserve stretching the length of the Gold Coast.

I know there are differing views from those opposite. I understand that on the weekend the members for Broadwater and Southport announced their opposition to the development. I look forward to them and other LNP members joining with Labor to support our motion.

Hon. JW SEENEY (Callide—LNP) (Deputy Premier and Minister for State Development, Infrastructure and Planning) (5.45 pm): I move—

That all words after 'assets' be deleted and the following words inserted:

- notes the LNP government has listened to the Gold Coast community by ruling out development on The Spit;
- notes the LNP government will only allow the proposed development on the man-made Wave Break Island to continue if the proponent can demonstrate it has community support for the development;
- notes the LNP government will ensure that any development will only go forward at no risk and no cost to the state and if the development can meet the high environmental standards set by this government; and
- calls on the ALP to outline what policies it has for growing the economy on the Gold Coast and Queensland.

I have to say that when I sit in this place every morning I am often surprised by what the opposition does. I was particularly surprised this morning when they took the opportunity to move this motion. The opposition has one chance a week in this parliament to raise a particular issue that they believe is of such sufficient importance to be debated in this House and they chose to move in the House tonight to oppose a process that was instigated by the people of the Gold Coast themselves. The people of the Gold Coast themselves elected a mayor and elected a council that had as part of their election platform a commitment to this project. We as a state government agreed to enter into a process to explore that to determine whether it was possible and to make a decision on the issue once and for all.

I say very clearly to the opposition that our government does not have a position on the Gold Coast cruise ship terminal; we have a process to determine whether or not—and I have said it many times in this House before: what we have done, quite rightly and quite properly, is to engage in a process with the Gold Coast City Council to see whether the election promise that they made, that the people of the Gold Coast supported, can be delivered in an environmentally responsible way and in an economically responsible way to the benefit of the community of the Gold Coast and tourism generally.

The member for South Brisbane stood up and with that inherent Labor Party bitterness tried to revisit a lot of issues from the past. She talked about us arrogantly proposing development that the community does not support. I thought straight away that she was talking about the Traveston Dam. I thought she had to be talking about the Traveston Dam because that is the greatest example I think

of any government arrogantly proposing development that the community did not support. Then both she and the Deputy Leader of the Opposition set out to tell us what the people of the Gold Coast community want. Neither of them lives on the Gold Coast. Neither of them has engaged in a community consultation process. We are engaging in that process. We are insisting that the people of the Gold Coast have a say. We are insisting that all of the engineering and all of the environmental issues be explored before we make a decision.

I am sorry to have to inform the two members who participated in this debate, but neither of them speaks for the people of the Gold Coast. The people of the Gold Coast can speak for themselves in the community consultation process that we will undertake, that is going on at the moment, that I have made it very clear to the proponent needs to be very comprehensive if they are to get the social licence necessary to proceed with this project. Irrespective of where major projects are proposed, whether it is a mine in Central Queensland, a tourist resort in North Queensland or coal seam gas facilities in South-West Queensland, there is a responsibility for the proponent to engage with the community, to consult the community, to determine whether or not that community will support that project.

That is what is happening, and the Labor Party want to stop the people of the Gold Coast from having their say. Our government engages in that sort of consultation over a whole range of areas, and it intrigues me that the biggest environmental issue that the Labor Party could think of to debate tonight was about a man-made island in the Gold Coast Broadwater. There are so many environmental, economic and social issues in Queensland, and the best that they could do is a juvenile debate about stopping a process that is designed to allow people to have their say.

(Time expired)

Mr MOLHOEK (Southport—LNP) (5.50 pm): I have to say that the Labor Party's hypocrisy on this issue is just breathtaking.

Opposition members interjected.

Madam SPEAKER: Order! Pause the clock. I warn members on my left. I am having trouble hearing the member because of the loud interjections. I call the member for Southport.

Mr MOLHOEK: I think the member for South Brisbane needs a bit of a history lesson, because I remember what happened the last time we went through this process. The Labour government of the day sought to impose its will on the people of the Gold Coast. It went out to the development industry, and I saw some of the proposals that came in during my time as a councillor with the Gold Coast City Council. We had no say and we had no opportunity to respond. We were not even included in the process. The then Labor Premier of Queensland sought to impose his will to benefit his developer mates and the people that were backing the Labor Party at the time, and some of those proposals were breathtaking. We were not seeing proposals for a small development on The Spit or maybe something on Wave Break Island; they were talking about pumping up brand new islands in the middle of the Broadwater. They were talking about building the Burj Al Arab just out in front of Versace in the middle of the Broadwater on what is one of the best migratory bird habitats on the Broadwater.

The Labor Party have absolutely no credentials to speak of on this matter because they are hypocrites, and they need to go back a few years and listen. As the Deputy Premier has quite rightly pointed out today, Mayor Tom Tate of the Gold Coast City Council came to us and asked if we would engage in a process of consultation. Over the last 12 months this government has undertaken to give the people of the Gold Coast a fair and reasonable opportunity to respond. I have had people coming into my office saying that they want this development; I have had other people coming into my office saying that they are absolutely opposed to it. People have said, 'You need to protect the Broadwater.' 'You need to protect The Spit.'

I understand their passion because, unlike the member for South Brisbane and the members of the opposition, I actually care about this place. I went sailing on the Broadwater as a child long before there was ever a seaway; I have sailed out through what was the old Southport Bar. I have seen the work that people have done in developing The Spit. As a young child I lay in bed at night hearing the trucks rumbling down from the hinterland with boulders to build the seaway. I walk on The Spit regularly; I have surfed there with my kids. I have worked with the people from the Federation Walk to plant trees and to preserve that beautiful environment of The Spit. But it is the people of the Gold Coast who should have a say, and the challenge now is for the proponent to come forward and satisfy the requirements that were spelled out in the Deputy Premier's letter of February this year.

Let us continue to talk about Labor's credentials. The member for South Brisbane said, 'Look at what a great job we did in delivering the convention centre for the Gold Coast.' I was there when that debate was going on. I was running the commercial radio stations, and if we had not put pressure on the government of the day, and if the community had not risen up and bludgeoned the Labour government of the day into supporting the convention centre, it never would have happened because we dragged them kicking and screaming every inch of the way to promise to deliver that centre for the Gold Coast. Let us talk about—

Ms Trad interjected.

Madam SPEAKER: Order! Pause the clock. I now warn the member for South Brisbane. The noise is just getting too loud.

Mr Seeney: Is that your last warning?

Madam SPEAKER: That is the last warning, and I am warning you because it is too loud. I cannot hear the member. This is ridiculous. I will start addressing that under the standing orders. I call the member for Southport.

Mr MOLHOEK: Let us talk about Labor's record on the light rail. That project was first envisaged back when they were in government in 1997, and then it went through proposals and a range of transport studies. In 1999 it was proposed, and then the council of the day went to the state Labor government which procrastinated for so long that, instead of the original $480 million cost to build, they waited until the market was at its peak to do the land acquisition that was required such that the final project cost has ended up being more than $1.5 billion. That is Labornomics for you: We have a great idea. We are going to commit to it. No, we won't. Maybe we should. Maybe we will. Maybe we won't. They then go out and buy the property at the peak of the market, and that is why we do not have stage 2 of the light rail. The Labor government squandered Queensland's opportunity, squandered our wealth, racked up debt, paid far too much for the land in the corridor, allowed it to roll on and roll on and managed it inefficiently such that there was no money left for stage 2, and now we have a light rail that basically goes from nowhere to nowhere.

I am looking forward to the day when, through the strong choices of this government, the finances of this state are restored and we have the opportunity to rectify some of the ongoing mismanagement and financial blowouts of that disgraceful Labor government over there. They have the audacity to challenge us, when we are out there talking to the community and giving the community an opportunity to respond. All they wanted to do was steamroll the people of the Gold Coast with the exact same proposal, but it was far more breathtaking and took up far more land in the Broadwater than was ever proposed under the current—

(Time expired)

Dr LYNHAM (Stafford—ALP) (5.56 pm): I rise to support this motion. The Newman government's approach to development on the Broadwater is typical of this arrogant and out-of-touch government. This is a government that refuses to listen to the people. It is a government that, when it comes to the Broadwater, refused to listen to those whom it directly impacts, those who enjoy the pristine area and those across the Gold Coast and Queensland who care about their region, not to mention that thinking Queenslanders have a right to have an interest in the proper development of Queensland's coast.

Sadly, this is simply what Queenslanders have come to expect from this government. This is a Premier that holds so-called community cabinets but will not allow questions from community members. This is a government that spends tens of millions of taxpayer dollars on their 'Strong Choices' advertising website and roadshow, ignores the preferences expressed on the already biased website survey and then tries to keep locations of meetings secret with a restricted and highly regulated attendance list. Many people will remember what the Premier said after the result of the Redcliffe by-election. As you know, it was before my time in parliament, but the Premier promised Queenslanders that he would listen to people. But no sooner had he promised to listen than he was out continuing to attack health workers, moving from doctors to nurses to allied health practitioners. He went to war with the legal community and handled the appointment of the most important judicial position in this state with the subtlety and judgement of a two-year-old having a tantrum.

Mr WATTS: I rise to a point of order.

Madam SPEAKER: Please pause the clock. What is your point of order?

Mr WATTS: I am just wondering if this is relevant to the debate.

Madam SPEAKER: I will ask the member to address the motion before the House. I call the member for Stafford.

Dr LYNHAM: The Premier promised to listen to Queenslanders, but he continues to fail to listen to the people of Queensland and to the people of the Gold Coast. He promised to listen, but he went ahead with dodgy electoral reform changes that made it easier for his big business mates and nightclub owners to donate tens of thousands of dollars to the LNP.

Madam SPEAKER: Member for Stafford, I would ask you to address the motion before the House. There has already been a point of order in regard to relevance, and the motion before the House is on the table. I call the member for Stafford.

Dr LYNHAM: The point is that the Premier is still not listening to the people of Queensland, and specifically on this issue he is not listening to the people of Gold Coast regarding their pristine Broadwater. He blamed—

Mr Seeney interjected.

Mrs Miller interjected.

Madam SPEAKER: Order! The Deputy Premier and the member for Bundamba will cease their interjections across the chamber. I call the member for Stafford.

Dr LYNHAM: The Premier and the Deputy Premier continue to ignore Queenslanders including those of the Gold Coast. They are still not listening to Queenslanders or the people of the Gold Coast with regard to school closures. They will continue to sell off school lands after the next election. The government is continuing to release lists of schools, including those on the Gold Coast, that it plans to sell—

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

Madam SPEAKER: Pause the clock. Yes, Deputy Premier?

Mr SEENEY: I think the member for Toowoomba North has a point. The member has been speaking for three minutes and has not mentioned the Gold Coast Broadwater once, has not mentioned the cruise ship terminal once and has not mentioned Wave Break Island once. I think there is a real issue here about relevance.

Madam SPEAKER: Member for Stafford, I would ask you to address the issues in the motion that is before the House.

Ms TRAD: Madam Speaker, I rise to a point of order. The member for Stafford is addressing the issues contained in my motion—

Madam SPEAKER: I ask the member to take her seat. In accordance with standing orders, I have asked the member to address the motion before the House. I also remind the member that I have shown her leniency, despite her having two warnings today. I would ask her to cease her interjections. I call the member for Stafford.

Dr LYNHAM: We have a government that is pathologically incapable of real community engagement on any issue including the issues of the Broadwater and the Gold Coast—a Premier and cabinet that are so paranoid that they cannot tolerate any form of dissent from their side. Already five members have left this government, including one of the members from the Gold Coast area on this very issue.

Gold Coast MPs have been absolutely spineless on this issue. They do not listen to their own community. Let us compare. On the government side we have complete ruination of The Spit—a seedy edifice instead of pristine nature. And let us not forget the Burleigh quarry. On our side we have the Gold Coast University Hospital and we have the magnificent Gold Coast light-rail system. If LNP backbenchers are not going to stand up for their own communities, specifically the community of the Gold Coast, then it is up to us on this side of the House to stand up for those wonderful people on the Gold Coast and their pristine Broadwater and their pristine Spit. Let us keep it that way. That is not the voice of anger; that is the voice of worry, because 19.1 per cent on the electoral pendulum takes us all the way to Maryborough.

(Time expired)

Miss BARTON (Broadwater—LNP) (6.02 pm): It gives me great pleasure as the member for Broadwater to stand up in this House for my community. Unlike my Labor opponent, I actually live in my community. It is my home. I see those people in the supermarket every single week. I see the residents of my community every single week when I walk through Harley Park, and I look across the beautiful Broadwater and see Wave Break Island.

My position is well known because the Deputy Premier has been receiving weekly phone calls from me since this process began—telling him exactly what people in my community were saying. I have been listening to my community since this process began. That is why I have met with Save Our Broadwater. That is why I had Save Our Broadwater in my office two weeks ago with the Deputy Premier. The Deputy Premier took time out of his incredibly busy schedule to come down to my office to listen to my community. I have taken time to meet with many constituents who raise this issue with me every single day.

I am acutely aware of the wants and needs of my community because it is my home. Unlike the member for Mackay, unlike the member for South Brisbane and unlike the member for Stafford, I see each and every single day what the Broadwater means to my community. I listen to these people each and every day, whether by email, by phone or by Facebook communication.

I am offended that those opposite would come into this House and say that this government is not listening. One thing we are committed to during this entire process is making sure the people of the Gold Coast have an opportunity to have their say. It is something that, time and time again, the Labor Party failed to do. The Labor Party do not give Queenslanders the opportunity to have their say. There is a direct contrast between the former failed Labor government and this can-do LNP government, which wants to make sure the people of the Gold Coast have a voice.

That is why I raise these issues each and every week with the Deputy Premier. I made sure that The Spit was off the table, because I knew that people on the Gold Coast did not want The Spit developed. I will make sure that each and every week I continue to raise with the Deputy Premier the concerns and objections of my community when it comes to the development of Wave Break, because I believe in being a strong voice for my community. I believe in giving them an ear. They have a direct line to the Deputy Premier with me. They have the opportunity to make sure they are heard—and heard they are.

The Deputy Premier has made sure, in correspondence to the mayor, that community consultation is an extremely important element of this process. That is what this is: a process. The government, as the Deputy Premier has said, does not have a position on this. It was a commitment of the mayor's. We have simply provided a process around which the Gold Coast City Council can realise its vision for the city. But we have said time and time again that it must stack up economically and it must stack up environmentally but, most importantly, the people of the Gold Coast must have the opportunity to have their say.

I was at Harley Park on Saturday, at the Save Our Broadwater information day, because I believe it is important that I go and listen to the Gold Coast community. That is why I have met time and time again with concerned residents not only of my community but also right across Queensland—so I can make sure, as the representative and the protector of the Broadwater, the views of the Gold Coast community are known. I want to make sure they have an opportunity to be heard.

This government has a strong plan for a brighter future, and part of our strong plan is making sure that the people not only of the Gold Coast but also of Queensland are listened to and heard. That is why, until my dying breath, I will listen to the people of the Gold Coast. I will stand up for the Broadwater because it is special to me. I have fished the Broadwater, I have swum in the Broadwater and, like many Gold Coasters, in my time I have run aground in the Broadwater. Only people who come from the Gold Coast will have any idea what I mean, because it is our community.

Unlike the member for Mackay, unlike the member for South Brisbane and unlike the member for Stafford, I live in this community. It is the heart and soul of my community and I will stand up for and protect that community and listen to them.

Mr BYRNE (Rockhampton—ALP) (6.07 pm): It is great to see all of this renewed and refreshed courage coming from LNP members in this chamber. It is too bad it was not evident two years ago!

I am pleased to rise to speak in support of the opposition's motion to protect an important area of the Gold Coast. I am particularly pleased to contribute to tonight's debate because of the strong record Labor has in delivering for the region of the Gold Coast. Those on the other side of the House do not like to hear it, but on the Gold Coast, as in many regional centres, Labor delivered. They delivered in that region. What the LNP have done in the past two years is squib it all. We have already had a confused history from one of the members who spoke earlier about what transpired down there. Let us look at the history.

Labor's record on the coast includes the upgrade of the Gold Coast convention centre and the upgrade of Metricon Stadium. We won the right to host the 2018 Commonwealth Games, as some on the other side of the House might like to remember. We built Skilled Park, now called Cbus. In Health, we undertook the $275 million Robina Hospital expansion. The last stages were completed after 2012. Labor planned, funded and started the construction of the $1.2 billion Gold Coast University Hospital. We planned, funded and started construction of Gold Coast Rapid Transit. We extended the Gold Coast rail line from Robina to Varsity Lakes. This was after Labor rebuilt the Gold Coast rail line to Robina in the 1990s.

We built a new Nerang Fire Station. We built a new police station at Reedy Creek. We planned and funded the new Coomera Ambulance Station. Construction began later in 2012, but it had been delayed by the Newman government. We built the Runaway Bay Ambulance Station. In education, we built new kindergartens at Gaven, Coolangatta, Coomera, Coomera Springs, Elanora, Oxenford, Palm Beach and Mudgeeraba state schools. We built 10 new schools on the Gold Coast. In contrast, the LNP has absolutely no plans for the Gold Coast to speak of. I should correct that: it has one plan for the Gold Coast—one plan—and that one plan is a casino-led recovery. So far I have not heard a single LNP member mention this casino that sits at the epicentre of this whole saga. That is right: a sophisticated economic strategy from these intellectual giants opposite is the basis for the future of the Queensland economy. That is what it is: the basis is more casinos. What sort of out-of-touch government thinks that this is the best way to revamp local communities? It reflects the twisted priorities and associations and distorted values that LNP members have, and nothing that has been said in this debate tonight changes that.

The history of the cruise ship terminal on the Gold Coast goes back more than a decade and included a detailed report in 2006. In fact, we know that current ministers, as has already been pointed out by the member for South Brisbane, were highly critical of that proposal for an extended period. The fact is that the project does not stack up. The simple truth is that the proposal for a cruise ship terminal on the Broadwater just does not stack up. It does not stack up socially, it does not stack up environmentally and it certainly does not stack up economically. LNP MPs have been all over the shop on this issue. They clearly have no conviction about the matter and certainly will not stand up for what they were saying in opposition. They have no vision and no leadership. Now they are flotsam and jetsam for the Gold Coast City Council on a commitment from a mayor and they have no idea what to do about infrastructure or development on the Gold Coast. When it comes to this cruise ship terminal debacle, the LNP created it, the LNP enabled it and it has managed to alienate just about the entire community in the process, and that is why we hear mealy-mouthed language coming from Gold Coast LNP members about matters on the Gold Coast.

Now they are running away right at this moment like a wet dog with their tails between their legs. The LNP simply has no capacity for proper planning, as demonstrated by this debacle; decent community engagement is a joke; and proper, decent considered infrastructure projects are completely absent. The issue of the Gold Coast cruise ship terminal is just totemic of the LNP's failings—failings that will be tested within less than six months. How much more professional embarrassment can members of this government take? This is a perfect example of why this government will lose the next election.

Mr HART (Burleigh—LNP) (6.12 pm): Tonight it gives me a great deal of pleasure to support the amendments moved by the Deputy Premier. On 24 March 2012 this government was elected on a mandate to fix the problems that were created by those opposite. They ran this state into the ground and we were elected with a mandate to fix that. On 28 April of the same year 300,000 voters on the Gold Coast went to an election to elect a new council knowing full well that now Mayor Tom Tate wanted to build a cruise ship terminal on the Gold Coast. They gave him a mandate. We can argue all we like about it, but they elected him as mayor of the Gold Coast knowing full well that he wanted to build a cruise ship terminal—a cruise ship terminal, by the way, that is supported by the people of the Gold Coast. They want a cruise ship terminal. Let us not be under any doubts: they want a cruise ship terminal. Tonight we have heard from members based on the Gold Coast—people who actually move around the Gold Coast and talk to people on the Gold Coast on a regular basis. Once a month on a Saturday I am at the farmers markets which are visited by some 9,000 people. I talk to them about these issues. They are very supportive of a cruise ship terminal, but it has to stack up. That is why we have a process to go through—something the Labor Party does not understand. We go through the process and we see whether these things stack up.

My background, as most members would know, is engineering—engineering on aeroplanes admittedly, but engineering is engineering. I have spoken to many people who were involved in the building of the seaway. Wave Break Island is a man-made island. It was made in 1985 and is there to stop waves from breaking on Labrador, hence it is called Wave Break Island. It is a pretty simple concept. On the engineering side of things, I have doubts myself whether this thing stacks up. That is why we go through a process. That is why we investigate whether it stacks up. If it does not stack up, we will not be proceeding with it. That is why we go through the process. If it does not stack up financially, we will not be proceeding with it and neither will the proponents. If it does not stack up, why would they proceed with it? If it does not stack up environmentally, we will not be proceeding with it. That is why we have a process. We look at all of these things, at all of the possibilities.

One of the big things that the Deputy Premier has said is that this needs community support, and that is why you consult with members of the community. That is why the member for Broadwater is consulting with her community. That is why the member for Southport is consulting with his community. My community is on the southern Gold Coast in Burleigh, and the member for Broadwater has already said that the Labor candidate for Broadwater does not live in her electorate but has an opinion on the Broadwater anyway. The Labor candidate for Burleigh does live in Broadwater. She lives 30 or 40 kilometres away from the seat that she is proposing to be the member for. She has an opinion. I do not necessarily agree with that opinion, but that is what the process is all about, isn't it? It is about looking to see how these things stack up.

What have we heard from the Labor Party in terms of plans for the Gold Coast and plans for Queensland? We have heard nothing. We heard from the shadow Treasurer at one stage there during debate on the Appropriation Bill that he was proposing something called 'Building Queensland', and that is some sort of independent infrastructure process. Do members know what happens here? The inner-city greenies who live in the electorate of the member for South Brisbane just try to knock things on the head. I would be amazed if any members opposite who have spoken who are not from the Gold Coast have ever been to Wave Break Island. I, like other members on the Gold Coast, have been to Wave Break Island numerous times. I have spent many a happy holiday cruising around the Broadwater on boats. The Broadwater is a fantastic place. We need to take care of it. That is why we have the process.

(Time expired)

Mrs MILLER (Bundamba—ALP) (6.17 pm): I rise to support the motion moved by the member for South Brisbane and oppose the amendments moved by the government. Any doubts anyone may have had that this LNP government is arrogant would have their doubts erased by tonight's performance. This is a government that refuses to listen despite evidence that its position is wrong, wrong, wrong. It is wrong on environmental grounds, it is wrong on economic grounds and it is wrong on community grounds. When will this LNP and Premier Newman finally accept the evidence that a cruise ship terminal on the Gold Coast simply does not stack up? They obviously do not listen to economic experts, they obviously do not listen to environmental experts and they obviously do not listen to the community. Let us take dredging for instance. The Gold Coast City Council found that the cost of dredging for a cruise ship terminal at Wave Break Island will be between $26.5 million and $41.3 million, and then there is the cost of maintenance dredging each year of some $6.1 million, and I table a document from, I understand, the Gold Coast City Council in relation to these costs.

Tabled paper: Document titled '641st Council Meeting 22 June 2012 Commonwealth Games and Major Projects Committee 13 June 2012' [5890].

Sadly the Gold Coast community put its faith in the LNP at the last state election, electing LNP MPs to all 10 Gold Coast seats. Since then the member for Gaven has been the only one prepared to stand up to the unholy trinity of the Premier, the Deputy Premier and the Treasurer.

An opposition member: The troika of power.

Mrs MILLER: The troika of power. I take that interjection. What was their response? He was sacked, ostracised and shunned by his former colleagues. But what about the other LNP MPs representing the Gold Coast? What are they doing to make the voices of their communities heard? Let me listen. Nothing! Not a sound! Not a peep! Not even a squeak from the meek mice of the LNP!

Let us just go over the meekest contribution by the member for Broadwater. Colleagues, was this the best preselection speech that we have ever heard in this parliament? It was basically her preselection speech to the Deputy Premier—'Please, please, please, Mr Deputy Premier. Please may I have my preselection for Broadwater.' This is the member who talks tough at community events opposing a cruise ship terminal but, when she gets in here, when it comes to the crunch in this

chamber, she squibs it. This is the member who told this chamber in her maiden speech that she supported an independent authority to manage the Broadwater so that it could manage the area with—

... the interests of recreational boaties, fishermen and the marine life paramount in its focus.

After only 2½ years, the current member for Broadwater has abandoned her principles and fallen behind the arrogant Premier and Deputy Premier. But we know why. She is deadset scared of the dirt file that the LNP has compiled on her. I table this article from the *Courier-Mail*, which says, 'Senior Gold Coast LNP figures compiling dirt file to oust Broadwater MP Verity Barton.'

Tabled paper: Article from the *Courier-Mail*, dated 7 July 2013, titled 'Senior Gold Coast LNP figures compiling dirt file to oust Broadwater MP Verity Barton' [5891].

So I say to the member for Broadwater: just harden up. Tell your whip that you need to vote contrary to your party. Anything less shows that she has sold out her community to the LNP's developer mates.

I will go on. I did not think that I was hearing correctly, but obviously the Deputy Premier said—

Mr HART: I rise to a point of order. It has been four minutes now and the member has not referred at all to the motion.

Madam SPEAKER: The member will take his seat. The member has time on the clock. I ask the member to address the motion.

Mrs MILLER: Madam Deputy Speaker, thank you for your protection. The Deputy Premier said—and I was wondering about this—that the government does not have a position on the cruise ship terminal; it has a process. How can it govern with no position? It is like trying to drive a car forward but the car is in neutral. This government is in neutral. How can it govern with no view?

An opposition member: It's Switzerland.

Mrs MILLER: That is absolutely right. It is Switzerland. It is too close to an election so the LNP needs to go out and talk to focus groups about what its position should be. If it has no position, the LNP cannot govern at all. It is a joke. It is too difficult for it. It has no position but it has a process. The member for Southport, in 1997, for his history lesson—

(Time expired)

Mr CRANDON (Coomera—LNP) (6.22 pm): I rise to speak in support of the amendment moved by the Deputy Premier. For the benefit of the members opposite, I would like to take a moment to go through the amendment a little bit slower. Clearly, they have not been listening to the debate at all. It was four minutes before the previous speaker made any mention of her side of the debate. The amendment notes that the LNP government has listened to the Gold Coast community by ruling out development on The Spit and notes that the LNP government will only allow the proposed development on the man-made Wave Break Island to continue if the proponent can demonstrate it has community support for the development. What part of that do those members opposite not get?

The reality is that we have a proposal on the table, not brought by this government, but brought by developers who were encouraged to bring those developments forward by Tom Tate, the mayor of the Gold Coast, who had used the cruise ship terminal as a cornerstone of his election campaign in 2012. It is as simple as that. We have offered a process. We have offered the developers an opportunity to come along to show us what they have. But most importantly, it has to stack up in three different ways. It has to stack up economically, it has to stack up environmentally and it most certainly has to stack up socially. It is as simple as that. That is our position. So, therefore, we—

Mrs Miller interjected.

Mr CRANDON: We can close the debate now. I see that the member for Bundamba is now agreeing with our side of the argument. I can see—

Mrs Miller: No. You agree with us.

Mr CRANDON: The member agrees that Wave Break Island will not be developed.

Mrs Miller interjected.

Mr CRANDON: The member for Bundamba is quite clear in her acceptance of our side of the argument. We have, and we have had for a long time, roadblocks in the state seat of Coomera on the Gold Coast. One of those roadblocks happens to be the Broadwater. What did this government make

a promise to do? It made the promise to bring in an independent authority to manage the dredging and to manage the whole of the Gold Coast waterways. We brought that authority in. What have we seen? I get constant advice from Transport and Main Roads advising me of the various dredging operations that are occurring right around the Gold Coast Broadwater.

What is the roadblock for the state seat of Coomera? It is the Coomera River. We have not been able to dredge the Coomera River. If it had not been neglected for the years that Labor was in government, we would not be going through what we are going through now in terms of dredging the Coomera River. But this government has a solution. We put our authority in place. We have now ascertained a dredge spoil facility in the Coomera area so that we can now move forward and dredge the Coomera River. What does that mean? It means economic development for the state seat of Coomera. It means economic development for the Gold Coast. What is it all around? It is all around the waterways. It is all around the industries that we are talking about.

Let me say that I support the concept of a cruise ship terminal. I am not an engineer. It is as simple as that. I will rely on the engineers to tell me whether it is viable, wherever it may need to be developed. However, it has to stack up economically, it has to stack up environmentally and it has to stack up socially. That is our position. I can assure members that the people of the Coomera electorate are in full support of the concept of a cruise ship terminal, provided it stacks up in all of those areas.

We have massive potential development in the Coomera electorate around the dredging of the Coomera River. I am talking about a $450 million development, which is virtually doubling the size of the Coomera marine precinct. We have a further $450 million in the Coomera town centre that is going to be enabled by the duplication of exit 54. Have members heard me talk about exit 54? The reality is that the cruise ship terminal is a possibility, but only a possibility if it stacks up in those three very important areas.

(Time expired)

Division: Question put—That the amendment be agreed to.

AYES, 65:

LNP, 64—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, France, Frecklington, Gibson, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, Menkens, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

INDEPENDENTS, 1—Cunningham.

NOES, 11:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

INDEPENDENTS, 2—Douglas, Wellington.

Resolved in the affirmative.

Division: Question put—That the motion, as amended, be agreed to.

AYES, 65:

LNP, 64—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, France, Frecklington, Gibson, Grimwade, Gulley, Hart, Hathaway, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, Menkens, Millard, Minnikin, Molhoek, Newman, Nicholls, Ostapovitch, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

INDEPENDENTS, 1—Cunningham.

NOES, 11:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

INDEPENDENTS, 2—Douglas, Wellington.

Resolved in the affirmative.

Motion, as agreed—

That this House:

- notes that Gold Coast residents value The Spit, Wave Break Island and the Broadwater as important community assets;
- notes the LNP government has listened to the Gold Coast community by ruling out development on The Spit;
- notes the LNP government will only allow the proposed development on the man-made Wave Break Island to continue if the proponent can demonstrate it has community support for the development;
- notes the LNP government will ensure that any development will only go forward at no risk and no cost to the state and if the development can meet the high environmental standards set by this government; and
- calls on the ALP to outline what policies it has for growing the economy on the Gold Coast and Queensland.

Sitting suspended from 6.36 pm to 7.30 pm.

MINERAL AND ENERGY RESOURCES (COMMON PROVISIONS) BILL

Second Reading

Resumed from p. 3028, on motion of Mr Cripps—

That the bill be now read a second time.

Mrs MADDERN (Maryborough—LNP) (7.30 pm): I rise to make a brief contribution to the debate on the Mineral and Energy Resources (Common Provisions) Bill 2014. This bill is one more step in the process of bringing together and harmonising into common provisions the legislation from the Mineral Resources Act 1989, the Petroleum and Gas (Production and Safety) Act 2004, the Petroleum Act 1923, the Geothermal Energy Act 2010 and the Greenhouse Gas Storage Act 2009. These common provisions will make it simpler for all sectors of the community to understand their rights and responsibilities. Rather than having a wide range of differing processes to follow depending on the resource activity, there will be a common process in terms of notifications and objections, land access, dispute resolution processes and definitions.

This is a large bill which received a very large number of submissions. The committee has held a number of public hearings and received both public and private briefings from various departmental officers. May I take this opportunity to extend my thanks to all those who contributed to this process, but my particular thanks go to the departmental staff and committee staff for the extensive work they have undertaken on this bill and also the support they have provided to myself and other committee members in our investigation of this bill. My thanks also to our chair, the member for Lockyer, Ian Rickuss, and other committee members.

As is always the case when mining interests interact with agricultural interests interact with environmental interests, there are a broad range of views, quite a deal of emotion and some significant misunderstandings, particularly about the intent of the bill. The difficulty faced by myself and other members of the committee was to sift through all the opinions expressed in submissions to determine areas of genuine concern and how those areas of concern are impacted by the provisions of the bill. I would like the member for South Brisbane to understand that we did look at this bill in terms of what was really important and what was frivolous and vexatious. This process has resulted in the committee providing a quite extensive report, with discussion on a significant number of issues, with four recommendations and one request for clarification. I understand that a number of amendments will be made in the consideration in detail stage as a response to the committee's report and I thank the minister for taking note of concerns raised in that report.

The area of the bill which seemed to draw the most submissions related to the process of notification and objections to the issue of a mining tenure. A significant number of submissions sought to retain the current position of wide notification and an ability for anyone and everyone to object to the issue of a mining tenure on any particular ground. It seemed to me that there is some confusion about the issue of the mining tenure and what that entails and the issue of the environmental approval and the conditions attaching to that environmental approval. The bill seeks to limit the number of people who can object to the issue of a mining tenure to those who are directly affected: the landowner over whose land the tenure is sought, neighbours whose land will be required for access and local authorities. During the consultation process landholders voiced concerns that adjoining landholders should also have a right to object to a mining lease application. I understand the minister will propose an amendment to allow owners of land sharing a common boundary with the land over which the mining lease is proposed to be notified and have a right to object.

Further, the bill seeks to limit the grounds on which objections can be made to issues that are directly relevant to the issue of the mining tenure. Issues such as dust, noise, traffic, water et cetera are issues which are and should be canvassed under the environmental approval process. From my perusal of many of the submissions in relation to notifications and objections, there seemed to be a general failure to understand the intent of the bill. I quote from the explanatory notes to highlight that intent—

The current notification and objection process for a mining operation is overly regulated, with a single approach that does not take into account the size and impact of the mining operation and duplicated requirements under the *Mineral Resources Act 1989* and the *Environmental Protection Act 1994*. As a result, smaller operations that are unlikely to have a significant or widespread impact are required to follow the same process as a large-scale operation anticipated to have extensive impacts.

The bill seeks to provide a level of assessment and scrutiny that is proportionate to the proposed development's potential risks. Departmental analysis has shown the major concerns of landholders to mining proposals is compensation and to both landholders and the community in general are the environmental issues, including issues relating to air, noise, waste, water, vibration and light, and any impact that the mining activity may have on the surrounding environment. Many of the submitters seemed to be of the opinion that all of these issues, both environmental and compensatory, should be able to be addressed under objections to the mining tenure process and also the environmental process—a complete duplication.

This government has carried out significant work to streamline the environmental approvals process and this follows extensive consultation. There are three types of applications for an environmental approval, a process which must be completed before an application for a mining tenure can be made. The three types of applications for environmental approval are the standard application, a variation application and site specific applications. The standard application is a set of standard conditions relating to low-impact mining activities—that is, small mines that have very little physical impact on the surrounding environment. An example could be a small alluvial goldmining operation. A variation application is a standard code which has been amended slightly to take account of a slightly higher level of impact. These are the types of mining processes to which this bill applies. Clearly there is no point in having an approach which allows everybody and anybody, even if they are unlikely to be impacted in any way, to have the right to object to a mining application for a mining operation which carries minimal risk and for which a standard environmental approval is appropriate. This process is red tape for the sake of red tape and does not provide any additional security or benefit to the community but instead bogs everyone down, including departmental staff, in paperwork. It is also my understanding that few objections other than from people directly affected are received for very many of the small mining operations.

The second area of significant concern relates to land access issues and, in particular, restricted land. The various pieces of legislation had significantly different ways of addressing restricted land issues, different definitions and in one case no reference to restricted land in the legislation at all. This bill seeks to bring into play a new restricted land framework as part of reaching a consistent process for all resource activities. A most positive amendment is that the restricted land framework will provide protection for neighbouring landholders where the conduct and compensation agreement framework does not.

As someone who has worked in the property industry, I acknowledge and appreciate the processes which will now mean the conduct and compensation agreements are registered on title as these agreements attach to the land. This type of clarity is important for anyone operating in the property sector: vendors, purchasers, banks and associated professionals. Unless it is on the title it is not visible and in the case of a change of ownership, unless these dealings are noted on title the new owner may well be unaware of their obligations. In providing flexibility and reducing red tape, an owner or an occupier of land may opt out of a conduct and compensation agreement, particularly in limited and low-risk situations. Submissions put to the committee raised concerns that landholders must be made aware of their rights to have a conduct and compensation agreement, that an opt-out agreement should only be used in limited circumstances and that the landholder should be able to negotiate with the resource company from a strong position rather than being intimidated into taking the opt-out position. It is noted that the opt-out agreements will still be subject to the land access code which imposes mandatory conditions on resource companies and provides guidelines for communication between all parties and therefore providing a good solid background for the landholder. The bill will also require opt-out agreements to be discoverable during title searches.

The bill provides for the Land Court's jurisdiction to be expanded to hear conduct matters when considering conduct and compensation matters. I support this process of the bill as matters surrounding the development of a conduct and compensation agreement have a significant impact on

both parties, particularly if there is no good will on behalf of one or the other party. These amendments will ensure that the Land Court can make suitable determinations requiring the resource authority holder to make appropriate modifications to the conduct of activities to ensure minimal impact upon the landholder's business.

As stated previously, the bill is extensive, covering a range of issues, many of which have been subject to comments and submissions. I note and support the intent of the bill and congratulate the minister, the Hon. Andrew Cripps, for his work and the work of the department in putting together this common provisions bill for the mineral and energy resources sector. I am pleased to support the passage of the bill.

Mrs MILLER (Bundamba—ALP) (7.40 pm): At the outset, I make it clear that as the daughter and granddaughter of Ipswich coalminers and as a person who has worked in the coal industry in Blackwater, I am very outspoken in my support for the resources industry, inside and outside this House. Despite all the hysterical ravings of those opposite and claims of red tape, we will never hear them acknowledge that the previous Labor government facilitated a quadrupling in the value of resource sector exports from Queensland between 2003-04 and 2011-12. The way that LNP members carry on in this House, one would think that Labor had ground the resources sector to a halt, rather than delivered record growth for the industry. Clearly that is what we did. We facilitated record growth in the resources sector in Queensland and we did it whilst maintaining the rights of the broader community and adjacent landholders to be notified of and to object to mining lease applications. Yes, you can do both, as has been demonstrated by history and to claim otherwise in this parliament is fundamentally dishonest.

When the previous Labor government left office, Queensland was experiencing one of the biggest investment booms in our state's history, with the construction phase underway for a new LNG export industry. Over the years to March 2012, Queensland was recording business investment growth of a staggering 31.7 per cent, growth in private investment of 23.2 per cent and growth in machinery and equipment investment of 7.5 per cent. Those are truly impressive growth figures, underpinned by growth in the resources industry—growth that the Treasurer described as evidence of a so-called basket-case economy. Over the year to June this year, what do we have under this LNP government? We have business investment falling by 12.4 per cent, private investment falling by 7.5 per cent and machinery and equipment investment falling by 19.4 per cent, which LNP members try to argue is evidence of an improved economy. What planet are they on?

Astonishingly, the LNP desperately tries to argue that an 11-year high in the unemployment rate of 6.8 per cent in July is somehow an improvement on the 5.5 per cent unemployment rate that it inherited. Dear, oh, dear! Over the past two years, sadly we have seen more than 8,000 jobs go in the resources industry across the Bowen Basin. That is 8,000 fewer pay packets for people in Queensland. That was after the Newman government introduced a multibillion dollar increase in coal royalties at the worst possible time for the industry, making Queensland the highest taxing coal jurisdiction in the world according to the Queensland Resources Council. For the minister to then dream up putting the letter Q after the word 'resources' as his plan for this sector shows just how truly devoid of any vision or ideas this government is. I have no doubt that the government will come out with the same old nonsense, trying to claim that Labor is anti mining for opposing this bill, despite Labor overseeing the biggest expansion in our coal and resources export sector in this state's history.

I make it clear for everyone: Labor supports growth in our mining sector and I strongly support such growth. However, it has to be done properly. It should not come at the cost of the rights of the community and adjacent landholders to be notified of and to object to a mining lease application. Both the government and the resources industry have been unable to provide any substantive example of those rights being used to delay a resources project on vexatious grounds. They have no examples, not one—zero, zilch. The Land Court has also been unable to provide any examples of this process being misused.

If the process that provides Queenslanders with a say over the extraction of resources held by the Crown on their behalf ain't broke, then why change it at the expense of the rights of nearby landholders and the broader community? If the restricted land framework that protects landholders' principal stockyards, bores, artesian wells, dams or other artificial water supplies has functioned well to date, why remove those protections for landholders? Why do it? If the resources industry has been able to more than quadruple the value of their exports in less than a decade with the right for landholders to object to a mining lease being granted over restricted land until compensation is

agreed, why remove those rights? Why do it? If the resources industry has undergone record growth with public notification of standard environmental authority applications, then why remove those requirements for public notification? Why?

Where are the members in this government who are supposed to stand up for regional communities and agricultural landholders? They are missing in action. On this issue where is the member for Nanango, who claims to represent farmers in her electorate? She is not listed to speak. She talks big in the electorate, but she cannot even speak on something like this issue in this House. For the member's benefit, the 2011 census data shows that 83.8 per cent of her electorate is defined as living in inner regional Australia and the other 16.2 per cent is defined as living in outer regional Australia. Why isn't she in here expressing the concerns of AgForce, Cotton Australia, Shine Lawyers—

Mr BERRY: I rise to a point of order.

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! I am sorry, member for Bundamba, there is a point of order. However, member for Ipswich, you are not in your seat so I cannot take your point of order. Please sit.

Mr DICKSON: I rise to a point of order.

Mr DEPUTY SPEAKER: Order! Please wait a second, member for Bundamba.

Mr DICKSON: The member is referring to a member who is not in the House, so she should withdraw that statement.

Mr DEPUTY SPEAKER: Order! Member for Bundamba, you can continue. Minister, she was referring to the member not being on the list; she did not refer to her being absent from the House. Therefore, we will continue.

Mr Berry interjected.

Mr DEPUTY SPEAKER: Member for Ipswich, if you are going to refer to the chair, firstly, you need to be in your seat. Otherwise, you need to be silent. Please sit. Member for Bundamba, please continue.

Mrs MILLER: Mr Deputy Speaker, the member for Ipswich has just made some statements across the chamber that I find personally offensive. I do not know whether Hansard has picked them up.

Mr Hopper: He has to sit in his seat to withdraw. Send him to his seat and make him withdraw from his seat. That's what you have to do.

Mr DEPUTY SPEAKER: Member for Condamine, I am taking advice. I do not need yours, thank you. Member for Ipswich, you can stand where you are and I ask you to please withdraw the statements that the member for Bundamba took offence to.

Mr BERRY: It is always—

Mr DEPUTY SPEAKER: Order! Member for Ipswich, I need you just to withdraw, please.

Mr BERRY: I am not sure what I am withdrawing, but whatever offended the member for Bundamba, I withdraw—whatever it was.

Mr DEPUTY SPEAKER: Thank you, member for Ipswich. Member for Bundamba, please continue.

Mrs MILLER: Thank you very much. It was reported the other day that the member for Nanango apparently stands by rural people. I bet she votes for this government's legislation and sells them out. I tell members of parliament that we will be watching all those in this parliament who supposedly represent farmers.

It is the Labor members who are standing up for farmers' rights in this House. We are the ones standing up for the farmers in this parliament. The member the Lockyer is going to sell out the farmers as well, I am sure. I am sure Steve Leese, the Labor candidate in that seat, will make a better member in this parliament because he will stand up for farmers. So will Jim Pearce as he stands up for not only farmers but also miners.

As the member for South Brisbane mentioned in her contribution to the second reading debate, John Sinclair, who was instrumental in saving Fraser Island, has described the bill as—

... more than one step too far. It goes much further than any of the more extreme measures introduced by Bjelke-Petersen to inhibit public objections to mining proposals.

Who would ever believe that this mob would be worse than Joh Bjelke-Petersen? But that is what has happened. The opposition does not support the unnecessary removal of community and nearby landholder objection rights on mining lease applications. The amendments moved at the last minute by the minister do not go far enough. To have the resource proponents identify any adjoining landowners who will be notified and given objection rights as proposed in the amendments is a total cop-out, in my view.

When the LNP members turn up in this parliament to vote for this bill, it will go down as a roll call of shame. It will be a roll call of shame for the farmers in Queensland because the National Party members in this parliament have been supported by farmers for decade after decade after decade. They are about to be sold out. But I can tell members that farmers will not be fooled again.

Mr TROUT (Barron River—LNP) (7.52 pm): I rise to speak in support of the Mineral and Energy Resources (Common Provisions) Bill 2014. The Minister for Natural Resources and Mines and his department have made a concerted effort to amalgamate complex resources legislation to reduce red tape. In addition to improving processes between mine owners, resource companies and landholders, the bill also makes associated changes to property law, state development and public works and Torres Strait Islander cultural heritage acts. The bill also repeals redundant state superannuation legislation for coal and old shale mine workers.

This bill has the following major policy objectives which support and implement a number of commitments made by this government. This bill will modernise and harmonise Queensland's resource legislation through the Modernising Queensland Resource Acts Program. The Mineral and Energy Resources (Common Provisions) Bill 2014 will implement the first stage of the government's Modernising Queensland Resource Acts Program, the MQRA Program. The MQRA Program will reduce the complexity, volume and duplication of the regulatory burden that currently applies to the resources sector and promote economic development to assist in building a stronger Queensland economy.

This bill will give effect to the recommendations of the Land Access Implementation Committee requiring legislative amendment to improve the land access framework relating to private land. Overall, these amendments will enhance the state's land access framework and provide a better balancing of the interests of landholders and resource authority holders.

This bill will implement a consistent restricted land framework across all resource sectors. The Mineral and Energy Resources (Common Provisions) Bill 2014 includes provisions that will establish a consistent restricted land framework for all resource activities. This will provide landholders greater certainty in determining what resource activities are conducted in close proximity to their homes and their businesses, while also providing protection for certain community infrastructure.

The Mineral Resource Act 1989 currently specifies that where mineral and coal activities are proposed within 100 metres of a house or business a landowner's consent is needed before activities can be undertaken. While a similar restricted land framework exists under geothermal legislation, there is no such protection under petroleum, gas or greenhouse gas storage legislation.

This bill will establish a new overlapping tenure framework for Queensland's coal and coal seam gas industries. The overlapping tenure framework aims to optimise the development and use of Queensland's coal and coal seam gas resources. It provides a default process for managing situations where a resource authority for one resource type, for example a mining lease, overlaps a resource authority for another resource type, for example a petroleum lease. This is one of the key commitments of the government's January-June 2014 six-month action plan to support and grow Queensland's resources sector.

This bill will support government and industry action to deal with uncontrolled gas emissions from legacy bore holes. The bill includes amendments that establish a framework to support remediation of legacy bore holes. The changes make sure that all types of bores identified with safety concerns can be fixed regardless of where they are and whether or not their history is known.

In addition, the bill has the following objectives which support and implement commitments made by this government. They include: repealing the Coal and Oil Shale Mine Workers Superannuation Act 1989; reducing the regulatory burden for small scale alluvial miners specifically and the mining sector generally; removing redundant requirements imposed on holders of a mining tenement, an authority to prospect or petroleum lease; enabling greater use of coal seam gas produced as a by-product of coalmining; and amending the Mount Isa Mines Limited Agreement Act 1985 to reflect the transition of its environmental provisions to the Environmental Protection Act 1994 and restructure reporting requirements.

The Mineral and Energy Resources (Common Provisions) Bill 2014 delivers a strong plan for a brighter future for one of Queensland's four economic pillars, the resources sector. This bill contains a number of vital reforms that will assist economic development in Queensland by reducing the complexity, volume and duplication contained within existing legislation for the resources sector. I commend the bill to the House.

Mr KNUTH (Dalrymple—KAP) (7.57 pm): I rise to speak in the debate on the Mineral and Energy Resources (Common Provisions) Bill 2014. I acknowledge the 255 people who put in submissions to the committee to reject or express great concern with regard to this bill. Like the 255 submitters, I believe deep down that this bill is biased towards the mining companies and further removes landowners' rights. I believe this is probably one of the greatest attacks on landowners since the vegetation management bill was introduced and the ERMPs were introduced.

It is an absolute disgrace that in this House the LNP is backing the big mining giants over the landowners. They have been constantly kicked in the guts, year in and year out. They are suffering at present. This is a very bad time to introduce a bill to remove more rights. The agriculture industry and the grazing industry are suffering at the moment. They have been suffering for a number of years. They do not need a kick in the guts. They need a hand up. This is another boot in the guts.

The sad thing about it is that the National Party, the former Country Party, was there to represent the people on the land. Now they are backing the corporate giants. I do not know their means, measures or reasons for doing that. The fundamental principles upon which they were elected and upon which the party was founded were about the protection of these people.

They are not the words of Shane Knuth; they are the words of 255 submitters, and that includes Property Rights Australia and AgForce. If they are expressing great concern, we need to take a look. The minister may put his hand on his heart and say, 'We have the provisions that cover all this,' however, if the minister is saying that the objection rights and the notification rights will be retained, then he should keep them in this bill and not take them out. That is very simple. That is not much to ask. Likewise, if stockyards, dams and bores are protected as restricted land, he should not remove that provision from the bill but keep it where it is.

They are two important components that relate to the infrastructure and the land rights of the agriculture industry and the grazing industry. If they are going to be retained, why take them out of the bill? Why take out the two most important components of this legislation to landowners and the agriculture industry? Keep them in. Then the grazing industry and the agriculture industry will know that the government is there to protect them. They are confused because it is taking out the two most important components in relation to property rights. Currently, when a mining company wants to bulldoze their rights, they have a legislated framework and a safeguard put in place to ensure that there are negotiations such that if they are going to be deeply affected when they lose their dams, water infrastructure and stockyards, they will be appropriately compensated.

I wish to quote one of the submissions, and I know Donnie Harris Law because they represent landowners in my electorate. I will quote from that submission. It is very simple. Members opposite can say, 'They are fools. They would not have a clue what they are talking about. We in the LNP know. We know what is best for Queensland.' They can say that these people are idiots, but they are there because they are concerned about this bill. They are not an illusion; they are there because 270 submitters oppose this legislation or are very concerned about it.

But what has happened? Nothing has changed. We had five, six or seven public hearings where the concerns of all those landowners were heard. What happened? It was recommended that the bill pass through with nothing changed. We are spending hundreds of thousands of dollars on the committee process. We are wasting hours and hours on silly meetings and we are not getting any results because members opposite are not listening to those committees. It is an absolute waste of time because they bypass and trample over the decisions that those committees make. They had a golden opportunity to stand up for those people who were concerned, but what do they do? They dodge and weave and hide to the point of invisibility. It is an absolute disgrace. It is a waste of money and I believe that we should get rid of the committee system because it is not working under this present government. We fought hard to have this committee system put in place, but all we are doing is getting the outcomes that the few at the top wish to have.

Mr Cox interjected.

Mr KNUTH: We turn up to the committee hearings—and if I compared the number of speeches I have given in the House with the number given by the member for Thuringowa, I think it would be triple. So he should not put this argument about pulling our weight in the parliament. Get up there and stand up for—

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! Member for Dalrymple, member for Dalrymple, member for Dalrymple! You will address your comments through the chair and you will listen to the chair.

Mr KNUTH: I deeply apologise.

Mr DEPUTY SPEAKER: Thank you. Please continue.

Mr KNUTH: I deeply apologise but I do not want to be rudely interrupted by squawking parrots.

Mr DEPUTY SPEAKER: Member for Dalrymple, please continue. Just a second, if there are members back there making interjections, I cannot hear them, but would you please cease. Member for Dalrymple, please continue.

Mr KNUTH: Donnie Harris Law are good people and they are there to represent farmers and graziers who are concerned about property rights and being downtrodden by mining giants. They do not say anything too harsh. They state—

We have reviewed the Bill and Explanatory Notes. The Bill clearly removes a number of rights that landholders currently have under legislation and therefore leaves them in a worse position than is presently the case.

The minister says they are much better off. It goes on—

We provide the following opinions and concerns:

...

The Bill would have the effect of removing stockyards, bores, dams and other key infrastructure from the definition of Restricted Land. This would result in landholders having no right to restrict access to those key areas of infrastructure. As you can appreciate, watering points, particularly for graziers, are the backbone of many primary producing enterprises—any loss or damage to those watering points can have a substantial and disastrous impact on their livelihoods.

The Bill would firstly remove this key infrastructure as Restricted Land and then remove the landholder's ability to veto access in certain circumstances. Clearly this benefits the resource industry but does not preserve individual rights that have been in existence for many years.

We have fought extremely hard to preserve those individual rights because we have seen the farming sector being done over year in, year out and they are very much struggling. That is what was put in place from the beginning and now we are seeing that those individual rights that existed for many years are being severely eroded tonight.

I am not seeing any of the backbenchers who walked into this House and said, 'We will do everything,' and, 'We will stand up for our electorate like we promised. We will not be like others who have sat in this House. We are here to fight for their cause. We were elected on a platform that we would fight for our constituents.' There is no fighting for the constituents here tonight. This is about embracing a party line that is run by a few at the top of the hierarchy, and the backbenchers are obeying. 'We will obey.' They are obeying. The reason they were elected was that they promised to represent their constituents. However, they are here to back the big corporates, the mining giants, at the expense of the people whom they were supposed to represent from the beginning. The submission goes on—

While the Bill suggests that appropriate compensation will be provided to landholders where that infrastructure is impacted, the Bill fails to change the current compensation regime—

Isn't that interesting? There is a catch. It goes on—

in any way but rather preserves the conservative and restrictive heads of compensation that presently stands and which are favourable to resource companies.

Isn't that funny? I cannot understand why it does not favour the small man on the land, the person growing the lettuce out at Gatton or growing the potatoes or milking the cows. It does not seem to favour them. I do not know why. I would love to see that it favours the man on the land, but for some reason or another it seems to favour the big resource company. Is it because the big resource companies are contributing much more in political donations to the LNP than the poor broke farmer who was screwed down? The submission continues—

The present compensation regime does not account for the fact that in many respects a landholder is an unwilling Vendor and would not choose to be compensated at land values in a depressed market. Rather, if they were to sell their land, they would choose to do so in a more favourable market. The end result is that resource companies are able to take advantage of land values in a depressed market to obtain access to the resource.

In other words, they might have watering points and dams that cost them $10 million to put in, but the big resource companies may say that their present value is only $5 million. That has not been taken into consideration in this bill. There is a simple way. If the minister says that the objection rights and the notification rights will be retained, then everyone will have clarity. We can use political speech

and terminology, but the clarity was already there. Now that clarity is being taken away. That clarity was about not just protecting the restricted land but also retaining the notification rights and the objection rights. That is very simple. Just to go on, Mr Deputy Speaker, it says—

Allowing resource companies to also carry out low impact activities within close proximity of a residence is also denying individuals of their fundamental right to privacy and amenity. There must be a reasonable balance between the civil rights of individuals and their families ...

What happens is that the profits of the big mining giants go overseas and the megarich receive the benefits, but small players and their families are the ones who are suffering. The LNP government does not care because they prefer to have the backing of the big overseas multinationals so that they can benefit from this mining development in Queensland. Even though they produce cattle, potatoes and beef, this LNP government prefers to back those from overseas. The submission further states—

There must be a reasonable balance between the civil rights of individuals and their families and the statutory rights to explore and mine for resources. The Bill has gone too far and fails to achieve that balance.

I am deeply troubled about the removal of key infrastructure from restricted land, as entire aspects of the management of farm or grazing properties are reliant on these key infrastructure components. Without them a property cannot operate.

Another thing that I would like to say as a committee member is that I am deeply perturbed because we had six or seven public hearings at which there were expressions of great concern, but all of them have been wiped away. There has been no interest in the concerns expressed and none of them were taken into consideration because the LNP says, 'We are right!' When Campbell Newman said that he was going to listen, I hoped and believed that he would. But I am starting to feel that you cannot help yourselves and you are starting to fall back onto the same path that you were taking two months ago. I believed that there was some hope, but there is no hope. The very people that you are supposed to represent have been pushed aside and have fallen by the wayside. The dissenting report states—

As a committee member I am concerned about what has been pointed out under new section 260: "… people's right to object to the issuing of a mining lease for a resource activity will be unduly restricted to 'affected persons', and that the definition of 'affected persons' has been further limited. "Further, low risk environmental activities/mining lease grants will not be subject to public notification. This will impact persons who live near a resource activity but who are deemed to be 'not directly affected' by its activities as well as the general public/local and wider communities who may not be aware that a resource activity for which there is a public interest being carried out."

There was a spill at the Mount Leyshon mine, and fish and birds were killed seven kilometres downstream. Property owners were affected because they could not sell cattle for four or five years as a result of that contamination spill. This bill states that none of those property owners up to five kilometres downstream have the right to object or even the right to notification. But those rights were in place before because the former National Party of old fought for them. They could see the battle with multinationals over power and money whilst resources were being trampled on, and their crime was to put food like vegetables, lettuce and carrots on our tables. The National Party was there to defend their rights because they knew that there was a problem.

The Liberals were pro free market, pro mining companies, pro resource sector, pro multinational and transnational corporatisations, and the National Party stood up for those battlers whose crime was to put food on the table. Do you know what we are doing? We are importing food from overseas. Do you know why? Because we have mining companies who are trampling over the agriculture sector right at this present moment. You may say that I am delusional, but go out to the Darling Downs and see what is going on. It is a shame. Property Rights Australia said that, on balance, the bill is an erosion of landowners' current rights and that—

The property rights and principles of natural justice of landowners will be severely compromised by the proposed changes.

The balance of power between the miners and the landowners has always been in favour of the miners at the expense of the landowners, and this bill has a provision which disadvantages the landowners. I wonder why they are saying that. They continued—

Now that the proposed Bill has confirmed that "directly affected" landowners are only those within the footprint or who provide access to a mining lease our worst fears have been realised. The affects of some mining projects are so wide ranging that PRA would contend that there are many neighbours and even nonneighbours who will be more "directly affected" than many simply offering access.

I believe that this is one of the greatest attacks on landowners that I have ever seen in this House, but the sad part about it is that it is coming from the Liberal National Party.

I say that we need get rid of the committee system. It is a waste of space, a waste of time and a waste of resources. It is a waste of public money. We are supposed to be in debt, yet we are wasting our time and effort attending these meetings. Why should we travel around this state and have all these public hearings if we do not listen to what the people of this state are saying? If the

minister will put his hand on his heart and say that the objection rights and notification rights will be retained, then he should keep them in the bill and not remove them. Likewise if stockyards, dams and bores are protected under restricted land he should not remove them from the bill. It is just as simple as that. I oppose this bill.

Mr COX (Thuringowa—LNP) (8.18 pm): I will try and move on, but I do not know if we will ever get over that. It is great to support the minister here this evening introducing this bill to the House. I also do this as a proud member of the Agriculture, Resources and Environment Committee.

I would like to start by pointing out to those opposite and to those here in the back corner that governments regulate mineral and energy resource exploration for three general reasons: firstly, mineral and energy resources are owned by the Crown; secondly, exploration may impact on other existing and future land uses such as agriculture or may damage sites of environmental and heritage significance; thirdly, exploration may have effects beyond the area being explored, such as on the regional environment in nearby communities, so community-wide costs and benefits must be taken into consideration.

Queensland is endowed with a wide range of resources located mainly in regional areas. Agriculture and the communities which support it take up almost 85 per cent of the state's land, and we know that it is not based in the leafy suburbs of Brisbane. Regulation should aim to balance the competing demands of co-existence that come with exploiting the resources, using the land for other purposes such as agriculture and preserving heritage and environmental values.

This LNP government has a four-pillar economy. Resources are one of those pillars. Resource industries have been part of the landscape in this state since early last century. This bill will bring some of the 20th century legislation into the 21st century.

Mr Hopper interjected.

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! Member for Condamine and member for Dalrymple, I warned other members not to interject. I am now asking you not to interject. Show the same courtesy.

Mr COX: The member for Dalrymple lives in one of those great last-century mining towns of Charters Towers, so I would have expected that, as a member of this century's parliament and the committee researching the bill, he would understand more than most the need for such a bill. But I guess that was wishful thinking on my part.

Mr KNUTH: Mr Deputy Speaker, I rise to a point of order. I find those comments offensive and I ask the member for Thuringowa to withdraw them.

Mr DEPUTY SPEAKER: Member for Thuringowa, please withdraw.

Mr COX: I withdraw. As part of the Modernising Queensland Resource Acts Program, this bill is a major component of delivering the government's commitment to support the resource sector. The bill also implements recommendations from the Land Access Implementation Committee report.

I point out that this bill has the following major policy objectives which support and implement a number of commitments made by the Queensland government: the MQRA Program; give effect to the recommendations of the Land Access Implementation; land access, restricted land; overlapping tenure framework, coal and petroleum (CSG); repeal of coal super act; mining applications; amendments to petroleum and mineral legislation; enable greater use of CSG produced as a by-product of coalmining, incidental CSG; Mount Isa Mines Limited Agreement Act 1985; and uncontrolled gas emissions from legacy boreholes.

I wish to speak on only a few of these this evening. Before I talk about some of these objectives I wish to add that Queensland under an LNP government has had a new direction, and that direction has been implemented with action plans and legislation to back it up.

Mr Hopper interjected.

Mr DEPUTY SPEAKER: Member for Condamine, I am now warning you. While you have your hand over your mouth, I can hear you and I have now asked you twice not to interject. I now warn you.

Mr COX: This is not kept in silos, like we saw under the Labor government, but goes across the whole of government—nowhere more so than in this bill's connection with Deputy Premier Jeff Seeney's own Regional Planning Interests Act, which I think the member for Dalrymple has forgotten all about. It does point out matters of priority agricultural areas, priority living areas, strategic environmental areas and strategic cropping areas for the information of the member for Condamine.

The Queensland government has launched a flagship reform initiative for the resources sector. The process will be underpinned by three simple principles: phased and engaged reform; retention of existing legislative principles; and no disadvantage. At this point I would like to address the comments of the member for South Brisbane and simply remind her that under Labor we would have seen 38 million tonne of dredge spoil dumped in our ocean while under the LNP there will be three million, possibly on land. I will not make any further remarks about the comments of the member for South Brisbane this evening.

Members of the community who regularly deal with resource companies and resource authority holders will also benefit from these reforms. I would like to make a few points on the subject of land access on private land. A review of the Queensland government's private land access framework, undertaken by an independent panel of agricultural and resource industry experts, was finalised in 2012. The focus of the government's response was a six-point action plan to improve the framework. In February 2013 the government established the Land Access Implementation Committee to advise and oversee the policy development necessary to support implementation of the government's six-point action plan.

Legislative amendments were recommended for three of the six actions. Legislative change was necessary to expand the jurisdiction of the Land Court to allow the court to make determinations on matters relating to conduct issues—something that is new—to provide the Land Court with jurisdiction to examine the behaviours of parties during the negotiation of a conduct and compensation agreement. It is a pity that some members of the House who have spoken on this bill are not present to hear that point.

Legislative change was necessary to require the existence of an executed conduct and compensation agreement to be noted on the relevant property title by the Registrar of Titles, including when parties elect to opt out of negotiating a formal conduct and compensation agreement. Action 4 was that a policy allowing two willing parties, at the election of the landholder, to opt out of the requirement to negotiate a conduct and compensation agreement should be introduced, provided the conditions of the Land Access Code still apply. I believe that the minister has addressed some parts of that this evening with the warning, if I heard him correctly, that will be associated with that as a waiver.

The remaining actions contained in the Land Access Implementation Committee report do not require legislative amendments and will be implemented separately through administrative means. According to departmental documentation, issues with the current notification and objection processes include: duplicated processes under the Mineral Resources Act 1989 and the Environmental Protection Act 1994; no account for size or impact of the mining operation; redundant and outdated notification practices; and the broad scope of ground on which an objection can be made, to name but a few. This bill will see more transparency in the future and rid the resource industry and landholders of the old Labor one-size-fits-all policies of the past.

I would like to briefly mention the following objective that was brought up in this bill. The explanatory notes state—

> The current mining lease application process is being amended to remove duplicative and redundant provisions and to adopt a risk based approach to regulation, which will reduce costs for industry while maintaining the necessary requirements for government assessment and appropriate community input and appeal rights.

This is where the committee saw some concerns largely from two main groups within the community: those who thought they may lose their rights as landholders—I will get back to that shortly; and groups like EDOQ and Shine Lawyers that I thought had separate agendas that were more anti development at all cost or their bottom lines.

An area of concern was the impact on landholders and community rights caused by the removal of wider notification and objection provisions. We have heard many blab on about that here this evening. The EDOQ similarly raised significant concern about the removal of public rights, but I note that they stated in one of their public hearings—

> All persons and groups, should, as they are currently entitled to, be afforded the opportunity to have input into a mine and object to the independent Land Court concerning any proposed mining lease …

The fact that this statement by EDOQ mentions 'all persons and groups' supports my view that they are pushing the agenda of theirs and certain ginger groups. Further, the Queensland Resources Council asserted that there was evidence that public objection rights significantly delayed projects, placing Queensland resource investment future at risk. They stated—

> The right to lodge an objection against a mining tenement application and have it considered by the Land Court is currently completely unrestricted by the Mineral Resources Act 1989 in relation to both the content of the objection and the standing of the objectors, leaving the process open to abuse.

One other area of concern, which I am quite happy to address as a member of the committee, related to the restriction of objection rights for mining tenure applications to those who fit the new definition of 'affected persons' under the Mineral Resources Act 1989. The key concern was that this definition was too narrow and did not acknowledge the possibility and reality of impacts to other adjoining and nearby properties. I heard the minister refer to this earlier. I congratulate him for doing what the committee system intended. That some of those who sit behind me think it should be dissolved I find almost laughable. The committee system, which was introduced before I became a member of this parliament, is I believe, while still in its infancy, working well. Ministers in this LNP government do take note of committee work. At this point I wish to express my appreciation to the minister for considering the committee's report.

The amendments confine the right to object to a mining lease application to those who would be directly affected by the proposed mining project. During the Agriculture, Resources and Environment Committee's inquiry into the bill, landholders had voiced concern that adjoining landholders should also have a right to object to a mining lease application. The government has listened to these concerns and I commend the Minister for Natural Resources and Mines, the Hon. Andrew Cripps, who I understand will be proposing amendments to the bill during consideration in detail to take into account these concerns.

These changes will extend notification and objection rights on a mining lease application to include owners of land sharing a common boundary with the land over which the mining lease is proposed. It is a pity that the member for Dalrymple is not here to hear that. I note that for larger mines and all coal and uranium mines the broad notification of the environmental authority application will be retained, and I hope that the member for Dalrymple has taken note.

I also refer to Citizens Against Mining Ben Lomond, which has met with me several times in my office and some of whose members are residents in my electorate. I am not surprised that the member for Dalrymple goes down that track as he has proven that his preference is for Labor, as his party showed in the recent federal election. This will allow for the wider community to raise concerns regarding the potential environmental impact of large mining projects through submissions on the draft environmental authority. This proposal is a compromise with the position put by both the agriculture and mining sectors and achieves a better balance of the competing sectors and reduces red tape, costs and time delays.

The explanatory notes identify that currently there is an inconsistent application of restricted land provisions and different land access rules across resource types in the current resource acts—that is, the Mineral Resources Act 1989, the Geothermal Energy Act 2010 and the petroleum and gas acts. The new definition differs from existing restricted land provisions in that many of the water related structures such as dams, artificial water storage and connection structures and other on-farm areas will no longer be subject to restrictions. I note that the impacts on any of these other matters will be dealt with through conduct and compensation and/or access agreements.

My understanding from studying this bill is that that will give landholders possibly more rights than they presently have, and not just for the corporate giants. This government has demonstrated our commitment to the landholder by this exact same minister in vegetation management and land tenure bills that have passed through this parliament. This being the case, the committee acknowledges the intent of the changes to the restricted land framework, which legitimately seeks to achieve a consistent restricted land framework across all resource sectors.

In closing, I want to read some of what Cotton Australia had to say. I will not edit what I say; I will read from the beginning to the end. It does seem contrary to what else has been said about Cotton Australia's comments throughout this process. It stated—

> This is quite a difficult bill in many ways for Cotton Australia to present on because we have a natural sympathy for trying to streamline things and relieve the heavy hand of government wherever possible. We are like the resource industry and the energy industry in many ways.
>
> We turn resources that are owned by everyone—water, sunlight, soil—into wealth for our growers, for their employees, for their communities, for our regions, for our state and for our nation. At the same time, we are also very mindful that we need to have balance ... With this consolidation it is absolutely critical that the golden rule for this committee is to say, 'Let's make sure that as we bring over the various provisions of the acts the highest level of protection that is available in any of the acts must come over to the consolidated act.' We cannot see any further erosion of landholder rights. Nobody is looking at the balance between landholders and mining companies anywhere in Australia, but here we are in Queensland arguing that landholders have the upper hand and therefore any erosion will be extremely detrimental to the industries.

I am convinced that this bill has addressed those views of Cotton Australia.

Mr Knuth interjected.

Mr DEPUTY SPEAKER (Mr Ruthenberg): Member for Dalrymple, if you want to make comment, please do it from your seat. I will not warn you again. You will leave the House next time. Member for Thuringowa, please continue.

Mr COX: Thank you, Mr Deputy Speaker. In closing, I am convinced that this bill has addressed those views of Cotton Australia and many others who made submissions. The committee recognised the extent of targeted consultation that has been undertaken by the government in respect of the Modernising Queensland Resource Acts Program through the public hearings on this bill—one of which was in Townsville which I especially called for—and in particular the establishment of the Land Access Implementation Committee in February 2013 with peak resource and rural industry representatives.

The progression of the common provisions bill towards consolidation of administrative processes from existing resources acts is to be commended. Invariably there will be some parties who are disaffected by individual land use decisions. However, the regulatory framework needs to support a balance of interests and relationships between parties to achieve the desired outcomes of efficiency and effectiveness in exploration and land management. I congratulate the minister, his staff and the departmental staff who worked on this bill and for taking into consideration all of the concerns of stakeholders. On behalf of my committee chairman, Ian Rickuss, and the other committee members and of course the research team, I commend the bill to the House.

Mr COSTIGAN (Whitsunday—LNP) (8.34 pm): Tonight I am quite pleased to rise to contribute to the debate in relation to the Mineral and Energy Resources (Common Provisions) Bill and want to thank everybody who made submissions—almost 300 of them, as we have already heard—to the Agriculture, Resources and Environment Committee. I also want to thank those people who came along to the public hearings, particularly the one that I called for in Mackay—Queensland's regional city of choice when it comes to the coalmining sector and home to thousands of constituents of mine and, significantly, thousands of people who work in our resources sector in this great state. In Mackay the subcommittee had a good roll-up of witnesses who included hardworking graziers and landholders from the south-west of our city together with our environmentalists. I thank them for their forthright opinions and providing us with their take on the bill and, likewise, all of those people who attended public hearings in other locations around the state of Queensland.

Earlier we heard the contribution of the member for South Brisbane, and for her to suggest that members of the Australian Labor Party are friends of our farmers is quite laughable.

Opposition members interjected.

Mr COSTIGAN: Right on cue, it is no surprise that we hear members of the government giggling, and rightly so, because it is laughable to say the least that they are there for our farmers. That would be akin to saying that Dracula is a friend of the blood bank. Make no mistake. That reminds me of the law firms referred to earlier in this debate. Seriously, as far as I am concerned, they are nothing more than leeches sucking blood out of people who are being fooled by a scaremongering lunatic left.

Contrary to the baloney that has come from the red corner in this debate, this LNP government has listened to the concerns and fears of landholders—salt-of-the-earth people they are from right around regional Queensland. The Minister for Natural Resources and Mines has also been listening to those concerns because he has already indicated that he will be proposing amendments to the bill in consideration in detail which take those concerns into account. These changes will extend—and I repeat extend—the notification and objection rights on a mining lease application to include owners of land sharing a common boundary with the landowner to which the mining lease is proposed. That is good, common sense.

It is important to realise that for larger mines and all coal and uranium mines, the former of which can be found in many locations in the hinterland of the region that I proudly represent in this place, the broad notification of the environmental authority application will be retained. This will ensure the wider community—that is right; not just people who are smack bang right next door but the wider community—will have the chance to raise concerns in relation to the potential environmental impact of large scale mining projects through submissions on the draft environmental authority. Any submitter can lodge an objection to the environmental authority—anyone—subject to a Coordinator-General's report on the project.

Therefore, it is my view that we have reached a good, decent compromise position that balances the concerns of both the agricultural and the mining sectors. That is what the LNP government is all about in Queensland: getting the right balance and ensuring that we do grow a

four-pillar economy in this state, as we said we would when we went to the last election on 24 March 2012. Agriculture and resources have always had turf wars. There is nothing new in that. However, I feel that after listening to the genuine concerns of landholders from far and wide we have achieved a good balance and a reasonable balance. Not only that, we will be achieving our much stated goal of cutting red tape, which again is something we took to the people of Queensland at the last state election.

That is what the people wanted. Essentially, we are maintaining a risk based approach to the notification and objections process whereby small scale miners will have a more streamlined assessment—when you think about it that is an interesting phrase, a more streamlined assessment for those small scale miners—and approvals process than larger, higher risk mines. Even the most casual observer can surely tell the difference there. Perhaps we should ask the member for South Brisbane to get away from her big-city coffee shops and come up to the Bowen Basin herself and look at our big open-cut mines and compare them to those smaller, low-risk mines that would surely benefit from this new streamlined approach. While we are at it, I send out an invitation to the member for Bundamba to check out the archives of the *Daily Mercury*, for example, and look at the old pictures of all of those ships that were anchored off Hay Point, the biggest coal terminal in the Southern Hemisphere—a place where I used to live in the early 1990s. Do members wonder why they were there? Because of the pit-to-port bottlenecks that the Australian Labor Party presided over many moons ago.

It was breathtaking to hear former Deputy Premier Fraser, at the 11th hour, big-noting himself in relation to the missing link. We waited and waited and waited for that missing link to link up the Goonyella and Newlands rail systems for years and years. I remember back in the late 1980s when I started my own career in Bowen, not far from Abbot Point, which was then about only five years old in terms of a coal export facility. They were talking about the missing link way back then.

I want to thank the member for Lockyer for his leadership of our committee and his commitment to the bush—contrary to what we have heard from the Australian Labor Party this evening—and also my regional colleagues on the government side, particularly the member for Barron River, the member for Maryborough and more recently the member for Thuringowa, who take their work on the committee very seriously. They are all great champions for their respective electorates at the same time. I want to thank our research director, Heather Crighton, and the secretariat for their professionalism and support. It is something that the committee values highly. I also want to note the long-time contribution of Ms Crighton's predecessor, Rob Hansen, whose affable nature, hard work and professionalism will be sorely missed. I am sure I speak for everyone on the committee in wishing him well in his new role.

Finally, I salute my good friend and fellow North Queenslander the Minister for Natural Resources and Mines, himself a proud representative of people from regional communities in the north of our state, who is doing a terrific job in his portfolio and, in this instance, his commitment to adopt a risk based approach that is proportionate to the impacts and risks that go hand in hand with the nature, scale and location of the proposed mining operation. I support our landholders, but at the same time I support the bill. As far as I am concerned, we can have the best of both worlds: agriculture and resources.

Mr HOPPER (Condamine—KAP) (8.43 pm): In 2001 I was elected to this parliament. At that stage the New Hope mine was just cranking up. Peter Taylor was the mayor of Jondaryan. He was the National Party candidate who I defeated in that election. He went into the neighbouring council and announced how good the mine, New Hope Coal, would be. It was great. They were going to employ 75 staff. So everyone was really happy about the 75 staff who were going to be employed by New Hope Coal. A few farmers were a bit worried about it. As time progressed, New Hope has become bigger and bigger and bigger and bigger.

During my speech I will read a submission made by Nicki Laws from the Oakey Coal Action Alliance. It will tell the story of New Hope. There are 70 farms that have now gone. Acland stage 3 has been a promise by the LNP that it would not go ahead. It has now been approved—close to being approved. That is another broken election promise. Many hundreds of people will be affected. I stood out there with the Deputy Premier when he stated that, under an LNP government, stage 3 would not go ahead. He stated to the people of Oakey that it would not happen. Now, it is about to happen. That is an absolute broken promise by this government. The Deputy Premier knew the whole time and the minister knew the whole time that he was going to give the licence for Acland stage 3. The minister should hang his head in shame that he went to those people.

Why am I not a member of the LNP anymore? Because of its broken, gutless promises. That is why—

A government member interjected.

Mr HOPPER: No, that is why.

A government member interjected.

Mr HOPPER: You might laugh, you tiny general and the so-called leader of this House—

Mr DEPUTY SPEAKER (Mr Ruthenberg): Order! Member for Condamine, that language is unparliamentary. I am asking you to withdraw.

Mr HOPPER: Mr Deputy Speaker, I withdraw.

Mr DEPUTY SPEAKER: And please, member for Condamine, address your comments through the chair.

Mr HOPPER: Let me talk about the Friends of Felton, which is a very active group. They gave me the credit for stopping the mine. I was just their voice in state parliament. They are the people who stopped that mine going ahead. There is a promise, again by the Deputy Premier, that that country will never be mined. Yet tonight we see this legislation being pushed through by this minister. I doubt whether that promise will stay, because I do not trust the LNP. It promised that there would be no coal seam gas east of the Condamine. Look at what we have now. We have farmers crawling to them saying, 'Good job.' We have farmers writing letters in *Country Life*. They have been brainwashed by this government. They have sacrificed their soul. They have let the mining companies come in and rape their farms. That is exactly what is going to happen under this legislation. This legislation is another weakening of the legislation that is already there. They have the best sellers in the nation to sell their legislation. What a lot of rot!

Let me tell members now that, as the member for Dalrymple said earlier, the committee system is an absolute joke in this parliament. The committee system is supposed to review legislation. Let me tell members what the dissenting report says at recommendation 5—

> The committee recommends that the Bill be amended at clause 68(1)(a)(iii) as follows to allow for structures such as stockyards, dams, bores and other infrastructure important to a landholder's business or land management practices to be protected.

What is the minister going to do? He is going to throw that out. He is not going to adopt the recommendation by the committee. So that means that a mining company can come in, go through the stockyard, through the bores, shift the fences and do what they want. It disgusts me. This legislation is false, it is untrue and it is deceptive.

There were 176 submissions to this bill and out of those 106 submissions were in opposition to this bill. Yet do we look at the submissions? No. They do not care about the submissions. They do not care about the committee system. The only committee they care about is the CLA, the Committee of the Legislative Assembly, which took the power off the Speaker so that the House can be run by the Leader of the House and Jeff Seeney. That is the only committee that this government cares about. There is absolutely no doubt that committees are useless in this parliament.

I refer to a submission to this bill from a constituent of mine, which states—

> The Oakey Coal Action Alliance ... is an incorporated community group whose members are opposed to the Stage 3 expansion of the New Acland Coal mine.

Where is the member for Nanango? This mine is located in her electorate. She promised that it would not go ahead. And now look at it. There is no doubt that it is going to go ahead. The submission states further that the mine is—

> ... on Oakey's doorstep, Darling Downs, Queensland. This proposed expansion will involve mining a total 5000 ha (with Stages 1 and 2) of good quality agricultural land. The mine output is currently 4.8 mtpa and will increase to 7.5mtpa if Stage 3 is approved.

It will be approved. There is absolutely no doubt that Minister Cripps will approve it. The submission states further—

> There are existing serious social, environmental and health impacts as a result of mining in such a densely settled agricultural area, which will be made considerably worse if mine expansion occurs.

And it will be made considerably worse. This government went to those people and asked them to vote for the LNP and now they are giving them exactly what they promised they would not do.

A government member: They voted for you.

Mr HOPPER: They voted for me on that promise. And why did I leave the LNP? Because I had the guts to. That is more than what you have. Further in the submission it states—

> Large and small mines should be subject to objection. We have witnessed the impact of mining first hand on our community and know that even small mines may last for decades and have serious impacts on our local economy, ecology, environment and society. Public objection rights are powerful rights to go to court, unlike mere consultation. We believe that mine proponents exert undue influence on Governments despite risks of serious environmental and social impacts.

One only has to drive through the town of Jondaryan on a winter's night to see the dust in the lights. The coal loading facility is right beside the highway. Have a look at the colour of the grass beside the Warrego Highway opposite the loading facility of Acland coal. The minister for agriculture went to school at Jondaryan. Those kids are breathing that dust in. The police officer was supposed to move into the police station. It was clean. Two weeks later it had to be cleaned again before he could move in. The impact is absolutely disgusting. Now they are going to expand it in a tight social area. There will be 70 farms gone. That is just one little example. Let us just dig up the whole of Queensland. I am not against mining, I am for the rights of someone who buys a property. They buy the right to live on that property. They buy the right to produce food. Australia did not go into recession because of agriculture. It was not mining, but agriculture that stopped us going into recession. The minister knows that it was agriculture that stopped Australia going into a recession five years ago. It was not mining. Now we see the sacrifice of landholders through this legislation.

We will put amendments in place to include the protection of dams, windmills, bores, fences and the right to live and work your land. Those amendments will be put in place by the member for Dalrymple. I congratulate the member for Dalrymple for putting those amendments in place tonight. Let us see what the minister's response is to the member for Dalrymple's amendments. I would like to see him carefully look at them, not rely on staff. I know the minister very well. I knew him when he was at university studying politics. I believe he is a good man. I would ask you, minister, to seriously have a look at the amendments that the member for Dalrymple puts before this House so that farmers can have protection of their dams and their waterways. They bought their farm to produce food and to live on it. They want that protection.

Dr LYNHAM (Stafford—ALP) (8.53 pm): I spoke earlier tonight about how the Premier and his government is still refusing to listen to Queenslanders regarding inappropriate development on the Gold Coast Broadwater and this bill proves it is refusing to listen to Queenslanders about appeal rights. Through 2011 and 2012 the LNP made much of its plan to grow a four-pillar economy involving mining, agriculture, tourism and construction. This was always an economically illiterate policy that ignores that Queensland has a diverse economy. These four sectors make up only 27 per cent of the economy and account for only 21.9 per cent of employment. On employment, disappointingly the agriculture, forestry and fishing sector has lost 18,500 jobs since the 2011-12 financial year. For all the talk of this government on delivering for the agriculture sector, these are the official statistics from the Queensland Government Statistician's Office.

When Queenslanders voted in 2012 they did not expect that growing one pillar would come at the expense of the others. This bill is a firm declaration that the Newman government is now all about a one-pillar economy. All the other pillars have been cast aside for the mining industry. This bill is particularly harmful for the agricultural sector of this state and I am proud to oppose it. Each and every one of the LNP members opposite should be voting with Labor on this bill because it is directly contrary to good policy and is directly contrary to their promises before the last election.

This bill contains a number of provisions which severely curtail the rights of landholders to object to mining developments near their property. It removes public notification and objection rights for mining lease applications and restricts notification to landholders, occupiers and local governments who are directly affected by the mining operation. It removes all public notification and objection rights for standard and variation environmental authority applications. It removes the prescribed distances for restricted land for resource activities set out in other acts and moves this to regulation. This part of the bill also removes particular infrastructure important to the agricultural sector from the framework for restricted land and it allows the minister to grant a mining lease over restricted land even if compensation has not been agreed to with the landowner.

These provisions seriously affect landholders, particularly our agricultural producers. I note that the minister has introduced a few amendments that will allow limited public notification and objection rights for adjoining landholders. This is too little too late and simply does not go far enough. The mining companies themselves will be able to nominate which landholders they believe will be affected by their mine. This is disgraceful. Talk about putting the fox in charge of the henhouse! The minister should throw out the amendments in this bill to remove public notification and objection rights on

mining lease applications. They are broken and are not supported by more than 90 per cent of submissions on this bill. If anyone doubts the uproar this bill has caused in the agricultural sector they would need to look no further than the submissions received by the committee. The Basin Sustainability Alliance outlined its concerns in its submission to the committee inquiry stating—

It is a fundamental community right to know what mines are proposed in Queensland. Mines by their very nature have a fundamental impact on communities and any member of the community should be able to know what mines are proposed. If someone will be affected, or even if they are likely to be affected, by the decision to approve an environmental authority for a mine, shouldn't the should have a right to know about the application and have a say on the application before it is approved. The removal of notification for applications which are not site-specific applications is a blatant denial of natural justice and degrades rights that currently exist.

As shadow minister for primary industries I cannot abide the reduction of legal rights for primary producers and landholders. I will not support a bill that drastically reduces their ability to object to inappropriate mining developments. I noticed one member interjected on the member for South Brisbane asking to hear more of Cotton Australia's submission. For the member's benefit, Cotton Australia also said this in relation to this bill—

Cotton Australia is extremely concerned that notice provisions and rights of objection will be curtailed significantly under the Bill for mining projects. Given that a number of coal projects are proposing to operate on or undermine highly productive agricultural land, including laser levelled irrigation land, these changes have the effect of removing legitimate notices and rights for landholders to object to proposals that damage their business, infrastructure and assets irreparably.

Wise words from a large organisation representing some solid families in Queensland.

It is not only the Labor opposition that LNP members are ignoring with this bill; it is also Cotton Australia, AgForce, the Basin Sustainability Alliance and Landholder Services Pty Ltd. Those are significant organisations. The member for South Brisbane has already quoted Mr George Houen of Landholder Services, but I want to underscore his views again. He states—

This a wrecking ball. It is a train wreck. It is an acid bath for the rights of the landholders. There will be a great increase in the level of conflict between landholders and miners.

Mr Houen makes an important point: while the bill seeks to limit objections to mining developments and environmental authorities, it could very well result in an increase in conflict between landholders and miners. AgForce has also said that. Instead of landholders being able to object through a well-defined legal process, they will now need to elevate their concerns through the media. It is likely that mining companies will become more intransigent in cases where they cannot be challenged through the legal system and that is likely to increase antagonism with landholders.

To conclude, as the shadow minister for primary industries I cannot support a bill that takes away fundamental rights of landholders and primary producers to be notified of and to object to nearby mining operations. Ninety per cent of submissions do not support the changes to landowner rights in this bill. Regional stakeholder groups do not support this bill. Environmental groups do not support this bill. This government has failed to provide any real policy justification for taking the rights of individuals to object to mining projects.

As the member for Bundamba has set out in her speech, Queensland Labor oversaw a record expansion in the resources industry in Queensland. Labor also oversaw growth of 36 per cent over nine years in food and animal exports. Both industries can grow substantially and sustainably with landholder rights being protected. Stakeholder groups representing our agricultural producers do not support the removal of notification and objection rights for mining applications. They do not support the removal of key infrastructure such as water bores from the restricted land framework, nor do they support having prescribed distances protecting infrastructure from resources sector encroachment being moved into regulation.

Our primary producers are the backbone of Queensland. They plough on through droughts, floods and low commodity prices. Little did they expect that they would have to fight the very people who are here supposedly representing them. Now we all know where the LNP lies, which is with its rich overseas based mining donors, and damn the rest of us! Our agricultural sector does not support this bill and neither does the Queensland Labor Party.

Mr HOLSWICH (Pine Rivers—LNP) (9.02 pm): I rise in support of the Mineral and Energy Resources (Common Provisions) Bill. From the outset the Newman government has made it a goal to reduce the red tape that strangled our state's economy under the former Labor government. This bill is another example where our government is delivering for Queensland. Several components of this bill will contribute to the goal of reducing red tape and I want to focus on just two of those during my short contribution: the Modernising Queensland Resource Acts Program and reducing the regulatory burden for small scale miners.

The Queensland government is the steward of resources in the state and is responsible for developing a regulatory framework that will facilitate the responsible extraction of resources for the benefit of the state, whilst ensuring it is balanced against protection for landholders and the community. Currently Queensland has five pieces of legislation regulating the tenure framework for resources: the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004, the Geothermal Energy Act 2010 and the Greenhouse Gas Storage Act 2009. Whilst the government needs to regulate the extraction of resources, the current legislative framework is complex, extensive and excessive. By page count, Queensland's resources legislation is one of the lengthiest in Australia. There is no need for such complexity and length. The end goal of those five acts is largely the same. Some processes are duplicated across the five acts and where there are variances it simply increases administrative cost and burden.

The Modernising Queensland's Resources Acts Program will progressively bring all five acts into one common resources act. This reform has strong support from industry. In fact, industry has been working closely with the Department of Natural Resources and Mines to develop a single set of provisions, where possible, for different resources. The end result will be a modern and flexible regulatory framework that will encourage and accommodate innovation in the resources sector. In turn, this will attract investors to Queensland and benefit Queenslanders through an increase in employment opportunities throughout the state and the flow of royalties to the state. Landholders and the community will also benefit from one simplified framework, particularly where a landholder has to deal with companies from the different sectors that are operating on their land. As the five acts become one, tenure administration officers within the department will be able to assess applications and administer tenures across all resource types, because the processes and requirements will be largely the same. This will provide flexibility within the organisation and allow it to be better equipped to address peak demands as staff can be directed where they are needed. These are just a few of the benefits of creating one common act.

The bill further delivers on the government's commitment to reduce red tape for the small scale mining sector by providing a more flexible application process and reducing application costs. Whilst the amendments were initiated to assist the small scale alluvial mining sector, they will also benefit the broader mining sector. With regards to boundary identification, currently applicants for a mining lease or mining claim are required to physically peg out the boundary of the lease or claim. The purpose of this is to alert landholders and other miners that there is an application over the land. This process is time consuming and costly and very difficult to carry out, particularly during the wet season. Thankfully, innovation and technology have provided miners with tools such as geographic information systems and global positioning systems to peg out boundaries. However, while the tools are available, the legislation does not provide for mining lease or claim applicants to be able to mark out the boundaries of a lease or claim with GIS or GPS. That will change if this bill is passed.

The bill includes amendments that will allow miners to use GIS and GPS to mark out or identify the land over which they would like a mining lease or claim. In fact, the amendments in the bill provide for any alternative means of identifying the boundaries of the proposed mining lease or claim to be used. This then leaves the door open for further technological advancements to be easily adopted. Providing a legislative environment that is enabling rather than stifling is what this Newman government is about. However, members can rest assured that this alternative means must still meet basic criteria designed to meet or exceed the outcome achieved by the current requirement for on-ground boundary marks. The amendments ensure that the boundaries of a mining lease or claim are clear and unambiguous and are able to be located on the ground using only the information provided with the application.

Landholders will not be left in the dark about the boundary of the proposed mining lease or claim, as applicants would be required to give them detailed maps identifying the area of the proposed lease or claim. This change alone has the potential to save miners weeks and even months on their applications, especially if there are access issues related to the wet season, which is a common issue in North Queensland where many of the small scale miners operate. The Mineral Resources Act 1989 currently provides small scale miners with a two-month window in which to peg or mark out a mining lease on land that has been subject to an exploration permit and just released. This gives the small operators a chance to gain access to land before it again becomes available to large scale miners and explorers. Individual applications are restricted to 50 hectares and a cumulative area of 300 hectares per miner. While this is well intentioned, the alluvial mining sector, in particular, has advised that increasing the size of leases from 50 hectares will enable them to better plan their work schedules, making their businesses more efficient and cost effective.

The amendments in the bill will remove the 50-hectare limit, but still retain the maximum 300 hectares. Under these amendments, small scale miners can potentially save over $3,000 in application fees as they would need to submit only one application, rather than having to submit up to six applications under the existing regime. The savings will be even greater if the cost of completing the application is included. Reducing the number of applications will also have a flow-on effect in savings for government. The amendments in this bill will reduce the cost of doing business in Queensland for resource companies, large and small. The amendments will remove excessive regulatory burden for industry as well as government and will no doubt attract new investors to Queensland.

I commend Minister Cripps and our department for the work that has been done in the preparation of this bill. It is a complex bill but it is an important bill for Queensland's future. There has been strong consultation, both during the preparation of the bill and during the committee's considerations in recent months. The end result is a bill that will be beneficial for Queensland's economy. With this in mind, I am pleased to support this bill.

Mr KATTER (Mount Isa—KAP) (9.09 pm): My contribution will focus on the fact that whether we are debating a gas bill or combining a number of acts, as we are with the Mineral and Energy Resources (Common Provisions) Bill, we are always talking about the tension between agriculture and mining. There will always be tension. It will never be resolved. Those things always need to be in balance. Unfortunately, the pendulum has swung too far and too heavily in favour of the mining industry. I have always thought I was a strong, probably too strong, advocate for the mining industry at the expense of the agriculture industry. This sort of legislation makes me wonder where I stand in that spectrum. It rolls too far one way and will adversely affect landholders across the state and slap them in the face.

The first provision of the bill that was highlighted over and over again in the submissions was the one related to the notification and objection to mining developments for near neighbours. There are countless examples of this very issue being manifested in terms of all mining development. There are inadvertent effects on farms that are not directly affected by a mine.

I had a phone call from a friend from college who has moved out into one of the gas areas. He said, 'I am not sure how this works for me because the whole community fabric has been decimated due to the impacts of mining. No doubt there are some positive impacts from mining for the community, but it has really destroyed our way of life. Our property, which was once marketable because it was located in a good community, now has haulage trucks on the front road. There are so many adverse effects from having the mines in that vicinity. They have negatively impacted on our lifestyle.' Those things are very hard to quantify and often very hard to compensate for. The cumulative effect of devaluing properties in those regions will have an impact when it comes time for compensation.

They are very real impacts and often very intangible impacts. It is very difficult for small landholders to take the giants in mining to court. It is all about balance. They need a lot of leverage from government and legislation to allow them to have some chance in this regard.

It makes me mad to read in these submissions that a consensus was reached and there have been no disputes. That is because there is always that implied threat. A landholder does not want to go to court. He cannot afford it and he is too scared. Everyone says it is a great outcome because they have reached a peaceful resolution. It is not. There is an implied threat from large corporates that always exists. This sort of legislation is supposed to provide that balance.

Some 90 per cent of submissions were against these objections. We are going to hurt. This is going to ruin that balance. This is going to make us hurt and ruin our way of life. This bill goes too far and it has destroyed the balance once again.

Mr John Erbacher talked in his submission about being an unwilling vendor in many cases. That is the point I alluded to before. It was raised by the member for Gaven, I believe, in estimates. These properties are now being valued for compensation in a depressed market. So we have an unwilling vendor who has a valuer coming along to look at their property in a depressed market. They are very unfavourable conditions for going through this process. Any sort of tipping of the scales back in favour of mining companies will negatively impact on the agriculture industry.

I understand the impetus for this sort of bill. The state is in trouble and it needs an adrenaline shot for the economy. If you are out of ideas all you have is the mining industry. We have opportunities in this state for agriculture. We have opportunities with ethanol. We had opportunities

with the fair milk mark to deliver some stimulus to the dairy industry. We have many opportunities with the ARDB to help rescue the cattle industry and farming. If we are not going to take those opportunities, things will not improve.

Agriculture is the poor cousin to mining. It would probably make sense to pass this sort of legislation if there were no alternative industries. Unfortunately, probably a lot of people are happy to walk away from the land as the conditions are so bad in agriculture. There is no support for the cattle industry. It is tough for them. I can understand the logic driving this sort of legislation. It makes a lot of sense. If all we have to fall back on is mining then of course we would write legislation that heavily favours the mining industry and helps stimulate it. It would probably then be a good idea. It is my contention that there is a lot that we should be doing for agriculture at the same time. If we did that then we would not have to go down this path and make these changes that will heavily impact business and people's way of life.

The other part of the bill that I want to talk about is the removal of key infrastructure. It has been spoken about before. Most of the points are self-evident in terms of the wording. If we take away stock waters, we restrict stock waters or yards or if they are impacted from pipelines nearby we render a property useless. On cattle properties we used to draw a radius of two or three kilometres around a watering point. All of the feed out of there was rendered useless. If they cannot get those watering points they are in trouble.

The removal of key infrastructure from restricted land is going to have very significant effects on people. There are cases that come to mind. There are not a lot of these cases in my electorate. The cases that come to mind were that of Tim Perkins at Chinchilla with gas. He could not reach any suitable compensation for his place. Most of the impacts were not directly adjacent to his property but still impacted on his property. We speak of water and environmental impacts. They are exactly the sorts of things that this bill is now not protecting. Tim Perkins already did not feel protected but we are making it harder for him.

There is also the case of Garry Read at Coral Creek. His water was impacted by the actions of QCoal. After their original approval they expanded the operation and rendered large portions of his property useless because they impacted the watercourse.

There are real examples. It sends a terrible signal to a lot of these landholders. Most of the landholders are traditional LNP voters. They are very confused. They have still gone to the trouble to get angry and write submissions because they object to the things being done. I think a lot of the language is fairly moderate. You can see the points they are making are very strong.

What we are seeing here is a manifestation of the tension between the resources industry and agriculture. We have seen from this government that agriculture is the poor cousin of mining. We are rolling out mining because it is seen as the only answer for the economy. It is wrong. We need agriculture in the long-term. It will always be the one to carry us through and sit there in the background. This is a slap in the face for those in agriculture. They have enough trouble at the moment anyway. To do this is a slap in the face.

Dr DOUGLAS (Gaven—Ind) (9.19 pm): If there was one piece of legislation that conclusively proves this LNP government has sold out ordinary Queenslanders it is the legislation being debated here today. This is all about putting the interests of big mining against small Queensland landholders on agricultural land. It is about adjusting the weighting of the natural balance of fairness in negotiation so heavily in favour of primarily quarrying operations of vested private interests over the primary agricultural operations of the public interest, which is the food which they produce that we need to eat.

When this LNP government was elected, none of these proposals were ever considered by those who elected this government. On the contrary, they signed on to a four-pillar message of which agricultural interests and a subcategory of regional economic and social concerns were what they thought they were signing on to. What they have here is an abrogation of those promises and the government lining up firmly behind the interests of mining companies when commodity prices are falling, the Chinese economic growth curve is declining, the US economy is not picking up, the world has waited and the government is struggling. Those mining groups are seeking not just a lower cost but also expediency that denies the legitimate rights of local landholders and communities. I am not opposed to business or even how business should be conducted, but this legislation is unfair to locals; and business that is unfair to all players is business that should not be conducted in democracies like ours. If that is the case, why are the government members even proposing it? I will give honourable members a clue. It is about fast bucks and slow minds.

This Treasurer nearly gave it all away on the radio last week, but he masked it in a mismatch of when big mining has big airports then regional economies and the state do well, too. That is not always the case, is it? Let's examine the New Hope coal exports, which is expanding soon from four million tonnes of coal per annum to 7.5 million tonnes per annum. The state receives little or no royalty payments—all from a very destructive mine on prime agricultural land. The roads around that area of the Downs and in through Toowoomba will become impassable to local traffic as those road trains ferry the coal to the port of Brisbane because the rail is full and there is no further capacity to carry it. I say to those thinking that gas royalties will make up the gap that if last year's budget actuals are any guide, they were 3.5 per cent, not 10 per cent royalties and amounted to only $400 million on our budget bottom line last year. They will not be big employers and these gas companies will take much of the farmer's groundwater, and the Great Artesian Basin water is likely to be compromised. We give up a lot for arguably very little in return.

There has been much comment here about CSG and government and its need to reduce red tape and simplify things. The gas is largely for export. Simultaneously, our onshore domestic and industrial gas prices will triple. In fact, that is already happening. The volatility of pricing alone will make towns like Mount Isa, which is one of our big mining areas, unaffordable. This is because this government, in its haste, has allowed various CSG companies to sign export guarantees that deny the domestic capacity of businesses and residents a reserves policy. We have even had the Minister for Energy saying he is totally opposed to it, as is the federal minister. There is no domestic gas reserves policy. Every major economy does it, but they will not do it here in Australia. Do honourable members know why? Because they are dim and they are going to make us dimmer because we will have no energy to supply it. Tonight this minister with this bill is going to compound that because he is going to make it even more difficult to grow food on some of our prime agricultural blocks because they will not be able to negotiate, as the member for Mount Isa has just explained, because they are small landholders acting against big businesses and they cannot conduct that sort of negotiation because it costs too much. That is what this legislation will do.

This is a truly shocking piece of legislation.

Mr Seeney interjected.

Dr DOUGLAS: It strips away the basic rights of farmers. The member for Callide was a former National Party person. He should be standing up with us for our position. This bill strips away the rights of landholders and community groups to object to mining proposals. This legislation is what a mining company would wish for. It is their greatest wish. In fact, it has gone far further than that. Basically, it has now put the balance so much in their favour that it would be very hard to redress. The balance needs to be redressed. This bill is all wrong. It is too wildly against the community interests. The community will revolt and they are already complaining. Here tonight what we are seeing is a former National Party now an LNP government pushing it forward against the greater interests of the very people who put them here in the first place.

We have heard that the committee process was totally compromised. It is no wonder, because the LNP is so ashamed of what it has driven forward tonight. I listened to a bizarre presentation, a speech by the member for Thuringowa, who claims to have a rural background. He attempted to justify the indefensible. He opened up by saying that the Crown owns most of the mineral rights as his first major point. What he did not know was that all those people who hold freehold title pre-March 1910 on certain blocks of land, largely here in South-East Queensland and certainly in some of the mining areas—and this occurs in Acland where New Hope is mining—would find that when they purchased their land, by default they gained mineral rights and they do not pay royalties to the state. We get nothing for it.

Mr Rickuss: How many of them are there?

Dr DOUGLAS: There is quite a few. What was most extraordinary was both the supreme ignorance and the contempt the member for Thuringowa has for landowners who claimed their rights needed to be extinguished because of their ability to oppose developments. He said they needed to be reduced because those developments needed to be accelerated and they would delay mining development. He went further and said that the minister's amendments give landholders greater capacity for negotiation. No-one believes that. Most honourable members would say that they do not believe in fairies at the bottom of the garden either, and nor do I.

A government member: Is that it?

Dr DOUGLAS: No. No, it is not. This bill is a disgrace. This bill is an absolute disgrace. Members on government benches from Brisbane will not be elected anyway, so nothing they are likely to say has much relevance. I ask those government members outside Brisbane: what do you want for your constituents? Do you want them to have a say in their own destiny, or merely the right to negotiate a fairer deal for their communities and for themselves? They all need to stand up to this offensive legislation. In doing so, none will lose anything by being threatened by expulsion. I have been expelled by the LNP; it is a badge of honour with this group. They will lose nothing but they will gain them and their communities a lot. They should put their communities first. Say to the miners, 'We will work together.' Stop being influenced by lobbyists, spivs and politicians like the LNP government.

The relationship with miners must be like an enterprise bargaining agreement where there is acknowledgement of equality and mutual respect between all parties. EBAs do not just apply in modern workplaces between employers and employees. They apply to landholders, communities and mining companies. What this legislation will not do is create harmony and mutual benefit in our regional communities. It will undo much of the goodwill and community benefit achieved by our major mining developments in the past and still continuing in Mount Isa, Central Queensland—certainly the post Utah developments—and Far North Queensland. It says much about how this Campbell Newman government thinks business and deals should be negotiated—at the expense of our prime agricultural land and certainly even average agricultural land. The tragedy is that they achieve that which makes them look good at the expense of the public they claim to serve. If this is the response of a government when it finds that things are getting tough, particularly in times of a drought, they are just not good enough and they need to hang up their boots and leave the government benches and get someone in who knows what they are doing.

(Time expired)

Mr RICKUSS (Lockyer—LNP) (9.28 pm): I rise to say a few words on the Mineral and Energy Resources (Common Provisions) Bill 2014. After that interesting contribution by the member for Gaven, I think we will try to return to a bit of common sense and the facts.

Some of the general information that he was stating is incorrect. Quarrying is not covered in this act; it is covered by local government. Then the member had a conspiracy theory about the world's economy being driven by big mining giants like New Hope, which is based in Ipswich. Some of its mining is done in my electorate, and it is a fairly good corporate citizen who responds to community needs when there are issues. I think it has an office set up in Oakey to assist the community there if they have any issues, yet for some reason the member for Gaven wants to bash these people.

Then he went on to the subject of groundwater. I spoke to Dr Peter Stone, an eminent scientist from CSIRO who was involved with GISERA, who has some real information about that. But these blokes do not want to listen to real information. They want to ramble on with the hyperbole that comes easily to their minds.

A government member: And the 'hyper bowl'.

Mr RICKUSS: Yes, and the 'hyper bowl'. I must admit that I have some friends at Acland, and some of it is prime agricultural land but some of it is pretty hard country. I am sure the member for Condamine would agree with me that some of it is pretty hard country up there around Acland.

Mr Hopper: Talk about promises before the election that you were involved in!

Mr RICKUSS: I have never made promises before an election. It is poor understanding as well because if the member is going to come in here and make statements about mineral rights prior to 1911 at least he could bring in some real data to back that up. I would be very surprised if there are more than half a dozen blocks up there, but I am sure that Dr Douglas would know that.

There has been a lot of work put in by the Department of Natural Resources and Mines and the committee, and it has always been very reasonable with its responses and turned up to a lot of committees. We had meetings in Brisbane, Toowoomba, Mackay and Townsville, and I attended all of those meetings. There were real people there who have concerns, but I think some of the concerns were due to a lack of understanding of the bill and how the whole process is going to work. It is disappointing when we have people scaremongering about how some of this stuff is going to go.

I must congratulate the minister also because I have noticed that in the amendments he has changed the residence to virtually homestead compounds, which was part of the discussions that we had with DNR. In the amendments verbal agreements were also changed. I felt in this day and age that it was probably pushing the envelope to expect verbal agreements to be ongoing. We have the amendment to written agreements now, which I would like to thank the department for taking that—

Ms Trad interjected.

Mr RICKUSS: Didn't you understand that?

Mr DEPUTY SPEAKER (Mr Watts): Order! Order, members! Comments will be addressed through the chair.

Mr RICKUSS: I will take the objection. It appears that the member for South Brisbane has totally misunderstood the bill. There were only verbal agreements, but fortunately verbal agreements have been superseded by written agreements, which is good—especially to make them continue on.

Ms Trad: Yes, thank you, that was my comment.

Mr RICKUSS: They were not previously—

Mr DEPUTY SPEAKER: Members will address their comments through the chair.

Mr RICKUSS: I think it is just highlighting the member for South Brisbane's lack of understanding of the whole process. I realise that she only attended the Toowoomba and Brisbane hearings, but that was okay. I do not understand why she is now being so critical when she does have a lack of understanding of this full process. I will continue.

What I can say about the conduct and compensation agreements for the landholders is that some of the landholders have to grab these and take control of the agenda. This is what it is about. If they sit down and think about what they have to do with these conduct and compensation agreements and get the appropriate advice, these will be a real win-win for the landholders. I think they will also be a win for mining companies too, because it will be a rock solid agreement. People will all know where they stand and there will be certainty about it. Some of the landholders have to start controlling the agenda. I have plenty of farming mates, and at times they are too kind hearted. They are not all loudmouths like some of these blokes up the back. They have to start controlling the agenda so that when they do these conduct and compensation agreements they get what they want. I ask landholders to put in a lot of effort into these things.

As the minister has tabled some of the access code, I will table the Land Access Implementation Committee's report and I will also table a mining lease notification and objections pamphlet that has been put out by the department. It is very concise and very clear about what people's rights are.

Tabled paper: Department of Natural Resources and Mines: Mining lease notifications and objections [5892].

Tabled paper: Document titled 'Land access: Implementation Committee Report, 30 August 2013' [5893].

I think both of those will be advantageous to the community and to landholders and farmers so they can use this sort of information when they are making land access agreements and those sorts of things. It is really very important because no-one wants to see anyone done over. I think I said in the foreword to the committee report that the real problem with this is that some of our mining corporate citizens have not been on their best behaviour. I think the minister might have mentioned that at the start of his speech as well. It does highlight to resource explorers and resource companies that they do the right thing and make sure you wash down your vehicles. Make sure that if you have agreed to something you stick to it.

Mr Costigan: Best practices.

Mr RICKUSS: Best practices, which is what we really want. Thanks to the member from Whitsunday for the interjection. We do want best practice, and we want people to look after the area.

The member for Gaven was complaining about coal seam gas. I have been out to see some of these coal seam gas operations, and they are very tidy and neat. I am sure that there are plenty of farmers out there right now who have a nice little coal seam gas operation in the corner. With a drought on, they are getting a bit of income from coal seam gas operations that are underpinning their properties and their fortunes now, because that is really what they need. It is not only about industries out there, but 30 per cent or 40 per cent of the mining industry is actually in Brisbane. It is solicitors, accountants and the people who are working here as well. The classic example is New Hope, whose headquarters are in Ipswich.

Opposition members interjected.

Mr RICKUSS: I hear the carping from up the back corner there. Some of them have had politicians in the family for probably 60 or 70 years, and they still haven't got it right. It is some of the Katter Mineral Resources Act mess that we are trying to tidy up now. Seventy years of carping from the back corner, and they still haven't got anything right; I just cannot believe it! This is what goes on here. This is about having a go and trying to get the right balance.

All I can say is that conduct and compensation agreements will be the best thing for the community and it really will work. I think it will work, even though some of the halfwits up the back corner there would not be able to understand it. But I think this will work and—

Mr DEPUTY SPEAKER: Member for Lockyer, I will ask you to withdraw that; it is unparliamentary language.

Mr RICKUSS: Which part?

Mr DEPUTY SPEAKER: The 'halfwits' comment needs to be withdrawn.

Mr RICKUSS: I will withdraw 'halfwits'. Some of the wits up the back corner—

Mr KNUTH: I rise to a point of order. I find that very unparliamentary and offensive and I ask him to withdraw it.

Mr DEPUTY SPEAKER: It is not a point of order. Unparliamentary language is my decision. I have already asked him to withdraw. He has withdrawn it, and now we are moving on.

Mr RICKUSS: I was not sure: was it the 'halfwit' or the 'wit' that he was talking about?

Mr HOPPER: I rise to a point of order.

Mr DEPUTY SPEAKER: What is your point of order?

Mr HOPPER: The member for Lockyer just called us 'halfwits'. We find that offensive. We ask that—

Mr DEPUTY SPEAKER: Member for Condamine, take your seat.

Government members interjected.

Mr DEPUTY SPEAKER: Order! I will have order in the House. If you take your seat, I have said that the 'halfwits' comment is unparliamentary. I ask that you withdraw the comment, member for Lockyer, and do not repeat it.

Mr RICKUSS: I did withdraw.

Mr DEPUTY SPEAKER: Please.

Mr RICKUSS: I withdraw the 'halfwits' comment.

Mr DEPUTY SPEAKER: Thank you. Member for Lockyer, you have the call.

Mr RICKUSS: Thank you, Mr Deputy Speaker. I can understand you taking a dim view of that. I will continue. The conduct and compensation agreements are really the backbone of this bill. I think they will be the game changer for rural and mining communities.

Mrs CUNNINGHAM (Gladstone—Ind) (9.40 pm): I rise to speak to the Mineral and Energy Resources (Common Provisions) Bill 2014. As I have listened to the debate here tonight, one of the common denominators—certainly the issue I want to follow up on most strenuously—is the effect these changes will have on the people of Queensland. Irrespective of whatever else we discuss—whether it is political party pot shots or whatever—the changes that are proposed in this bill will disadvantage the people of Queensland, in particular the rural community. There might be people shaking their heads and saying that it will not. I live in a community where there is significant mining activity, as is the case in other areas of the state. I have seen the disadvantage that individual families and property owners have faced under the current legislation. From what I am hearing and from what I understand of this legislation—and the caveat is that I know the minister will move some amendments—those people will be further disadvantaged.

The government is taking away the opportunity for people, other than those directly affected, to object to proposals. That removal is under the guise that it is about these peripheral groups and the splinter groups. Often, individuals or individual families on properties do not have the confidence to offer a strong objection or they feel in a disproportionate position of power and will not offer a strenuous objection, but they can talk to some of these organisations. They might be, as others have labelled them, 'radical greenie groups'. But in amongst all of those radical greenie groups there are some very good and well-intentioned people. It could be that a landowner in my electorate or another electorate who is not articulate—who is a brilliant farmer but not a speaker—will use those organisations to articulate their concerns.

I have seen so many landowners whose rights and privileges have been trampled by large mining companies. We have some of the biggest ones in my electorate. The individual men and women who represent those companies are great people—that is fine—but they are only the face at

the property line. They are the face of the company at meetings. These property owners have to deal privately with some very pushy individuals. Old people in my electorate have had company representatives—and in fact some government department officers—come up to them and say, 'We will acquire your property now at this price'—not industrial land pricing but rural pricing—'and if you don't take that price now we'll walk away and leave you with it for another 10 years. We'll take it when we're ready.' If you are 80 years old, that is fairly scary. This bill is removing the opportunity for a broader range of people to express their concerns. I will come back to that in a minute.

There is another group of people affected by this bill. I want to speak about people. As much as the process is important, we should never lose sight of the fact that we are here defending the rights of people. Another group of people that I think any detrimental changes in this legislation will affect is the rural staff of the Department of Natural Resources and Mines. In my region we have some wonderful people who work in DNRM. I saw one today who is currently working in Brisbane. He is a top bloke. I have had him at meetings with constituents and can say that he is an amazing face for the department—a great advocate and representative of the minister's office. He and people like him will have to go out to landowners who are angry and aggrieved and try to explain why the process has disadvantaged them. It will be them who will have to face the landowners and explain why they are being ripped off or why they are not able to get the assistance of landowners two or three properties along because they are not 'affected' and therefore do not have the rights. I think that is another group of people that will be detrimentally affected.

In all the time that I have been a member of parliament I have never seen a large resource company significantly disadvantaged—under Labor or under the coalition. They have always managed to get what they want though—always.

Mr Seeney: Rubbish!

Mrs CUNNINGHAM: They may sometimes have difficulties in getting all that they want. I hear the Deputy Premier's comment. He said, 'Rubbish!' The Deputy Premier may see it earlier on. He may see some of the boardroom discussions that I do not see. He may see some of the big companies that are regretful because they cannot get through what they want. But what I see are big companies—

Mr Hopper interjected.

Mr Seeney interjected.

Mr DEPUTY SPEAKER: The cross-chamber comments will cease.

Mrs CUNNINGHAM: What I see are big companies that walk into a rural area, they get what they want, they take the land they want and the landowners are completely at the mercy of the attitude of the company's representatives and the attitude of the departmental representatives. Some of those people are wonderful and some of them are not.

This bill also deals with the issue of uranium mining, which I want to touch on for one moment. I am on the record saying that I oppose the use of uranium and the long-term impacts of spent uranium and mining by-products. I will not say any more than that because that is a situation that I have articulated previously.

I am very persuaded by the comments of AgForce as quoted in the member for South Brisbane's dissenting report. It states—

> The primary concerns with the proposed changes in the two discussion papers can be summarised as loss of rights to object in many circumstances, limited protection for non homestead property infrastructure and reduction in negotiating power (of producers) in general. The overall concern being that a reduction in existing rights will erode further any goodwill between the agriculture and resources sector and will not increase the possibilities of co-existence.

I agree with that 100 per cent. Already landowners often feel aggrieved if not betrayed by the process that they are required to follow. If this is a diminution of their rights and a diminution of the extent to which objection can be lodged, the attitude between farmers, community and mining companies will deteriorate further. The probability of happy co-existence will also be undermined.

I also hold the view that stockyards, dams, bores—all of that necessary infrastructure on a property—must be protected. A grazing property without water is a dust bowl. A food-growing property without water is nothing. We should, as a fundamental, ensure that all of those assets are protected. And it does not happen now. We have had CSG put in pipelines that have gone through dams. The dams have been annihilated. In some instances they have been spring fed dams which have stood that property in good stead for long periods of time in dry weather. All of that infrastructure must be protected.

In the last couple of seconds that I have I want to say this: all of this bill boils down to people and all of this bill boils down to the respect with which we treat the people who work tirelessly to give us the food and the other necessaries for our lives. We cannot eat coal and we cannot drink gas.

Mr WELLINGTON (Nicklin—Ind) (9.49 pm): It gives me a great deal of pleasure to rise to participate in debate on the Mineral and Energy Resources (Common Provisions) Bill 2014. The Agriculture, Resources and Environment Committee's report No. 46 has been tabled and is available for reading by not just members of parliament but any interested Queenslanders and covers some 372 pages. Earlier this afternoon we heard the minister presenting the government's position and response to the committee's report. We heard the minister ridicule people who objected to the bill's proposals. We heard him ridicule legal firms that raised significant objections to the bill. It seemed to me that the minister's response was more of the arrogance of this Newman LNP government that we have seen over the last two years because there was an inability by the minister or the government to acknowledge that other people have valid but different opinions, an inability to respect that other people in Queensland have different views and a right to express those views.

Many people choose to engage solicitors or legal firms, be it Shine Lawyers or whoever, because they believe they have better skills in presenting their case. I say to those legal firms and other people who have helped objectors lodge objections: thank you for your community support and community spirit. Recently I had the opportunity to see an *Australian Story* program on a well-known Queenslander, Drew Hutton. The story was about how Mr Drew Hutton has given his life to stand up for the community and to stand up for issues that many small people in Queensland did not believe they had a voice or the capacity to pursue if they had an issue with the government. Mr Hutton has given his life to fight for little people to give them a voice that often the government did not want to hear. I wish Drew Hutton and his family well with the challenges they are going to face in the future and thank him for fighting for Queenslanders. Mr Hutton does not drive around in the flashiest car in Queensland, Mr Hutton does not have significant investment properties and Mr Hutton is not wined and dined by the big end of town. He has given his life to fight for the little people so we have a cause, and he was instrumental in starting the cause of Lock the Gate which gave little people in Queensland a voice they never thought they had. I say to Drew Hutton and all of those other community minded people in Queensland: thank you for fighting and standing up for the little people and taking the fight to the big end of town, which clearly this LNP government has in its corner.

We also heard the minister say that these amendments were necessary because the current legislation is too costly for the mining industry to comply with. It was too costly for the mining industry to comply with! Early last month I received a copy of a standard letter from Santos, and guess what it said? It said—

Dr Mr Wellington

This week Santos will begin a Queensland-wide advertising campaign to explain the long-term positive impacts of Santos GLN natural gas projects.

It then says—

The campaign will run for the rest of the year and will be seen by metropolitan and regional audiences.

Do not tell me that Santos and the big end of town are not cashed up. Do not tell me they have not made significant donations to the LNP government. We all saw the campaign the mining industry ran against the last federal government and ran against the current federal government. As far as I am concerned, they have the Newman LNP government in their corner and in their pocket.

To me the test is not about whether our laws are able to compete with other countries around the world. The test should be whether our laws are fair and reasonable to protect the rights and liberties of individuals and Queenslanders. Are our laws fair and reasonable to protect Queenslanders' rights today and Queenslanders' rights tomorrow? It is not about whether our laws are better able to help the mining industries take mineral resources from Queensland because the government might be afraid they might go to India or to South Africa or somewhere else. We will have the minerals here in Australia and in Queensland forever. It is up to us to choose how we get the best value from those minerals for Queenslanders today and for the future population of Queensland.

The minister also said that the Queensland mining industry has to be competitive with the international market. As a comparison, what about the Queensland government standing up to make sure that our farming and our agricultural industry is competitive with the international market? By crikey, we cannot compete with the international market now. Sea produce comes from Thailand and from South Asia and other produce comes from overseas because we cannot compete, yet this

government wants to get into bed with the mining council while the agricultural and farming communities just have to sit on the sidelines because they are not providing the big dollars that the LNP government believes they should be providing.

I believe this Newman LNP government has clearly got its priorities wrong. The government should be focused on protecting the rights and liberties of all Queenslanders, both those living today and those yet to be born and who will be living here in the future. I believe the Newman government is simply doing what the mining industry wants it to do. We all know that there will be an election within six months by March next year. Earlier I heard the member for Mount Isa saying that the many people who made submissions were very angry. I say this to the member for Mount Isa and all Queenslanders who might be listening to this debate tonight: do not get angry, get smart. Do not get angry, get smart. The way you can exercise the power that you have in Queensland is to make sure that you are on the electoral roll—

A government member: Smart choices.

Mr WELLINGTON:—and use the smart choice. Guess what that smart choice should be on the day of the election? The smart choice should be to number every box on the ballot paper and put your LNP candidate last. Yes, that is the smart choice Queenslanders can make and I thank the member of the LNP for raising that issue with me. That is the smart choice we all can make in Queensland—do not get angry, get smart. Use the power you have as a voter in Queensland. Number every box on the ballot paper and no matter where you are in Queensland—be it Mount Isa, the Gold Coast, the Sunshine Coast, North Queensland, Central Queensland or Cairns—put the LNP candidate last. That will send a message to this government and to the future government that you have exercised your power, and that is all relevant to the issue.

Mr RICKUSS: I understand the member for Nicklin does—

Mr DEPUTY SPEAKER (Mr Watts): You are raising a point of order?

Mr RICKUSS: Yes, on a point of order.

Mr DEPUTY SPEAKER: Okay. Tell us your point of order.

Mr RICKUSS: I realise he has a bit of trouble with his medication at times, but what—

Mr DEPUTY SPEAKER: Member for Lockyer, you will withdraw that and you will make your point of order.

Mr RICKUSS: What is the relevance of how the voting system—

Mr DEPUTY SPEAKER: Thank you. So your point of order is relevance. Member for Nicklin.

Mr WELLINGTON: I will come back to the bill. The bill is all about the relevance of the over 200 people who made submissions to the parliamentary committee and raised valid objections. Clearly it seems to me when I read this report that the government says, 'We have all of this wonderful consultation. Yes, we received over 288 submissions or 255 submissions,' but effectively the submissions were not recognised or taken into account. But the government says, 'Oh, yes, but we had all of this wonderful consultation in Queensland.'

The other issue that the member for Gladstone and other members such as the shadow minister, the member for South Brisbane, and the member for Dalrymple, who is also on the agriculture committee, raised was the need to empower and protect landholders' objection rights and a community's objection rights to mining leases. There is no doubt in my mind that this bill is all about, as another member of the LNP said, reducing red tape. To me the words 'reducing red tape' are another way of removing the rights and liberties of ordinary Queenslanders—removing the rights and liberties of ordinary Queenslanders under the camouflage of, 'We're reducing red tape. We're reducing green tape.' But really this bill is about removing the rights and liberties of members of our community to be able to legitimately raise valid objections to mining leases. In relation to the member for Lockyer's issue of relevance, I remind the member for Lockyer that there has been no evidence presented that I saw in this lengthy report, of which he was the chairman, that actually corroborated the view that there had been a lot of vexatious claims made.

I heard the minister talk about the issue of vexatious claims, but when I read the report as best I could—and maybe I stand to be corrected—I could not see evidence that there has been a history of people making vexatious and frivolous claims in our courts. So I say that I will not be supporting this arrogant bill. I will be standing up for ordinary Queenslanders. I remind all Queenslanders who are listening: do not get angry, get smart. At the time of the ballot, number every box and put the LNP candidate last no matter where they are in Queensland, be they in Lockyer, be they in Cairns.

Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (9.59 pm), in reply: The aim of the Mineral and Energy Resources (Common Provisions) Bill 2014 is to deliver the first stage of the Modernising Queensland Resource Acts Program towards the phased development of a single common resources act for the state's resources sector and to reduce red tape and regulation for this sector. The bill delivers on the Newman government's commitment to support a strong resources sector by cutting red tape and by streamlining regulatory processes. The government is committed to enabling greater opportunities for businesses and industry across the state. Under the bill, we are progressing red-tape reduction initiatives and these reforms remove unnecessary impediments to business operations, making way for new economic opportunities.

This bill is a significant step towards the much needed modernisation of Queensland's resources legislation. The former Labor government took the resources sector for granted and hindered economic development with unnecessary red tape and regulation. This bill is the first stage in creating a single common resources act for the mining, petroleum and gas, greenhouse gas storage and geothermal energy sectors. It moves towards establishing common processes and provides a harmonised system of resource tenure administration to deliver an efficient framework for the regulation of the resources sector in Queensland. Modernising the legislation will put Queensland in a better position to be one of the most progressive resource jurisdictions in Australia and will help underpin the international competitiveness of our resources sector.

The major elements harmonised in this bill include provisions relating to dealings, caveats and associated agreements, private and public land access, providing a consistent restricted land framework and other minor provisions. These changes are anticipated to facilitate the faster and more efficient delivery of service for industry and enhance industry and wider community understanding of the regulatory framework. A modern legislative framework developed in consultation with stakeholders is essential to support the development of the Queensland economy, particularly the regional Queensland economy, which is so dependent on the success of the resources sector. The transitional process of the Modernising Queensland Resource Acts Program provides an opportunity for further consultation. It is intended that there will be further bills in the future as we continue to harmonise our five existing resource acts into a common act.

In view of the ongoing effort to continue to mislead the community during the course of the second reading debate on this bill, it is necessary to respond to some of the issues raised by non-government members. The Newman government is committed to balancing resource sector growth with landholder rights and environmental programs. The amendments in this bill are about balancing legitimate community concerns about large resource activities while removing unnecessary regulatory burdens and duplication for small scale mines that can operate within the standard environmental conditions framework. The reforms simply propose to streamline a process that is currently bureaucratic, confusing and duplicated between two pieces of legislation.

The contentious issues that have been debated during the course of the second reading debate, particularly by non-government members, pertain particularly to the notifications and objections process and the restricted land framework proposed to be amended by provisions in the bill. I want to say to the House that, having heard and considered some of the genuine submissions made by landholders during the parliamentary committee's inquiry into the bill, as I mentioned earlier, I will be moving an amendment during the consideration in detail to provide objection rights to adjoining landowners so that they may object to matters that affect their land. As other individuals or organisations are not affected in this direct way, no notification or objection rights are proposed to be afforded under the Mineral Resources Act 1989.

However, an important issue for some non-government members to consider when voting on this bill, particularly members such as the member for Gladstone who have expressed a concern about the removal of notification and objection rights but during the course of their contribution have not demonstrated an understanding that there are notification and objection rights that accrue to individuals and organisations presently under both the Mineral Resources Act and the Environmental Protection Act, is that the broader community rights to object are provided for under the Environmental Protection Act 1994 with regard to environmental impacts for site-specific applications for an EA. Under those provisions, any individual or member of the community or community group on behalf of the community or sections of the community may object to an application for a site-specific environmental authority. Anyone may object under an application for a site-specific environmental authority. The proposed notification and objection provisions will ensure that those

mining developments that may potentially have a significant environmental impact will, as a site-specific application for an EA, always—always—undergo a public notification, which will allow any person to lodge a submission and accrue a right to object.

The proposed changes to the restricted land framework ensure a consistent approach to restricted land across all resource sectors. The framework allows landholders to withhold consent for access to certain areas, which gives landowners a greater say in what resource activities are conducted in close proximity to their homes and other infrastructure. Restricted land also has the added benefit that it applies outside the boundary of the resource authority, providing additional protection to neighbours who may have homes in close proximity to the boundary of the resource authority.

I want to reiterate the importance of that issue for some of the non-government members who have made—

Mr Hopper: What's 'close proximity'?

Mr CRIPPS: I take the interjection from the member for Condamine. In the regulatory impact statement that we released for public consultation on this issue the nominated distance for protection under the proposed new restricted land framework will be 200 metres. For the first time, under this restricted land framework neighbours with restricted land infrastructure off the tenure would be afforded protection. In developing a consistent restricted land framework, the treatment—

Opposition members interjected.

Mr CRIPPS: I draw the attention of the members of the KAP to this part of my summing-up, because it is a matter about which they spent considerable time making a contribution during the second reading debate. In developing a consistent restricted land framework, the treatment of stockyards, bores and dams was aligned with the current arrangements in place for these structures as they relate to the petroleum and gas sector where potential impacts are managed under conduct and compensation agreements as part of the land access framework. That means that bores, dams and stockyards that restricted land currently applies to for the mineral and coal sector will now be covered under a compensation agreement to address any potential impact on this infrastructure. The restricted land framework for mineral and coal activities was introduced well before the land access framework was introduced in 2010 and, therefore, it is now a viable alternative mechanism that is available to this type of infrastructure to provide adequate consideration of the potential impacts of their operation from resource activities.

The new arrangements are about selecting the most appropriate aspects of the various land access related provisions in reaching a balanced framework for addressing issues associated with resource activities close to homes under a common resources act. That is the whole purpose of trying to consolidate what is currently five disparate and different pieces of legislation that inconsistently manage our resource tenures in this state.

You cannot consolidate five different pieces of resource legislation if you do not create a consistency across those acts with how you deal with some of these issues. You cannot do it. In considering how we modernise and introduce some consistency in dealing with these issues, we have nominated the current restricted land framework that applies to the petroleum and gas industry to apply to the coal and mineral sector.

Mr Seeney: Because it's better.

Mr CRIPPS: I take the interjection from the Deputy Premier. Because it is better. I will come back to that issue a bit later on. Where a landholder or resource authority holder cannot agree amongst themselves, and this issue was raised by one of the non-government members as well in their contribution, whether a particular area is restricted land, the Land Court may make a declaration in this regard. In any case, the bill provides a clear example of the buildings and infrastructure that the new restricted land framework will apply to and also establishes criteria to assist in determining whether a building used for business or other purposes will be restricted land. Where a building cannot be easily relocated and cannot co-exist with the authorised resource activity, the restricted land provisions will apply.

The new common resources act will support economic development in Queensland by increasing long-term investment attractiveness. The new single act will also reduce costs and cut red tape. As I mentioned earlier, after listening to and considering genuine submissions from landholders with genuine concerns about the notification and objection amendments contained in the bill I will move amendments during consideration in detail to provide for owners of land who share a common

boundary with a proposed mining lease to be notified of and have a right to object to an application for a mining lease. To ensure consistency with the notification and objection framework in the bill, the grounds of objection for a relevant adjoining landowner will be in relation to the specific impacts of the proposed mine resulting from the proximity of the mine to and the current use of the adjoining lot.

I will also move amendments during consideration in detail to make changes to the proposed restricted land framework in the bill to alleviate some concerns that have arisen during the committee's inquiry into the bill. The amendments will allow for multiple homes to be classed as restricted land and align with the resource authority type the point in time when buildings and areas are taken to create restricted land. I mentioned these earlier. For exploration permits, restricted land can be established at any time during the term of the resource authority. This recognises that exploration authorities cover large areas and have uncertain outcomes where landholders can carry on with their business and personal lives and establish buildings and other areas to which restricted land will apply in the future. For production tenures, restricted land will be established at the time of application. The amendments will also include an exemption to restricted land when a landholder has withheld consent to block entry through the only access point to the area of the resource authority and a reasonable alternative entry point has not been able to be negotiated with the landholder.

I turn now to respond specifically to some of the contributions made by non-government members during debate on the bill. In the first instance we had an Oscar-winning performance from the member for South Brisbane. Some of the mock and confected outrage expressed by the member for South Brisbane was truly inspirational. I think the Academy should mail out an application form to the member for South Brisbane. Despite the fact that I had gone to some length during the second reading debate to outline in detail the arrangements for the notification and objection framework in the bill, the member for South Brisbane repeatedly stated that notification and objection arrangements were being completely removed by the provisions that were proposed in this bill. It is not true. I take this opportunity to draw to the attention of other non-government members who repeated this allegation during the course of the second reading debate that directly affected landowners and local government authorities will have the right to object to an application for a mining lease always. In view of the amendments that I have foreshadowed, we will now have adjoining landowners with the right to object to the application for a mining lease always. Everyone—affected landowners, adjacent landowners, landowners miles away, the local council, the local community group, the local green group, the international green group—will have the opportunity to object to an application for an environmental authority associated with a mining lease where that EA is going to be site specific.

Where an application is made for an environmental authority under the standard conditions there has to be a very strict process and a project has to exceed certain thresholds before it will qualify to be assessed under those site specific circumstances. They include the size or area of the project that will be disturbed by the resource activity—that is, it has to be below 10 hectares; they have to have fewer than 20 employees; and they have to be a type of low-impact mining operation, such as opal mining or clay pits or dimensional stone mining operations, before they will be eligible to be assessed under standard conditions. Those standard conditions will be developed through a public notification and objection process that will establish them in the first instance. Everybody will have the opportunity to have input into how those standard conditions will be developed. Some of the objections put forward by the member for South Brisbane, the member for Bundamba and repeated by the member for Stafford and some members of the crossbench I am really frustrated with because they consistently repeated a falsehood that has been perpetuated, as I said on a number of occasions during my second reading contribution, by green activist groups and by certain legal firms and they are just as much to blame for perpetuating the myth.

Ms Trad: So AgForce is to blame for perpetuating a myth?

Mr CRIPPS: They are perpetuating a myth. I am happy to go on record that it is not just AgForce, but Cotton Australia and the Queensland Farmers Federation are perpetuating a myth.

Ms Trad: Well done, Minister. Congratulations.

Mr CRIPPS: No problem at all, because they are. It is on the record. It is plain for anyone who takes the time to read the bill and understand it that that is the case. The member for South Brisbane also tried to advance an argument that there is no evidence to suggest that the Land Court has not had to deal with frivolous or vexatious objections interfering in the process, but that again is not true and demonstrates that neither she nor some of the other crossbench members who contributed in the second reading debate spent any time listening to my second reading contribution to the debate because if they did they would have heard me—and it is in *Hansard* so they can go back and check

it—give half a dozen examples of court cases where the following circumstances may apply: that the person or entity that submitted an objection withdrew the objection just before the hearing. They impeded the application from progressing until the Land Court was about to hear the objection and then withdrew it. Another example is where objectors who put in an application to the Land Court objecting to a mining lease application present absolutely no evidence whatsoever at the hearing and then have their application dismissed by the court, but they have delayed the progress of the consideration of that mining lease application. A third example that I also put forward during the second reading debate was situations where the Land Court would dismiss the objection prior to hearing because they are vexatious or frivolous, but presently the Land Court does not have the capacity to dismiss on those grounds. They are several scenarios that have happened in Queensland that are the equivalent of vexatious and frivolous objections being placed before the Land Court. No-one from the Labor opposition and no-one from the crossbench who have been so vocal in their criticism of that issue—

Mr Wellington interjected.

Mr DEPUTY SPEAKER: Order! Members will cease interjecting.

Mr CRIPPS: Still the member for Nicklin is not listening. That is because they have not been declared as frivolous and vexatious and recorded as such. The court has to make a decision to do that. And the member for Nicklin is a former solicitor! I have just detailed the circumstances in which frivolous and vexatious claims can be made without being declared. It just goes to show how they are being led by the nose by these radical green groups and the legal firms that are trying to stir up discontent in the community. I think it is appalling.

The best, most comical, laughable and ridiculous spectacle was the claim by the member for South Brisbane that she is now the farmer's friend. Truly, it was comical. If I do not live another day, I will not see a more outrageous and patently untrue claim made in this parliament than that the member for South Brisbane is the farmer's friend. I do not think I can give that claim any serious attention in this reply other than what I have already said, because it is so patently untrue and ridiculous that it is a complete outrage. I point out that the party opposite, the party of which the member for South Brisbane is a member, has attacked, wounded and crippled, and that is one of the legacies of the Deputy Leader of the Opposition as a minister for primary industries for so many years. They have done deals with the greens and tightened the screws under land legislation, under vegetation management legislation and under water legislation. That is them there. For the member for South Brisbane to stand up and claim that they are the farmer's friend does get under my skin a bit, because they have no track record.

The member for Bundamba made a contribution in the debate. She said that if members of the government voted for this bill tonight it would be a rollcall of shame. I will give the member for Bundamba a true rollcall of shame. In this state it was the Labor Party that voted to sell state owned assets after the former Treasurer Andrew Fraser deliberately deceived the people of Queensland in the lead-up to the 2009 election. The member for Bundamba will be particularly agitated about that one, because over time she has claimed that she did not like it, but she voted for it. She lined up behind her then premier and flogged it off. The member for Bundamba stands condemned because in the rollcall of shame there are some members opposite who voted in this parliament to exonerate former health minister Gordon Nuttall. They changed the law to allow a member of this parliament to lie to parliament and exonerated him from criminal behaviour. Rollcall of shame? The form is with the opposition!

The member for Bundamba said that during the term of the previous Labor government the rapid growth in the resources sector was all because the current legislation did not provide any regulatory or red-tape impediments to its success. I put it to the member for Bundamba and all members that the success of the resources sector under the previous Labor government had absolutely nothing to do with the regulatory framework that was in place at the time and everything to do with the fact that the price of coal was atmospheric and that, for the majority of the time that they were in government, the Australian dollar was extremely competitive which encouraged exports of our primary industries and resources. That is what drove the success of the resources sector during the administration of the Labor government. It was the fact that the coal price was atmospheric and the competitiveness of the Australian dollar was such that it encouraged exports from Australia. It had nothing at all to do with the competence of or the regulatory framework put in place by the Labor government.

I want to spend a few minutes responding to the contribution of the member for Dalrymple. The member for Dalrymple was extremely disrespectful and disparaging of the members of the Agriculture, Resources and Environment Committee. Sadly, during the course of the second reading debate it became clear that the member for Dalrymple does not understand the provisions of the bill. The member for South Brisbane probably does understand the provisions of the bill, but she is part of the perpetuation of the myth put forward by the radical green groups and the legal firms. The member for South Brisbane is deliberately misleading the people of Queensland, but I am convinced that the member for Dalrymple does not understand. That is very sad because he has had the benefit—

Mr KNUTH: I rise to a point of order.

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

Mr KNUTH: I find that offensive and I ask him to withdraw it.

Mr DEPUTY SPEAKER: Minister, the member has found your statement offensive and asked for it to be withdrawn.

Mr CRIPPS: I withdraw. Sadly, it is very clear that the member for Dalrymple does not understand the provisions of the bill, and it is sad because the member for Dalrymple has had the benefit of participating in the parliamentary committee process. He has had the benefit of having the legislation explained, but he has not listened to those explanations. He has refused to put an effort into understanding the bill, which is his responsibility as a member of that committee. The member for Dalrymple has a fundamental problem: for the duration of this parliament, I have seen him make contributions to second reading debates when I have brought bills before the House and all he does is regurgitate word for word the submissions, and sometimes he does it very poorly. The member for Dalrymple confuses the regurgitation of submissions to the parliamentary committee process as actually thinking about and scrutinising those submissions and making up his own mind about the impacts of the bill. The member for Dalrymple has failed completely to take the time to scrutinise the submissions, instead just regurgitates the submissions that are made.

Lastly, I want to touch on an issue that the member for Dalrymple mentioned during the second reading debate and it was also mentioned by the member for Condamine in his contribution. The member for Condamine challenged me to give an explanation in relation to the benefits of the conduct and compensation agreement arrangements as opposed to the restricted land arrangements. As I mentioned a moment ago, the restricted land arrangements were put in place for the coal and mineral sector well before the land access code and conduct and compensation arrangements came into place for the petroleum and gas sector.

The impracticality of the restricted land framework as it currently exists for infrastructure such as stockyards and water bores on a rural property is patently clear if you compare restricted land to the land access code and conduct and compensation agreements. If you have a mining lease approved over a rural property and you apply the current restricted land process, that can affect critical pieces of infrastructure, and I do not argue that they are critical pieces of infrastructure for rural businesses. Stockyards, water bores and all the other pieces of infrastructure currently covered by the restricted land framework can be completely isolated, like a Swiss cheese effect, when you grant a mining lease over the property. They can be completely isolated from the workings of the rural property that are covered by the mining lease. That is why this is so much more beneficial.

I put it to members that they take on board the land access code and the conduct and compensation arrangements that presently relate to how the gas industry operates in Queensland, because under a modern framework concerning CCAs a landowner has the flexibility and the opportunity to relocate that infrastructure, has the opportunity to upgrade that infrastructure in relation to the compensation payments that are made and has the opportunity to continue on with the rural business in a much more expedient way than if they had a mining lease applied over their rural property and these pieces of rural infrastructure were dotted all over the countryside, completely isolated from the workings of the agricultural or pastoral business.

I ask members to think carefully about what they are saying here today in proposing to lock the coal and minerals sector into the current restricted land process because it is outdated and does not reflect the opportunities that many landowners have taken to upgrade and enhance the operation of their farm businesses through conduct and compensation arrangements. The last thing that I will say is that I commend the bill to the House.

(Time expired)

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

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Bill read a second time.

Consideration in Detail

Clauses 1 to 67—

Mr CRIPPS (10.37 pm): I seek leave to move the following amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

1 Chapter 3, part 2, division 2 (Entry for authorised activities requires entry notice)

Page 50, line 1, after 'activities'—

insert—

and access

2 Clause 38 (Application of div 2)

Page 50, lines 5 to 7—

omit, insert—

purpose of—

(a) carrying out an authorised activity for a resource authority; or

(b) crossing access land for the resource authority; or

(c) gaining entry to access land for the resource authority.

3 Clause 39 (Obligation to give entry notice to owners and occupiers)

Page 50, lines 9 to 10, from 'to carry' to 'a resource authority'—

omit, insert—

for a purpose mentioned in section 38

4 Clause 40 (Exemptions from obligations under div 2)

Page 51, lines 6 to 20—

omit, insert—

an entry to private land for a purpose mentioned in section 38 does not apply if—

(a) the resource authority holder owns the land; or

(b) the resource authority holder has an independent legal right to enter the land for the purpose; or

(c) the entry is to preserve life or property or because of an emergency that exists or may exist; or

(d) the entry is authorised under the relevant Resource Act for the resource authority; or

(e) the entry is of a type prescribed under a regulation.

(2) An obligation under this division to give an entry notice about an entry to private land for a purpose mentioned in section 38 also does not apply if the resource authority

5 Clause 41 (Approval to give entry notices by publication)

Page 52, after line 23—

insert—

(4) Chapter 5, part 1 applies for processing the application, and the chief executive must decide to either refuse to give the approval or give the approval with or without conditions.

6 Clause 42 (Right to give waiver of entry notice)

Page 52, lines 26 to 27, from 'to carry' to 'authority'—

omit, insert—

for a purpose mentioned in section 38

7 Clause 43 (Carrying out advanced activities on private land requires agreement)

Page 53, lines 12 to 23—

omit, insert—

activity for a resource authority unless each owner and occupier of the land—

(a) is a party to a conduct and compensation agreement about the advanced activity and its effects; or

(b) is a party to a deferral agreement; or

(c) has elected to opt out from entering into a conduct and compensation agreement or deferral agreement under section 45; or

(d) is an applicant or respondent to an application relating to the land made to the Land Court under section 94.

8 Clause 57 (What is a *periodic entry notice*)

Page 62, line 7, after 'agrees'—

insert—

in writing

9 Clause 58 (Entry to public land to carry out authorised activity is conditional)

Page 62, line 19, 'petroleum'—

omit, insert—

resource

10 Clause 63 (Use of public roads for notifiable road use)

Page 65, line 20, 'section 99'—

omit, insert—

section 98

11 Clause 67 (Definitions for pt 4)

Page 68, line 12—

omit, insert—

(iv) crossing land in order to enter the area of the resource authority if the only entry to the area is through the land and—

(A) each owner and occupier of the land has agreed in writing to the resource authority holder crossing the land; or

(B) if an owner or occupier of the land has refused to agree to the resource authority holder crossing the land—the refusal is unreasonable having regard to the matters mentioned in section 49(2) and (3); or

(v) an activity prescribed by regulation.

Amendments agreed to.

Clauses 1 to 67, as amended, agreed to.

Clause 68—

Mr KNUTH (10.38 pm): I move the following amendments—

1 Clause 68 (What is *restricted land*)

Page 69, lines 6, 9 and 10, after 'building'—

insert—

, property feature or structure

2 Clause 68 (What is *restricted land*)

Page 69, line 13, 'another building or area'—

omit, insert—

an area, building, property feature or structure

3 Clause 68 (What is *restricted land*)

Page 69, after line 26—

insert—

structure includes a stockyard, dam, bore or other infrastructure.

These amendments amend clause 68—'What is restricted land'—to allow for structures such as stockyards, dams, bores and other infrastructure important to a landholder's business or land management practice to be protected under the restricted land provisions of this bill. These farms rely on this key infrastructure. One of the main concerns with this bill is the retention of the objection and notification provisions. I think the minister would not have had 260 submissions opposing this bill had the government retained the objections and notification rights in the bill.

Ms TRAD: I rise to support the amendments moved by the member for Dalrymple. I attended the Toowoomba public hearing on the Mineral and Energy Resources (Common Provisions) Bill and I know that landowners held significant concerns about the protection of key infrastructure on their land from impacts from resource activities. I think that this is a sensible amendment that goes some way to ensuring that those concerns that landholders have expressed are adequately reflected in the proposed bill.

The minister's comments earlier today referenced the need to modernise the mineral and energy resources sector. This is the intention of this bill. There is nothing to suggest that enshrining in legislation protection for some of these important pieces of infrastructure that farmers come to rely upon—structures such as stockyards, dams, bores and other infrastructure—cannot be contained and protected in modern, 21st century legislation. To suggest otherwise is a ridiculous assumption and one that is shameful coming from an LNP member and one who purports to represent landholders in the Queensland community.

Mr CRIPPS: I covered these issues pretty extensively in both my second reading debate contribution and my summing-up. If the House supports the member for Dalrymple's amendments he will be subjecting landowners who may have mining leases approved over their properties to a 20th century resource industry arrangement for the protection of these pieces of infrastructure. As I explained only a few moments ago, under the existing arrangements we have had situations where a restricted land framework has applied to this infrastructure, a mining lease is issued over a property and isolated in a patchwork quilt or Swiss cheese arrangement are little pieces of rural infrastructure which are important to the operation of that property but are cut out of a mining lease. Imagine if that were an open-cut mining operation where the mining lease is granted but those pieces of infrastructure are protected under the current restricted arrangements.

There will be isolated bits of land around a granted mining lease that cannot be practically used for the purpose for which the land is currently operating: a rural property. It is quite absurd. I appeal to Independent members who may have an opportunity to not condemn landowners where resource activities take place on their property to a very outdated, restricted land framework. The conduct and compensation arrangement framework and the land access code that currently apply to the petroleum and gas industry allow a landowner to negotiate the conduct and compensation of a company on their property. Through that conduct and compensation arrangement, they have the opportunity to upgrade and relocate that infrastructure on the property and configure it in a way that may allow the rural activity on that property to continue while that resource activity is taking place. If honourable members have some whim to support the member for Dalrymple's amendment they will condemn them once again to an outmoded, archaic restricted land framework which will not give any encouragement or support to the modern operation of the rural industry in Queensland.

Mrs CUNNINGHAM: I have more than a whim to support the amendment, but I have been listening to the minister's explanation of this bill. I am happy to acknowledge that I do not have a full understanding of the implications of all the legislation. I do not have the resources to do that. However, what I believe we often do in this place is that we pass legislation to clarify an intent, a right or an opportunity for the people of Queensland. The amendment, in my view, gives weight to the ability of landowners to negotiate with companies. If, as the minister has said, it will result in a piecemeal placement of these assets on a property and leave them like Swiss cheese, then surely by passing or accepting those amendments we are saying to resource companies that want to negotiate with landowners that the intent of this House is for those structures, those resources, that necessary critical infrastructure like water points and bores are to be protected. That is the fundamental principle that we are trying to espouse. That will strengthen the landowner's ability to negotiate with that mining company.

I still hold the view that landowners are significantly disadvantaged in all of those negotiations. They are underresourced. They are often tremendous agricultural or rural land managers, but they are not used to dealing with the suits that come from Brisbane or Sydney. Perhaps in accepting these

amendments what we are saying is that we are supporting the right of landowners to protect those points. If that gives weight to the negotiations and protects further the landowners in those negotiations, it is a good thing.

Division: Question put—That the amendments be agreed to.

AYES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

NOES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

Resolved in the negative.

Non-government amendments (Mr Knuth) negatived.

Mr DEPUTY SPEAKER (Dr Robinson): Order! With the agreement of the House, forthcoming divisions will be of one minute's duration.

Mr CRIPPS: I move the following amendment—

12 Clause 68 (What is *restricted land*)

Page 68, lines 22 to 30 and page 69, lines 1 to 26—

omit, insert—

(i) a permanent building used for any of the following purposes—

(A) a residence;

(B) a place of worship;

(C) a childcare centre, hospital or library;

(ii) an area used for any of the following purposes—

(A) a school;

(B) a cemetery or burial place;

(C) aquaculture, intensive animal feedlotting, pig keeping or poultry farming within the meaning of the *Environmental Protection Regulation 2008*, schedule 2, part 1;

(iii) a building used for a business or other purpose if it is reasonably considered that—

(A) the building can not be easily relocated; and

(B) the building can not co-exist with authorised activities carried out under resource authorities;

(iv) an area, building or structure prescribed by regulation; and

(b) does not include land within a prescribed distance of an area, building or structure prescribed by regulation.

(2) However, despite subsection (1)(a), land is only restricted land for a production resource authority if the use of the area, building or structure mentioned in the subsection started before the application for the resource authority was made.

(3) In this section—

place of worship means a place used for the public religious activities of a religious association, including, for example, the charitable, educational and social activities of the association.

production resource authority means a resource authority that is—

(a) any of the following under the Mineral Resources Act—

- a mining claim;
- a mining lease; or

(b) any of the following under the P&G Act—

- a petroleum lease;
- a pipeline licence;
- a petroleum facility licence; or

(c) a lease under the 1923 Act; or

(d) a geothermal production lease under the Geothermal Act; or

(e) a GHG injection and storage lease under the Greenhouse Gas Act.

residence does not include accommodation for non-resident workers.

Examples of accommodation for non-resident workers—

accommodation for shearers or seasonal fruit pickers

Amendment agreed to.

Ms TRAD: This clause makes amendments to the legislative framework for restricted land and removes principal stockyards, bores or artesian wells, dams or other artificial water storages connected to water supplies. Shine Lawyers in their submission stated that—

We therefore urge re-consideration of the drafting to incorporate the aforementioned areas as restricted land areas. To not do so would result in a huge abrogation of the rights of landholders and would adversely affect them in all negotiations with resource authority holders.

This clause also sets out that the prescribed distance for infrastructure under the restricted land framework will be set in regulation rather than legislation. As Cotton Australia have said in their submission—

We understand that the specific resource authority types will be outlined in the Regulations. As it currently stands, this does not adequately protect landholder homes and key infrastructure.

What we have is a minister who is trying to explain that his modernisation process is akin to averting a Swiss cheese style system on landowners' property. Can I say that in all of the submissions that were received in relation to this bill no-one, not one landholder, actually said this was a good idea and that it would lead to the result that the minister is trying to achieve through this amendment.

I would prefer to put my faith in those landholders who have firsthand experience and who have taken the time to front up to a public inquiry to make their case. I would prefer to listen to the legal representatives who have been making arguments for the protection of landholders' rights for quite a number of years. Quite frankly, the minister's explanation in relation to this is farcical.

What this arrogant LNP government means when it talks about modernising legislation is taking away rights from ordinary everyday Queenslanders and making sure that those LNP donors who receive preferential treatment from this government because they give the LNP big donations get exactly what they want in legislation. This is what is happening here, it needs to be called for what it is and this is outrageous.

Mr CRIPPS: The member for South Brisbane's contribution to the debate on the clause as amended is ridiculous. I think I have spent quite enough time during the course of the second reading debate and the summing-up explaining the differences between the existing restricted land framework as it relates to the coal and mineral sector, the differences with how the conduct and compensation arrangements and the land access code applies to the petroleum and gas industry and the reasons why the contemporary framework for compensating landowners for disturbance that takes place on their property as a result of resource activities is so much more favourable and agreeable in the 21st century than the old outdated restricted land framework that exists currently for the coal and mineral sector.

I think I will leave it at that. The member for South Brisbane's contribution confirms in my mind that she does not really appreciate the realities either of how the current legislation applies to rural industry or how the proposed amendments will enhance that in the future.

Division: Question put—That clause 68, as amended, be agreed to.

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Clause 68, as amended, agreed to.

Clause 69—

Mr KNUTH (11.00 pm): I move the following amendments—

4 Clause 69 (Who is a *relevant owner or occupier*)

Page 70, line 4, after 'building'—

insert—

, property feature or structure

5 Clause 69 (Who is a *relevant owner or occupier*)

Page 70, line 6, 'building or area'—

omit, insert—

area, building, property feature or structure

Amendments Nos 4 and 5 seek to amend clause 69, 'Who is a relevant owner or occupier', to allow structure and infrastructure important to a landowner's business or land management practice to be protected under restricted land provisions of the bill. AgForce's submission states—

Points of serious concerns:

(a) Exclusion of important property/farm infrastructure from protection. The removal of principal stockyard, bore or artesian well, dam and artificial water storage is cause for concern. This infrastructure is critical to the operation of a grazing industry.

Some 260 submissions expressed various concerns about the removal of restricted land, especially when you are removing stockyards and watering points. The biggest concern of those landowners was that it was going to devalue their property in terms of the money and infrastructure they had put into it. The concern was that in negotiations with the big resource companies that infrastructure would be devalued. The minister has been pointing the finger at all of us, but these concerns have been raised in a lot of submissions.

I hope that the minister can see that this infrastructure—stockyards, dams, bores—should be protected by restricted land being retained in this bill. That is all we are asking. That is all we want to achieve. I think in terms of creating harmony, had the minister not removed this there would be much support for many aspects of this bill.

Mr HOPPER: I rise to support the member for Dalrymple. I heard the minister talk earlier about compensation. There are a few National Party members still here—

Ms Trad: Where?

Mr HOPPER: This is about the compensation that the minister spoke about earlier. In terms of bores, you can put down a bore and get good water but put another bore down 20 metres away and get no water. A mining company comes in and takes that bore and says, 'We will compensate the farmer,' or, 'We will put another bore down.' What if they do not find water? In 20 years time that mining company will not even exist. Where will the farmer's water be? The minister needs to answer that—and he should ask his National Party mates about it, because they will answer it.

Mr CRIPPS: I would be delighted to answer the—well, I do not think I should answer the question because I am not moving this amendment. But I will comment on the amendment and in doing so reflect on the contribution by the member for Dalrymple. Say hypothetically—in consideration in detail I think we are allowed to talk in hypotheticals; I can get away with it under the standing orders because we are in committee. If you agree with the member for Dalrymple and you impose the restricted land framework as it currently relates to coal and minerals on landowners in Queensland from now on and you go to the scenario that the member for Dalrymple outlines, if you apply the restricted land framework and you isolate those pieces of infrastructure and have the buffer in that restricted land framework and isolate them from the mining lease around them, and say it is an open-cut or underground operation, they are protected by the buffer zone, but what if there is an impact? What if there is an impact on the operation of that water bore? The integrity of the buffer zone under the current restricted land framework, which the member for Dalrymple is seeking to preserve in this resources legislation, remains in place and that water bore is affected. What recourse does the landowner have then? If the restricted land framework still applies and the resource activity operating outside of that restricted land framework impacts on the bore, what recourse does the property owner have? I will leave that to honourable members to contemplate when they are voting on the amendment moved by the member for Dalrymple.

Ms TRAD: I think we have just had an extraordinary admission by the minister, which is that this legislation is all about legislating for a hypothetical. There is no problem here. If the minister is so concerned that this swiss-cheese effect is happening out there, then he should table evidence that

shows that is the case. What the minister has admitted during this debate is that it is not happening and that this government is legislating for a hypothetical which does not actually exist. This is a ridiculous way of making laws in this state.

Mr DEPUTY SPEAKER: Member for South Brisbane, I am asking you to return to the amendments.

Ms TRAD: I am.

Mr DEPUTY SPEAKER: You are not speaking to the amendments. I ask you to come to them.

Ms TRAD: I am speaking to the member for Dalrymple's amendment to clause 69 which seeks to insert at page 70, line 4, after 'building', 'property, feature or structure'. This is, as we have heard from the minister, the exclusion of other buildings, property, features or structures relating to watering points, bores and all of those other infrastructure features that have been mentioned during this debate. What the minister has articulated is that the exclusion of these particular infrastructure buildings within the legislation is to avoid a swiss-cheese effect—a swiss-cheese effect that is a hypothetical, which is what this amendment is all about and what the member for Dalrymple is seeking to avoid by enshrining in legislation the protection of these buildings, of this infrastructure, to landowners. Quite frankly, I think we have been completely and utterly misled by the minister here today because he is talking about a problem that does not exist. He has admitted today that it is a hypothetical. It is an outrageous way of making laws in this state.

Division: Question put—That the amendments be agreed to.

AYES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

NOES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

Resolved in the negative.

Non-government amendments (Mr Knuth) negatived.

Mr CRIPPS: I move the following amendment—

13 Clause 69 (Who is a *relevant owner or occupier*)

Page 70, line 6, 'building or area'—

omit, insert—

area, building or structure

Amendment agreed to.

Clause 69, as amended, agreed to.

Clause 70, as read, agreed to.

Clause 71—

Mr CRIPPS (11.10 pm): I move the following amendment—

14 Clause 71 (Consent not required for entry on particular land to carry out prescribed activities for mining lease)

Page 70, lines 26 to 27 and page 71, lines 1 to 4—

omit, insert—

the relevant owner or occupier of the restricted land, if—

(a) the holder has entered into a compensation agreement under the Mineral Resources Act, section 279 with the relevant owner or occupier; and

(b) the compensation agreement relates to the restricted land; and

(c) the holder has complied with the compensation agreement.

Amendment agreed to.

Clause 71, as amended, agreed to.

Clause 72—

Mr KNUTH (11.11 pm): I move the following amendment—

6 Clause 72 (Declaration about whether particular land is restricted land)

Page 71, lines 5 to 18—

omit, insert—

72 Dispute resolution

(1) If an owner or occupier of the land and a holder of a resource authority for an area including the land can not agree whether land is restricted land for the resource authority, either party may apply for arbitration of the dispute.

(2) A party mentioned in subsection (1) applies for arbitration of the dispute by asking a prescribed arbitration institute to nominate an arbitrator.

(3) If a party applies for arbitration under subsection (2)—

(a) the prescribed arbitration institute must nominate an arbitrator to decide the dispute; and

(b) the arbitrator has authority to decide the dispute by issuing an award; and

(c) the award must be made within 6 months after the appointment of the arbitrator; and

(d) the *Commercial Arbitration Act 2013* applies to the arbitration to the extent it is not inconsistent with this section; and

(e) the parties are liable to pay the costs of the arbitration in equal shares, unless the arbitrator decides otherwise.

(4) The arbitrator's decision about the dispute is final.

(5) In this section—

prescribed arbitration institute means an entity for nominating arbitrators that is prescribed by regulation.

This amendment amends clause 72, 'Declaration about whether particular land is restricted land', of the bill to provide for resolutions of disputes about whether particular land is restricted land to be determined by an arbitrator. The proposed new clause allows for arbitration of the dispute and can be initiated by either the owner or occupier of the land or a holder of a resource authority for an area that includes the land. This amendment replaces the provisions in this present bill for these disputes to be decided by the Land Court. Many landowners and farmers are overburdened and do not have the money, and this arbitration can be done by the department. It can develop a practical and cost-effective mechanism other than the Land Court that would be available to the owner or occupier or the holder of a resource authority to seek a view or declaration of an area of restricted land.

Mr CRIPPS: Nothing would prevent the landowner or a company involved in a proposed resource activity on that landowner's property from agreeing to go through an arbitration process as proposed by the member for Dalrymple on a voluntary basis. To make the requirements statutory is an increase in the regulatory burden and the government is quite satisfied that if a landowner and a company cannot come to an agreement about what is and what is not restricted land, despite the fact that what restricted land will apply to will be clearly articulated in the regulations associated with the bill, then I think that the Land Court is the appropriate place to deal with the matter.

Division: Question put—That the amendment be agreed to.

AYES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

NOES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

Resolved in the negative.

Non-government amendment (Mr Knuth) negatived.

Mr CRIPPS: I move the following amendment—

15 Clause 72 (Declaration about whether particular land is restricted land)

Page 71, lines 5 to 11—

omit, insert—

72 Application to Land Court for declaration

(1) A prescribed person may apply to the Land Court for an order declaring the following—

(a) whether particular land is restricted land for a resource authority;

(b) whether a particular activity is a prescribed activity for a resource authority.

(2) The Land Court must—

(a) if an application is made under subsection (1)(a)—make an order declaring whether the land is restricted land for the resource authority; or

(b) if an application is made under subsection (1)(b)—make an order declaring whether the activity is a prescribed activity.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 244—

Mr CRIPPS (11.16 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

16 Clause 76 (Access if second resource authority is not a lease)

Page 73, lines 3 and 4—

omit, insert—

authorised activity for the second resource authority.

(3) Subsection (2) applies whether or not the authorised activity has already started.

17 Clause 79 (Access agreement binds successors and assigns)

Page 74, line 5, 'Access'—

omit, insert—

Written access

18 Clause 79 (Access agreement binds successors and assigns)

Page 74, line 6, 'An'—

omit, insert—

A written

19 Before clause 80

Page 74, after line 11—

insert—

79A Application of div 1

This division does not apply in relation to the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

20 Chapter 3, part 7, division 2 (Provisions for conduct and compensation agreements)

Page 75, after line 22—

insert—

Subdivision 1A Application of div 2

80A Application of div 2

This division does not apply in relation to the following resource authorities under the Mineral Resources Act—

(a) a prospecting permit;

(b) a mining claim;

(c) a mining lease.

21 Clause 90 (Particular agreements to be recorded on titles)

Page 80, lines 22 to 31 and page 81, lines 1 to 11—

omit, insert—

(3) Subsection (4) applies if—

(a) the agreement ends; or

(b) the land the subject of the agreement is subdivided, in whole or part, and the agreement does not apply to land within a new lot that is created as a result of the subdivision.

(4) The resource authority holder that is a party to the agreement must give the registrar notice of the matter in the appropriate form within 28 days after—

(a) if subsection (3)(a) applies—the agreement ends; or

(b) if subsection (3)(b) applies—the day the resource authority holder becomes aware the land has been subdivided.

(5) If the registrar is given a notice under subsection (4) in relation to an agreement that has ended, the registrar must, if satisfied the agreement has ended or is no longer relevant for the land, remove the particulars of the agreement from the relevant register.

(6) If the registrar is given a notice under subsection (4) in relation to the subdivision of land, the registrar must, if satisfied the agreement is not relevant for a new lot created by the subdivision, remove the particulars of the agreement from the relevant register to the extent it relates to the new lot.

(7) The registrar must also remove the particulars of the agreement from the relevant register if—

(a) requested to do so, in the appropriate form, by a party to the agreement; and

(b) the registrar is satisfied the agreement has ended or is no longer relevant for the land.

(8) A resource authority holder complying with subsection (1) or (4) is liable for the costs of recording the agreement in, or removing the agreement from, the relevant register.

(9) A notice given under this section is invalid if it does not comply with the prescribed requirements for the notice.

(10) A requirement of a resource authority holder under subsection (1) or (4) is a condition of the resource authority.

(11) In this section—

22 Clause 93 (Compensation not affected by change in administration or of resource authority holder)

Page 83, after line 23—

insert—

(3) An opt-out agreement is for the benefit of and binding on—

(a) the parties to the agreement; and

(b) the personal representatives, successors and assigns of the parties.

23 Clause 94 (Land Court may decide if negotiation process unsuccessful)

Page 84, lines 20 to 27—

omit, insert—

(2) An eligible party may apply to the Land Court for it to decide—

(a) the resource authority holder's compensation liability to the claimant; or

(b) the resource authority holder's future compensation liability to the claimant for an authorised activity for the resource authority proposed to be carried out by or for the holder; or

(c) a matter mentioned in section 81(1)(a) or (b).

24 Clause 100 (Main purposes of ch 4)

Page 90, line 13—

omit, insert—

the benefit for all Queenslanders; and

(c) establish a statutory framework that applies if the participants do not otherwise agree.

25 Clause 100 (Main purposes of ch 4)

Page 90, line 17, 'establishing'—

omit, insert—

allowing

26 Clause 101 (Definitions for ch 4)

Page 91, line 9, 'lodged with'—

omit, insert—

for which a notice has been given to

27 Clause 101 (Definitions for ch 4)

Page 92, after line 25—

insert—

concurrent notice see section 143A(2).

28 Clause 101 (Definitions for ch 4)

Page 93, after line 5—

insert—

EP (coal), for part 2A, see section 136.

29 Clause 101 (Definitions for ch 4)

Page 93, line 26, '123'—

omit, insert—

112

30 Clause 101 (Definitions for ch 4)

Page 93, after line 27—

insert—

MDL (coal), for part 2A, see section 136.

31 Clause 101 (Definitions for ch 4)

Page 93, after line 30—

insert—

mining commencement date means—

(a) for an IMA or RMA, the date for starting to carry out authorised activities for the ML (coal) the subject of the IMA or RMA; or

(b) for an ML (coal) generally, the date for starting to carry out authorised activities for the ML (coal) in an overlapping area.

32 Clause 101 (Definitions for ch 4)

Page 94, lines 10, 13 and 27 and page 95, line 3, 'part 2, division 5'—

omit, insert—

part 2A

33 Clause 101 (Definitions for ch 4)

Page 94, line 17, 'authorising the production of coal seam gas'—

omit, insert—

if coal seam gas is proposed to be produced under the lease

34 Clause 101 (Definitions for ch 4)

Page 95, lines 10 and 11—

omit, insert—

mentioned in section 127(2); or

(b) for part 2A—a proposed plan for development

35 Clause 101 (Definitions for ch 4)

Page 95, lines 16 to 21—

omit, insert—

reconciliation payment see section 162(2)(a) and (c)(i).

relevant matter means the size, or location within an overlapping area, of an IMA, an RMA or a SOZ.

36 Clause 101 (Definitions for ch 4)

Page 95, line 23—

omit, insert—

replacement gas see section 162(2)(b) and (c)(ii).

37 Clause 102 (What is an *overlapping area*)

Page 96, after line 20—

insert—

(4) Even if subsections (1) to (3) do not apply to make land an overlapping area, land is an ***overlapping area*** if it is the subject of both a coal resource authority and a petroleum resource authority.

38 Clause 106 (Purpose of div 3)

Page 97, line 10, 'part 2'—

omit, insert—

this chapter

39 After clause 114

Page 101, after line 9—

insert—

Division 4 Mandatory requirements

114A Mandatory requirements for participants

(1) The following provisions apply for all overlapping areas—

(a) section 118;

(b) part 2, division 3;

(c) part 2A, other than section 138A;

(d) part 2B;

(e) part 4, divisions 1, 2 and 5.

(2) The resource authority holders for an overlapping area may agree that provisions of this chapter, other than the provisions mentioned in subsection (1), do not apply for the overlapping area.

40 Clause 118 (Advance notice)

Page 102, line 24, 'proposed joint development plan or an agreed'—

omit.

41 Clause 124 (Exceptional circumstances notice may be given by PL holder)

Page 105, lines 3 to 33 and page 106, lines 1 to 15—

omit, insert—

124 Exceptional circumstances notice may be given by petroleum resource authority holder

(1) This section applies if—

(a) a petroleum resource authority holder—

(i) has received an advance notice for an ML (coal) but has not yet agreed to a joint development plan; or

(ii) has received a proposal, under section 130 or 141, to amend an agreed joint development plan to change the size or location of, or the agreed mining commencement date for, an IMA or RMA, but has not yet agreed to the proposal; and

(b) the holder considers an extension of the period (the ***relevant period***) before the ML (coal) holder may carry out authorised activities for the ML (coal) in the IMA or RMA is justified because of the following exceptional circumstances—

(i) there are high performing petroleum wells or fields in the IMA or RMA;

(ii) the relevant period is not sufficient to allow for production of petroleum from the high performing wells or fields at the prescribed threshold.

(2) The petroleum resource authority holder may give the ML (coal) holder a notice (an ***exceptional circumstances notice***) stating—

(a) the exceptional circumstances justifying the extension mentioned in subsection (1)(b); and

(b) the petroleum resource authority holder's preferred mining commencement date, which must not be more than 5 years after the proposed or agreed mining commencement date for the IMA or RMA.

(3) However, if subsection (1)(a)(i) applies, the exceptional circumstances notice must be given within 3 months after the petroleum resource authority holder receives the advance notice.

(4) The exceptional circumstances notice must be accompanied by technical data, including, for example, data about production modelling, justifying the preferred mining commencement date.

(5) The ML (coal) holder must, within 3 months after receiving the exceptional circumstances notice, give the petroleum resource authority holder a notice stating whether the ML (coal) holder accepts the petroleum resource authority holder's preferred mining commencement date.

(6) If the ML (coal) holder does not accept the petroleum resource authority holder's preferred mining commencement date under subsection (5), or claims that exceptional circumstances justifying the extension do not exist, the petroleum resource authority holder may apply for arbitration of the dispute.

(7) Despite subsection (6), the petroleum resource authority holder and the ML (coal) holder may jointly apply for arbitration of the dispute at any time.

(8) In this section—

42 Clause 125 (Acceleration notice may be given by ML (coal) holder)

Page 106, lines 23 to 25—

omit, insert—

(2) The ML (coal) holder may give the PL holder a notice (an ***acceleration notice***) that—

(a) states an earlier proposed mining commencement date for the IMA or RMA; and

(b) includes any other information prescribed by regulation.

43 Clause 125 (Acceleration notice may be given by ML (coal) holder)

Page 106, lines 29 to 31—

omit, insert—

(b) ending on the day that is 18 months before the proposed or agreed mining commencement date for the IMA or RMA.

44 Clause 125 (Acceleration notice may be given by ML (coal) holder)

Page 107, after line 3—

insert—

(5) The acceleration notice has effect to change a proposed or agreed mining commencement date whether or not the PL holder agrees to the change.

45 Clause 127 (Requirement for agreed joint development plan)

Page 108, lines 3 to 31 and page 109, lines 1 to 2—

omit, insert—

(1) An ML (coal) holder must ensure that, within 12 months after giving an advance notice to a petroleum resource authority holder—

(a) there is in place a joint development plan that has been agreed with the petroleum resource authority holder; and

(b) written notice is given to the chief executive stating the following—

(i) that the plan is in place;

(ii) the period for which the plan has effect;

(iii) other information prescribed by regulation.

(2) The agreed joint development plan must—

(a) identify the ML (coal) holder and petroleum resource authority holder under the plan; and

(b) set out an overview of the activities proposed to be carried out in the overlapping area by the ML (coal) holder, including the location of the activities and when they will start; and

(c) set out an overview of the activities proposed to be carried out in the overlapping area by the petroleum resource authority holder, including the location of the activities and when they will start; and

(d) identify any IMA and RMA proposed for the overlapping area, and any SOZ proposed for any IMA or RMA for the overlapping area; and

(e) state the agreed mining commencement date for any IMA or RMA; and

(f) state how the activities mentioned in paragraphs (b) and (c) optimise the development and use of the State's coal and coal seam gas resources; and

(g) state the period for which the agreed joint development plan is to have effect; and

(h) include any other information prescribed by regulation.

(3) For 2 or more overlapping areas in the area the subject of the ML (coal)—

(a) to the extent practicable, there may be in place a single agreed joint development plan for 2 or more of the overlapping areas; and

(b) if there are 2 or more agreed joint development plans in place for the overlapping areas, the ML (coal) holder may give the chief executive a single notice as mentioned in subsection (1)(b) for all the agreed joint development plans.

46 Clause 128 (Negotiation of agreed joint development plan)

Page 109, lines 6 and 7, 'lodge an agreed joint development plan'—

omit, insert—

give a notice under section 127(1)(b)

47 Clause 129 (Consistency of development plans)

Page 109, line 18, 'of'—

omit, insert—

with work programs and

48 Clause 129 (Consistency of development plans)

Page 109, line 23, after 'any'—

insert—

work program or

49 Clause 130 (Amendment of agreed joint development plan)

Page 110, lines 9 to 26—

omit, insert—

(3) Subsection (4) applies if the amendment provides for a cessation, or significant reduction or increase, of any of the following—

(a) mining under the ML (coal);

(b) production under the PL;

(c) exploring and testing activities under the ATP.

(4) Within 20 business days after making the amendment, the resource authority holders must jointly give the chief executive a written notice that—

(a) states the agreed joint development plan has been amended; and

(b) if there is a cessation or significant reduction of an authorised activity for a resource authority—includes, or is accompanied by, a statement about—

(i) whether the cessation or reduction is reasonable in the circumstances; and

(ii) whether the resource authority holders have taken all reasonable steps to prevent the cessation or reduction.

(5) A resource authority holder who can not obtain a proposed

50 Clause 135 (Right of first refusal)

Page 112, line 15, after 'supply'—

insert—

, on reasonable terms,

51 Clause 135 (Right of first refusal)

Page 112, line 21, 'a'—

omit.

52 Clause 135 (Right of first refusal)

Page 112, lines 24 and 25, from 'immediately' to 'gas'—

omit, insert—

as early as practicable

53 Clause 135 (Right of first refusal)

Page 113, lines 31 to 33 and page 114, lines 1 to 9—

omit, insert—

(7) However, if the ML (coal) holder has not, under the Mineral Resources Act, section 318CN, used gas offered to a petroleum resource authority holder under subsection (2)(a) within 12 months after becoming entitled to use the gas under subsection (6), the ML (coal) holder must not use the gas under the Mineral Resources Act, section 318CN until—

(a) the ML (coal) holder re-offers to supply the gas to the petroleum resource authority holder; and

(b) either—

(i) the petroleum resource authority holder rejects the re-offer; or

(ii) 3 months, or a longer period agreed to by the ML (coal) holder, elapses after the re-offer is made without the petroleum resource authority holder accepting the re-offer.

(8) A notice of offer under subsection (2), or a notice of

54 Chapter 4, part 2, division 5 (Subsequent petroleum production)

Page 114, lines 15 to 29, page 115, lines 1 to 33 and page 116, lines 1 to 26—

omit, insert—

Part 2A Subsequent petroleum production

136 Definitions for pt 2A

(1) In this part—

EP (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is an exploration permit (coal).

EP (coal) holder means the holder of an EP (coal).

MDL (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is an MDL (coal).

MDL (coal) holder means the holder of an MDL (coal).

ML (coal) means a corresponding column 2 resource authority for a PL, mentioned in the table for this part, that is a mining lease (coal).

ML (coal) holder means the holder of an ML (coal).

PL means a column 1 resource authority, mentioned in the table for this part, that is a petroleum lease (csg).

PL holder means the holder of a PL.

Note—

The PL holder may or may not hold an ATP for the overlapping area that is the subject of the PL.

(2) A reference to a PL holder includes, if the circumstances permit, an applicant for a PL, whether or not an ATP holder.

(3) A reference to an ML (coal) holder includes, if the circumstances permit, an EP (coal) holder or MDL (coal) holder who is an applicant for an ML (coal).

136A Table for pt 2A

The following table applies for this part—

Column 1	**Column 2**
petroleum lease (csg)	any of the following— (a) exploration permit (coal); (b) mineral development licence (coal); (c) mining lease (coal)

137 Petroleum production notice

(1) A PL holder must give a coal resource authority holder a notice (a ***petroleum production notice***) that—

(a) states that the PL holder has applied for the grant of the PL; and

(b) includes a copy of the application for the PL, other than any statement detailing the applicant's financial and technical resources; and

(c) if the PL holder holds an ATP for the overlapping area that is the subject of the PL and the coal resource authority, and has an agreed joint development plan with the coal resource authority holder—states the amendments to the agreed joint development plan the PL holder intends to seek under section 130; and

(d) if the PL holder does not hold an ATP for the overlapping area that is the subject of the PL and the coal resource authority is an ML (coal) that has been granted—includes a proposed joint development plan; and

(e) includes any other information prescribed by regulation.

(2) A petroleum production notice must be given to a coal resource authority holder within 10 business days after the day the PL holder applies for the grant of the PL.

138 Requirement for agreed joint development plan

(1) This section applies if a PL holder does not hold an ATP for an overlapping area that is the subject of the PL and an ML (coal).

(2) The PL holder must ensure that, within 12 months after giving a petroleum production notice to an ML (coal) holder—

(a) there is in place a joint development plan that has been agreed with the ML (coal) holder; and

(b) written notice is given to the chief executive stating the following—

(i) that the plan is in place;

(ii) the period for which the plan has effect;

(iii) other information prescribed by regulation.

(3) The agreed joint development plan must—

(a) identify the ML (coal) holder and petroleum resource authority holder under the plan; and

(b) set out an overview of the activities proposed to be carried out in the overlapping area by the PL holder, including the location of the activities and when they will start; and

(c) identify any IMA and RMA for the overlapping area, and any SOZ for any IMA or RMA for the overlapping area; and

(d) state the agreed mining commencement date for any IMA or RMA; and

(e) state how the activities mentioned in paragraph (b) optimise the development and use of the State's coal and coal seam gas resources; and

(f) state the period for which the agreed joint development plan is to have effect; and

(g) include any other information prescribed by regulation.

138A Exceptional circumstances notice previously given by ATP holder when PL holder

(1) This section applies if—

(a) the PL holder under this part, when the holder of an ATP that preceded the PL, gave, under part 2, division 2, an exceptional circumstances notice to the ML (coal) holder; and

(b) a new mining commencement date was established, whether by agreement or by arbitration, for an IMA or RMA for the overlapping area.

(2) The new mining commencement date applies under this division as the agreed mining commencement date for the IMA or RMA.

139 Negotiation of agreed joint development plan

(1) An ML (coal) holder who receives a petroleum production notice that includes a proposed amendment of an agreed joint development plan or a proposed joint development plan must negotiate in good faith with the PL holder to enable the PL holder to give a notice under section 130(4) or 138(2).

55 Clause 141 (Amendment of agreed joint development plan)

Page 117, lines 23 to 29 and page 118, lines 1 to 13—

omit, insert—

(2) A resource authority holder mentioned in this part who receives a proposal for an amendment of an agreed joint development plan must negotiate in good faith about the amendment.

(3) Subsection (4) applies if the amendment provides for a cessation, or significant reduction or increase, of mining under an ML (coal) or production under a PL.

(4) Within 20 business days after making the amendment, the resource authority holders must jointly give the chief executive a written notice that—

(a) states that the joint development plan has been amended; and

(b) if there is a cessation or significant reduction of mining under the ML (coal) or production under the PL—includes, or is accompanied by, a statement about—

(i) whether the cessation or reduction is reasonable in the circumstances; and

(ii) whether the resource authority holders have taken all reasonable steps to prevent the cessation or reduction.

(5) A resource authority holder who can not obtain a proposed

56 After clause 143

Page 119, after line 4—

insert—

Part 2B Concurrent applications

143A Concurrent notice may be given by ATP holder

(1) This section applies if an ATP holder—

(a) receives an advance notice under part 2 in relation to an overlapping area from the holder of an EP (coal) or MDL (coal) that includes the overlapping area; and

Note—

Under part 2, an advance notice for an ML (coal) is given by the applicant for the ML (coal).

(b) intends to apply for a PL, that will include the overlapping area, within 6 months after the ATP holder receives the advance notice.

(2) The ATP holder may give the holder of the EP (coal) or MDL (coal) a written notice (a ***concurrent notice***) in relation to the overlapping area.

(3) The concurrent notice must be given within 3 months after the ATP holder receives the advance notice.

(4) If the concurrent notice is given and the application for the PL is made within the 6 months mentioned in subsection (1)(b), this chapter must, to the greatest practicable extent, be applied as if the ATP holder was already a PL holder when the advance notice was given to the ATP holder.

(5) Without limiting subsection (4)—

(a) the requirement for an agreed joint development plan to be in place within 12 months after giving the advance notice applies under section 127(1); and

(b) the proposed mining commencement date for an IMA in the overlapping area, for the purposes of the advance notice, is taken to be at least 11 years after the date on which the advance notice was given; and

(c) the ATP holder may give an exceptional circumstances notice under part 2, if the necessary exceptional circumstances are considered to exist, at the same time as the concurrent notice is given.

143B Requirements for holder of EP (coal) or MDL (coal) if concurrent PL application

(1) This section applies if the holder of an EP (coal) or MDL (coal)—

(a) receives a petroleum production notice under part 2A in relation to an overlapping area from the holder of an ATP that includes the overlapping area; and

(b) lodges an application for an ML (coal) before the PL the subject of the petroleum production notice is granted.

Note—

Under part 2A, a petroleum production notice is given by the applicant for a PL.

(2) The holder of the EP (coal) or MDL (coal) must give the ATP holder an advance notice as required under part 2, but the proposed mining commencement date must be at least 11 years after the date on which the advance notice for the ML (coal) is given.

(3) Without limiting part 2, the requirement for an agreed joint development plan to be in place within 12 months after giving the advance notice applies under section 127(1).

57 Clause 144 (Table for pt 3)

Page 119, line 7 and table—

omit, insert—

The following table applies for this part—

Column 1	**Column 2**
exploration permit (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)
mineral development licence (coal)	either of the following— (a) authority to prospect (csg); (b) petroleum lease (csg)
authority to prospect (csg)	any of the following— (a) exploration permit (coal); (b) mineral development licence (coal); (c) mining lease (coal)

58 Clause 146 (Expedited land access for ATP holders)

Page 120, lines 12 to 31 and page 121, lines 1 to 12—

omit, insert—

146 Expedited land access for petroleum resource authority holders

(1) This section applies if—

(a) a petroleum resource authority holder gives an ML (coal) holder a negotiation notice under section 82; and

(b) the petroleum resource authority holder and ML (coal) holder have not entered into any of the following before the end of the minimum negotiation period—

(i) a conduct and compensation agreement;

(ii) a deferral agreement;

(iii) an opt-out agreement.

(2) Despite a requirement under chapter 3 to give an entry notice, the petroleum resource authority holder may enter an overlapping area the subject of the petroleum resource authority to carry out an authorised activity for the authority if—

(a) the petroleum resource authority holder gives the ML (coal) holder an expedited entry notice; and

(b) the first day the petroleum resource authority holder enters the overlapping area is at least 10 business days after the day the petroleum resource authority holder gives the ML (coal) holder the expedited entry notice.

(3) Nothing in this section limits any other provision of chapter 3, including, for example, a provision requiring the petroleum resource authority holder and the ML (coal) holder to enter into an agreement mentioned in subsection (1)(b).

(4) In this section—

expedited entry notice means a notice that—

(a) states the petroleum resource authority holder intends to enter an overlapping area on a stated date; and

(b) includes any other information prescribed by regulation.

59 Clauses 150 and 151

Page 124, lines 2 to 24—

omit, insert—

149A Requirement to give copy of agreed joint development plan

(1) The Minister may, by written notice, require a resource authority holder to give the Minister a copy of an agreed joint development plan.

(2) The resource authority holder must give the copy to the Minister within 30 business days after the notice is given under subsection (1).

(3) This section does not apply if the agreed joint development plan has ceased to have effect.

150 Amendment of agreed joint development plan

(1) The Minister may, by written notice, require a resource authority holder to amend an agreed joint development plan.

(2) The matters the Minister must consider in deciding whether to require an amendment include each of the following—

(a) the potential of each of the resource authority holders to which the plan applies to develop coal and coal seam gas resources to maximise the benefit for all Queenslanders;

(b) the extent to which each of the resource authority holders have complied with the plan;

(c) whether, if the amendment was made, compliance with the plan would continue to be commercially and technically feasible for the resource authority holders;

(d) the content of any work program or development plan for each of the resource authorities.

(3) A notice given under subsection (1) must include an information notice about the Minister's decision to require the amendment.

151 Request for information

The Minister may, by written notice, ask a resource authority holder to give the Minister any information the Minister considers appropriate to—

(a) optimise the development and use of the State's coal and coal seam gas resources to maximise the benefit for all Queenslanders; or

(b) ensure safe mining in an overlapping area the subject of the resource authority.

151A Right of appeal

(1) This section applies if the Minister decides to exercise a power under section 150(1).

(2) The P&G Act, chapter 12, part 2 applies, with necessary changes, to the decision as if—

(a) the decision were mentioned in the P&G Act, schedule 1, table 2; and

(b) the P&G Act, schedule 1, table 2 stated the Land Court as the appeal body for the decision; and

(c) a reference in the P&G Act, chapter 12, part 2 to an information notice included a reference to an information notice under section 150(3).

60 Clause 152 (Definitions for div 3)

Page 125, lines 10 and 11—

omit, insert—

reconciliation payment see section 162(2)(a) and (c)(i).

replacement gas see section 162(2)(b) and (c)(ii).

61 Clause 155 (What is *PL minor gas infrastructure*)

Page 126, lines 26 to 29—

omit, insert—

(d) minor facilities and infrastructure associated with, or servicing, anything mentioned in paragraph (a), (b) or (c); or

(e) minor facilities associated with, and servicing, major gas infrastructure, if the major gas infrastructure does not need to be relocated; or

(f) another field asset prescribed by regulation.

62 Clause 157 (What is *ATP major gas infrastructure*)

Page 127, lines 14 to 23—

omit, insert—

(1) ***ATP major gas infrastructure***, for an ATP, means—

(a) a pilot well for the ATP, if—

(i) the pilot well was drilled or constructed under the authority of the ATP; and

(ii) when the ATP holder was given an 18 months notice by an ML (coal) holder from whom the ATP holder seeks compensation under this division, the pilot well—

(A) was being used, or being held, for future production; and

(B) was not planned to be abandoned; and

(b) other infrastructure prescribed by regulation.

63 Clause 158 (Liability of ML (coal) holder to compensate PL holder)

Page 128, lines 7 to 29—

omit, insert—

(i) suffers, or will suffer, lost production; or

(ii) is, or will be, required to replace PL minor gas infrastructure for the PL; or

(b) an ML (coal) holder carries out, or proposes to carry out, authorised activities in an IMA or RMA for an overlapping area and, because of the authorised activities—

(i) PL connecting infrastructure for a PL is or will be physically severed and the PL holder is or will be required to replace the PL connecting infrastructure; or

(ii) the PL holder is or will be required to replace PL major gas infrastructure for the PL.

(2) The ML (coal) holder is liable to compensate the PL holder for—

(a) if subsection (1)(a)(i) applies—the lost production; or

(b) if subsection (1)(a)(ii) applies—the cost of replacement of the PL minor gas infrastructure; or

(c) if subsection (1)(b)(i) applies—the cost of replacement of the PL connecting infrastructure; or

(d) if subsection (1)(b)(ii) applies—the cost of replacement of the PL major gas infrastructure; or

(e) if subsection (1)(a) applies, but the mining commencement date for an IMA or RMA is delayed to later than the agreed mining commencement date—additional costs incurred by the PL holder because of the delay, except to the extent the liability to compensate is reduced under subsection (4).

(3) The ML (coal) holder's liability under subsection (2) to compensate the PL holder is the ML (coal) holder's ***compensation liability*** to the PL holder.

(4) The ML (coal) holder's compensation liability for the PL holder's additional costs as mentioned in subsection (2)(e) is reduced to the extent the delay is caused by any event beyond the control of the ML (coal) holder, but only if the ML (coal) holder—

(a) as soon as practicable gives written notice to the PL holder of—

(i) the event; and

(ii) the details of any cause of the event; and

(b) takes all reasonable steps to minimise the effect of the event on the agreed mining commencement date.

64 Clause 159 (Liability of ML (coal) holder to compensate ATP holder)

Page 129, lines 3 to 6—

omit, insert—

(a) an ML (coal) holder carries out, or proposes to carry out, authorised activities in an IMA or RMA; and

(b) because of the authorised activities, an ATP holder is or will be required to abandon ATP major gas infrastructure.

65 After clause 159

Page 129, after line 12—

insert—

159A Meeting compensation liability

(1) Unless otherwise agreed, a petroleum resource authority holder is entitled to receive an amount to meet a compensation liability only if the petroleum resource authority holder is able to give information that shows the value of any lost production, replacement costs or cost of abandonment for which compensation is claimed.

(2) A petroleum resource authority holder is not entitled to receive an amount of compensation on more than one occasion to meet any compensation liability that may at any time apply to a particular IMA or RMA.

(3) An ML (coal) holder is not required to pay an amount to meet a compensation liability arising from lost production until when the production would otherwise have happened.

66 Clause 160 (Duty of mitigation)

Page 129, lines 13 to 17—

omit, insert—

160 Minimising compensation liability

(1) An ML (coal) holder and a petroleum resource authority holder must both take all reasonable steps to minimise compensation liability in the way, and consistent with the principles, prescribed by regulation.

(2) If, after complying with subsection (1), the ML (coal) holder continues to have a compensation liability to the petroleum resource authority holder, the ML (coal) holder must, to the extent reasonable, offer the petroleum resource authority holder an amount of coal seam gas that is equal to the amount of the compensation liability.

(3) If, after complying with subsection (2), the ML (coal) holder continues to have a compensation liability to the petroleum resource authority holder, the ML (coal) holder must give the petroleum resource authority holder a payment equal to the amount of the compensation liability.

67 Clause 161 (Offsetting of compensation liability)

Page 129, lines 19 to 26—

omit, insert—

(1) An ML (coal) holder's compensation liability to a petroleum resource authority holder is reduced to the extent of the value of the following—

(a) incidental coal seam gas supplied to the petroleum resource authority holder on the acceptance of an offer made under section 135;

(b) undiluted incidental coal seam gas offered to the petroleum resource authority holder under section 135 but not supplied to the petroleum resource authority holder because the offer is not accepted.

(2) However, subsection (1)(b) applies only to the extent it was reasonably practicable for the petroleum resource authority holder to take supply of the undiluted incidental coal seam gas when the offer was made under section 135.

(3) The value of the incidental coal seam gas mentioned in

68 Clause 162 (Reconciliation payments and replacement gas)

Page 130, lines 12 to 15—

omit, insert—

equal to the amount of coal seam gas recovered; or

(c) both of the following—

(i) a payment (also a ***reconciliation payment***) for part of the coal seam gas recovered;

(ii) an amount of coal seam gas (also ***replacement gas***) that is equal to the amount of coal seam gas recovered that is not the subject of the reconciliation payment under subparagraph (i).

(3) The amount of a reconciliation payment—

(a) must be calculated in the way, and consistent with the principles, prescribed by regulation; and

(b) must not be more than the compensation payment.

69 Clause 163 (Dispute resolution)

Page 130, lines 16 to 31 and page 131, lines 1 to 12—

omit, insert—

163 Claiming compensation

(1) If a petroleum resource authority holder considers an ML (coal) holder has a compensation liability to the petroleum resource authority holder, the petroleum resource authority holder must—

(a) advise the ML (coal) holder of the liability as soon as reasonably practicable; and

(b) include with the advice a written proposal for calculating the amount of compensation payable.

(2) The ML (coal) holder may either—

(a) accept the proposal; or

(b) respond with a written counter proposal.

70 After clause 163

Page 131, before line 13—

insert—

163A Availability of dispute resolution

If a petroleum resource authority holder and an ML (coal) holder can not agree on any of the following, either party may apply for arbitration of the dispute—

(a) the amount of compensation the petroleum resource authority holder is entitled to receive under this division;

(b) when a compensation payment must be made;

(c) the amount of a reconciliation payment the ML (coal) holder is entitled to receive under this division;

(d) when a reconciliation payment must be made;

(e) the amount of replacement gas the ML (coal) holder is entitled to receive under this division;

(f) when the replacement gas must be given.

71 Clause 164 (Application of div 4)

Page 131, lines 19 to 24—

omit, insert—

(b) a dispute mentioned in section 128, 130, 139 or 141 about a joint development plan to the extent it relates to a relevant matter;

(c) a dispute mentioned in section 163A about compensation.

72 Clause 167 (Arbitrator's functions)

Page 132, after line 23—

insert—

(4) A regulation may prescribe matters an arbitrator may consider in deciding an award.

(5) A regulation made under subsection (4) does not limit the matters an arbitrator may consider.

73 Clause 168 (Expert appointed by arbitrator)

Page 132, line 28, 'petroleum mining'—

omit, insert—

coal seam gas exploration and production

74 Clause 173 (Lodgement of joint development plan after arbitration)

Page 134, lines 14 to 19—

omit, insert—

173 Notice to chief executive after arbitration

(1) This section applies if a joint development plan is amended as a result of arbitration.

(2) The resource authority holders must jointly give the chief executive written notice of the amendment.

(3) The notice must be given within 10 business days after the arbitration is completed.

75 Clause 218 (Definitions for div 1)

Page 160, line 11, 'div 1'—

omit, insert—

pt 4

76 Clause 218 (Definitions for div 1)

Page 160, line 12, 'division'—

omit, insert—

part

77 Chapter 7, part 4, division 2 (Exploration resource authorities granted over existing production resource authorities)

Page 161, lines 4 to 29—

omit, insert—

Division 2 Resource authorities granted over existing production resource authorities

221 Coal resource authority granted over existing PL

If a coal resource authority, whenever granted, overlaps a PL that was granted before the commencement, the Mineral Resources Act applies to the circumstance of the coal resource authority overlapping the PL as if the Common Provisions Act had not been enacted.

222 Petroleum resource authority granted over existing ML (coal)

If a petroleum resource authority, whenever granted, overlaps an ML (coal) that was granted before the commencement, the P&G Act applies to the circumstance of the petroleum resource authority overlapping the ML (coal) as if the Common Provisions Act had not been enacted.

78 Clause 223 (Application for ML (coal) over land in area of ATP (without consent))

Page 162, lines 25 to 30—

omit, insert—

(a) is agreed between the applicant and the ATP holder; or

(b) is at least—

(i) 18 months after the date on which the applicant for the grant of the ML (coal) has given the ATP holder a copy of the application under the pre-amended Mineral Resources Act, section 318AT(1)(a); and

(ii) 3 months after the commencement.

79 Clause 223 (Application for ML (coal) over land in area of ATP (without consent))

Page 163, line 3, 'mine'—

omit, insert—

explore and test

80 Clause 224 (Application for ML (coal) over land in area of ATP (with consent))

Page 163, line 27, 'mine'—

omit, insert—

explore and test

81 Clause 227 (Application for PL over land in area of coal exploration authority (without consent))

Page 165, line 27—

omit, insert—

(3) For applying the requirement under the new overlap provisions to give a petroleum production notice, the application for grant of the PL is taken to have been made on the commencement.

(4) In this section—

82 Clause 228 (Application for PL over land in area of coal exploration authority (with consent))

Page 166, line 12—

omit, insert—

(3) For applying the requirement under the new overlap provisions to give a petroleum production notice, the application for grant of the PL is taken to have been made on the commencement.

(4) In this section—

83 Clause 231 (Application of div 5)

Page 168, lines 5 to 11—

omit, insert—

(1) This division applies to the giving of an advance notice or an acceleration notice if—

(a) a person holds a petroleum lease (csg) granted after the commencement but not later than 31 December 2016; and

(b) another person applies for an ML (coal) after the commencement but before 1 July 2020; and

(c) there is an overlapping area that is the subject of both the petroleum lease (csg) and the ML (coal); and

84 Clause 232 (Extension of period until mining commencement date)

Page 168, lines 17 to 22—

omit, insert—

232 Requirements for advance notice and acceleration notice

(1) Despite sections 113 and 118, the advance notice given by the applicant for the ML (coal) must not state a proposed mining commencement date for an IMA or RMA for the overlapping area that is before 1 July 2030, unless the holder of the petroleum lease (csg) agrees to an earlier date.

(2) Despite section 125, if the ML (coal) holder gives the holder of the petroleum lease (csg) an acceleration notice, the proposed mining commencement date stated in the notice must not be earlier than 1 July 2020, unless the holder of the petroleum lease (csg) agrees to an earlier date.

85 Clause 233 (Particular provisions do not apply)

Page 168, lines 23 to 25—

omit.

86 After clause 241

Page 171, after line 14—

insert—

Division 2A Amendments relating to the Common Provisions Act, chapter 4

241A Amendment of s 268 (Criteria for decision)

Section 268, heading, after 'decision'—

insert—

generally

241B Insertion of new s 268A

Chapter 5, part 10, division 5—

insert—

268A Criteria for decision—prescribed resource activities in overlapping area

(1) This section applies if—

(a) the environmental authority the subject of the surrender application—

(i) is for a prescribed resource activity; and

(ii) relates to land in an overlapping area; and

(b) another prescribed resource activity (the ***overlapping prescribed resource activity***) is being, or is proposed to be, carried out in the overlapping area.

(2) In deciding the surrender application, the administering authority must also consider—

(a) the extent to which compliance with a rehabilitation condition of the environmental authority is impossible or impractical due to the carrying out of the overlapping prescribed resource activity; and

(b) whether an environmental authority for the overlapping prescribed resource activity has been amended to include a condition equivalent to the rehabilitation condition of the environmental authority to be surrendered.

241C Amendment of s 269 (Restrictions on giving approval)

Section 269—

insert—

(2) Despite subsection (1)(b), the administering authority may approve a surrender application for an environmental authority that relates to land in an overlapping area if—

(a) the administering authority is satisfied compliance with a rehabilitation condition of the environmental authority is impossible or impractical due to the carrying out of an overlapping prescribed resource activity in the area; and

(b) an environmental authority for the overlapping prescribed resource activity has been amended to include a condition equivalent to the rehabilitation condition of the environmental authority to be surrendered.

241D Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

overlapping area, for chapter 5, part 10, see the *Mineral and Energy Resources (Common Provisions) Act 2014*, section 102.

overlapping prescribed resource activity, for chapter 5, part 10, see section 268A(1)(b).

prescribed resource activity, for chapter 5, part 10, means a resource activity carried out under one of the following—

(a) an authority to prospect under the P&G Act, if the intention of the holder is to explore and test for coal seam gas;

(b) an exploration permit for coal;

(c) a mineral development licence for coal;

(d) a mining lease for coal;

(e) a petroleum lease authorising the production of coal seam gas.

Amendments agreed to.

Clauses 73 to 244, as amended, agreed to.

Clause 245—

Mr HOPPER (11.17 pm): There is a very active group in the town of Oakey right beside the Acland project and it has asked for the minister to clarify a couple of things in a couple of clauses. Clause 245 limits community notification and formal objection rights to the Land Court to site specific. Environmental authorities will, in conjunction with the above clauses, remove all existing public rights to lodge formal objections to the Land Court in up to 90 per cent of mining projects in Queensland. This is unacceptable and fails to recognise the positive impact of community objection rights. The same mining companies that want to limit public objections are often foreign owned. Suggestions that objectors lodge frivolous and vexatious cases is entirely untrue. Rather, the opposite is true. There are no examples of such cases and objectors are very responsible.

In the Alpha Coal case in 2014 the landholders and conservation group exposed that the mining company had a lack of hard data on groundwater impacts. Public spirited objectors went to court and saved the Ellison Reef from limestone mining and helped show the importance of protecting Fraser Island, which is now World Heritage Listed. Likewise, the Oakey group is seeking to protect good quality agricultural land and groundwater on the inner Darling Downs for future generations of Queenslanders.

Ms TRAD: Clause 245 removes public notification objection rights on standard environmental authority applications for a resource activity. As the government's own discussion paper sets out, this would involve the removal of public notification and objection rights for 90 per cent of environmental authority applications for a resource activity.

As I set out in my speech in the second reading debate, the opposition does not support a proposal based solely on lowering application costs for mining applications and mining proponents when it is at the expense of both the broader community and a landholder's right to know about and object to a standard environmental authority application. The resources in this state are held on behalf of the Crown for the benefit of all Queenslanders and they should have a right to know about the environmental conditions being attached to a nearby mine even if it is a small scale operation.

The minister in his summation of the contributions to the second reading debate of this bill talked about people having an opportunity to have two bites of the cherry. One was the notification of the mining application itself and then through the environmental authority. For the minister's benefit, I would like to read out a contribution made at the Toowoomba hearing from Mr Shannon of the Basin Sustainability Alliance just so that he is clear on how landowners and people in rural communities see this issue. Mr Shannon said—

> I will come to the environmental authority objection because, frankly, it is nothing like the objections that are under the Mineral Resources Act. There are different grounds under the Mineral Resources Act. There are economic grounds, there are social grounds, there are broader grounds than what is under the Environmental Protection Act. For the minister to come out and say that that adequately addresses the fundamental principles of natural justice here is, with great respect to him, because I have respect for him, absolutely ludicrous.

Quite frankly, I think that the minister has played a very tricky game here in relation to mining application notification and objection and also environmental authority. We do not support a reduction in the public's right to have a say in terms of environmental authority applications.

Mr CRIPPS: The tricks are being played by the Labor opposition in relation to their intent to create discontent in the community about these amendments. For standard condition environmental authorities, it is true that there will not be the opportunity for the public to object. As I said during my contribution to the second reading debate, under the current arrangements, an analysis of this situation by my department and the Department of Environment and Heritage Protection is that no-one—no-one—in the wider community ever objects to an EA for a small scale mine. I outlined some of the threshold tests that would be associated with determining what is a small scale mine. They include fewer than 10 hectares being affected by the resource activity, having fewer than 20 employees and being associated with low-impact mining activities such as opal mining, clay pit mining and stone dimensional mining. No-one has ever objected.

Where there has been an objection, it has been by the directly affected landowner. They will retain opportunities to object to the mining lease under the proposal and their objections have been about the amount of compensation associated with that mining lease application, not about the environmental conditions that they are going to cause. So the tricks are being played by the Labor Party opposition and by various other parties that I have mentioned at length during my second reading speech and during my reply to the second reading debate.

Division: Question put—That clause 245, as read, stand part of the bill.

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Clause 245, as read, agreed to.

Clauses 246 to 261—

Mr CRIPPS (11.26 pm): I see leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

87 Clause 257 (Amendment of s 182 (Submitter may give objection notice))

Page 176, line 6—

omit, insert—

(1) Section 182(1), 'or makes a decision under section

88 Clause 257 (Amendment of s 182 (Submitter may give objection notice))

Page 176, after line 8—

insert—

(2) Section 182(2)—

omit, insert—

(2) A submitter may, by written notice (the ***objection notice***) to the administering authority, request that its submission, other than a part of the submission relating to a Coordinator-General's condition, be taken to be an objection to the application.

Note—

See also the State Development Act, section 47D.

(3) Section 182—

insert—

(3A) The grounds for the objection must not relate to a Coordinator-General's condition.

89 After clause 257

Page 176, before line 9—

insert—

257A Amendment of s 183 (Applicant may request referral to Land Court)

Section 183(3)—

omit, insert—

(3) However, the applicant may not make a request under subsection (1) if—

(a) the only ground for referring the application relates to a Coordinator-General's condition; or

(b) the administering authority refused the application under section 173(1).

90 After clause 260

Page 176, after line 26—

insert—

260A Insertion of new s 188A

After section 188—

insert—

188A Striking out objection notices

(1) This section applies to the extent an objection notice is—

(a) outside the jurisdiction of the Land Court; or

(b) frivolous or vexatious; or

(c) otherwise an abuse of the process of the Land Court.

(2) Despite section 185(1), the Land Court may, at any stage of the hearing, strike out all or part of the objection notice.

260B Amendment of s 194 (Final decision on application)

Section 194(1)(b), after 'are'—

insert—

struck out or

Amendments agreed to.

Clauses 246 to 261, as amended, agreed to.

Clause 262—

Ms TRAD (11.26 pm): I am also happy to register objections to clause 262 as well as clause 263 in my contribution. Clauses 262 and 263 make amendments to the Environmental Protection Act 1994. So each amendment for an environmental authority application for a mining lease will no longer require public notification. These amendments support clause 245 of this bill, which removes public notification objection rights on standard and variation environmental authority applications. The opposition does not support the removal of these rights or the removal of public notification on amendments to an environmental authority application as set out in this clause.

Division: Question put—That clause 262, as read, stand part of the bill.

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Clause 262, as read, agreed to.

Insertion of new clause—

Mr CRIPPS (11.29 pm): I move the following amendment—

91 After clause 262

Page 177, after line 9—

insert—

262A Amendment of s 232 (Relevant application process applies)

Section 232(2), 'activity, other than a mining activity,'—

omit, insert—

activity

Amendment agreed to.

Clause 263, as read, agreed to.

Clauses 264 to 417—

Mr CRIPPS (11.30 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

92 Clause 276 (Amendment of sch 1 (Decisions subject to appeal))

Page 183, lines 4 and 5 and table—

omit, insert—

(2) Schedule 1—

insert—

Decisions under Common Provisions Act

19(3)	decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions
23(3)	decision to refuse to give indicative approval, or to give indicative approval with conditions
59(2)	imposition of condition on entry on public land, other than a condition agreed to or requested by the geothermal tenure holder
59(7)	variation of condition imposed on entry on public land, other than a variation agreed to or requested by the geothermal tenure holder
64(1)	decision to give road use direction

93 Clause 307 (Amendment of sch 1 (Decisions subject to appeal))

Page 194, lines 16 and 17 and table—

omit, insert—

(2) Schedule 1—

insert—

Decisions under Common Provisions Act

19(3)	decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions
23(3)	decision to refuse to give indicative approval, or to give indicative approval with conditions
59(2)	imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant GHG authority holder
59(7)	variation of condition imposed on entry on public land, other than a variation agreed to or requested by the relevant GHG authority holder
64(1)	decision to give road use direction

94 Clause 312 (Amendment of s 377D (What happens if a party does not attend))

Page 196, line 9, ‘Resources’—

omit, insert—

Provisions

95 Clause 313 (Amendment of s 377E (Authorised officer’s role))

Page 196, line 13, ‘Resources’—

omit, insert—

Provisions

96 Clause 335 (Amendment of s 10AA (Joint holders of mining tenement))

Page 205, line 4, ‘petroleum authority’—

omit, insert—

mining tenement

97 Clause 348 (Amendment of s 318AAZM (Who may appeal))

Page 212, line 24—

omit, insert—

(1) Section 318AAZM(1)—

98 Clause 348 (Amendment of s 318AAZM (Who may appeal))

Page 213, after line 12—

insert—

(2) Section 318AAZM(2), ‘section 318AAZ’—

omit, insert—

section 318AAU

99 Clause 349 (Amendment of s 318AB (Relationship with ch 4–6 and ch 7, pt 1))

Page 213, lines 21 and 22—

omit, insert—

(3) Section 318AB(3), ‘chapter 7, part 1’—

omit, insert—

the Common Provisions Act

100 Clause 351 (Amendment of s 401A (Protection against liability as condition of approval))

Page 214, lines 5 to 12—

omit, insert—

(1) Section 401A(1), 'chapter 7, part 1, division 3'—

omit, insert—

the Common Provisions Act, chapter 2, part 1

(2) Section 401A(4), definition *parties*, paragraphs (b) to (d)—

omit, insert—

(b) for a transfer of the mining tenement—the proposed transferee;

(c) for a mortgage of the mining tenement—the proposed mortgagee;

(d) for a sublease of the mining tenement—the proposed sublessee;

(3) Section 401A(4), definition *relevant matter*, paragraph (c), 'chapter 7, part 1, division 3'—

omit, insert—

the Common Provisions Act, chapter 2, part 1

101 Clause 352 (Amendment of s 406 (Land Court may review direction or requirement))

Page 214, line 24—

omit, insert—

Provisions Act, section 59;

(d) the variation of a condition mentioned in paragraph (c).

102 Clause 355 (Insertion of s 7A and 7B)

Page 216, line 11, 's 7A'—

omit, insert—

new ss 7A

103 Clause 355 (Insertion of s 7A and 7B)

Page 217, lines 11 to 13—

omit, insert—

(b) an authorised activity that affects the lawful

104 Clause 356 (Amendment of s 129 (Entitlements under exploration permit))

Page 218, line 16, '129(2), (5),'—

omit, insert—

129(2) to

105 Clause 361 (Amendment of s 335I (What happens if a party does not attend))

Page 219, line 26, 'Resources'—

omit, insert—

Provisions

106 Clause 362 (Amendment of s 335J (Authorised officer's role))

Page 220, line 4, 'Resources'—

omit, insert—

Provisions

107 Clause 403 (Amendment of s 129 (Entitlements under exploration permit))

Page 239, lines 19 to 24 and page 240, lines 1 to 3—

omit, insert—

Section 129(1)(c)(i), example—

omit.

108 Clause 416 (Replacement of s 245 (Application for grant of mining lease))

Page 245, line 6, after 'in'—

insert—

or adjoin

109 Clause 416 (Replacement of s 245 (Application for grant of mining lease))

Page 245, line 12, after 'in'—

insert—

or adjoining

Amendments agreed to.

Clauses 264 to 417, as amended, agreed to.

Clause 418—

Mr CRIPPS (11.31 pm): I move the following amendments—

110 Clause 418 (Replacement of ss 252—252D)

Page 249, lines 6 to 32 and page 250, lines 1 to 33—

omit, insert—

252A Documents and other information to be given to particular persons

(1) The applicant for a proposed mining lease must give the following documents and information to each affected person—

(a) the mining lease notice;

(b) the application for the mining lease, other than any part of it—

(i) that states the applicant's financial and technical resources; or

(ii) the chief executive considers is commercial in confidence;

(c) the documents and other information mentioned in the mining lease notice under section 252(3)(c).

(2) Also, the applicant must give notice of the application to the following persons in accordance with a practice manual under the Common Provisions Act, section 191—

(a) an occupier of the subject land;

(b) an occupier of land necessary for access to the subject land;

(c) an owner of adjoining land;

(d) an entity that provides infrastructure wholly or partially on the subject land.

(3) The documents and other information mentioned in subsection (1), and the notice mentioned in subsection (2), must be given within the later of the following periods to end—

(a) either—

(i) if the notification stage mentioned in the Environmental Protection Act, chapter 5, part 4 does not apply to the application—5 business days after the mining lease notice is given to the applicant; or

(ii) if the notification stage mentioned in the Environmental Protection Act, chapter 5, part 4 applies to the application—5 business days after the application notice mentioned in the Environmental Protection Act, section 152 is given and published under that section;

(b) if the chief executive at any time decides a longer period—the longer period.

(4) Despite subsections (1) to (3), the chief executive may decide an additional or substituted way for the giving of the documents and other information mentioned in subsection (1), or the notice mentioned in subsection (2).

(5) The chief executive must give written notice of a decision under subsection (4) no later than the giving of the mining lease notice to the applicant.

(6) In this section—

adjoining land—

(a) includes land that would adjoin the subject land if it was not separated by a road, watercourse, railway, stock route, reserve or drainage or other easement; and

(b) does not include land that adjoins land necessary for—

(i) access to the subject land; or

(ii) transporting things to the subject land.

affected person means**—**

(a) an owner of the subject land; or

(b) an owner of land necessary for access to the subject land; or

(c) the relevant local government.

infrastructure means infrastructure relating to the transportation, movement, transmission or flow of anything, including, for example, goods, material, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

subject land means land the subject of the proposed mining lease.

111 Clause 418 (Replacement of ss 252—252D)

Page 251, line 14—

omit, insert—

person to whom a document, information or notice must be given under section

Amendments agreed to.

Ms TRAD: And here we have, I think, the real heart of the very deep concern and objection that many landholders throughout Queensland have in relation to this bill. These clauses, and I am speaking to clauses 418 to 420, remove public notification and objection rights on mining lease applications in Queensland. Over 90 per cent of submissions to the Agriculture, Resources and Environment Committee, over 90 per cent of more than 280 submissions to the committee on the government's initial consultation paper, opposed the removal of these fundamental rights. In the minister's contribution when he talked about the growth in the resources sector under the previous government he said of course that happened even with these rights intact because commodity prices were high, the price of coal was high, of course it was going to boom. The logical extension of that illogical argument is that when coal prices are down, when commodity prices are down, when agricultural export prices are down and the Australian dollar is high you should screw down farmers as much as possible by taking away their rights to be notified and object to mining development in their communities.

I understand that the minister has circulated last-minute amendments to include adjoining landowners that have been identified by the resource company in question to be also notified and have standing to object in relation to the mining application, but let us be quite frank here, mining development affects whole communities. We have heard that today through the contribution made by the member for Condamine in particular. I also heard it during the public inquiry hearings, particularly the hearing held in Toowoomba. It is a complete and utter outrage to suggest somehow that the right of farmers in this state to protect their bottom line and to protect their farming interests is somehow subservient to the mining interests in this state.

These two have co-existed in Queensland for over 100 years and they should co-exist into the future, but they will not when the government so blatantly stacks against the interests of farmers, landholders and rural communities in this state. They cannot hope to co-exist in the future when this government only responds to the interests of big mining companies because they can make the big donations to the LNP and not the interests of landowners and rural communities and all Queenslanders across-the-board.

Mr HOPPER: A very good speech, member for South Brisbane.

Government members interjected.

Mr HOPPER: It was. It is not just farmers that this relates to, it is community groups and neighbours as well. This clause removes existing community notification rights and rights to object to mining lease applications. It changes land tenure to allow for mining rather than another land use which could impact on a broad section of the public. Therefore, the narrow definition of an affected person proposed, which would exclude neighbours or community groups or people in a water catchment, is absurd and undemocratic. The ecosystems that we are defending, like the Great Artesian Basin, the Murray Darling Basin and some of Australia's finest agricultural land, belong to all citizens not just the companies that are seeking to exploit their mineral wealth so that the government can take the royalties. That is exactly what this is about. Minister, tell us that it is not about the government seeking to gain royalties. Land use decision-making processes for other industries provide for community submissions and appeal rights and there is no good reason why mining tenure should be exempt from this basic standard. This bill clearly favours resource companies and not landholders, not communities and not neighbours.

Mr CRIPPS: The member for South Brisbane is wrong when she asserts that the corollary of the argument that I put that the reason the resources sector boomed under the previous government despite the level of red tape and regulation that applied was because of the high price of coal and the very low Australian dollar. The corollary of that argument is not that you screw down the farmers, the corollary is that when it comes to the crunch, when investment decisions need to be made about whether or not to get a project done, they will take account of the costs associated and the timeliness of the application process. How many times did I mention it? It is about the competitiveness of the state of Queensland as a resource jurisdiction in comparison to other resource jurisdictions. That is the difference between the delivery of jobs to communities, particularly in regional and rural Queensland.

We had a bit of tightrope walking from the member for Bundamba during her speech in the second reading debate where she wanted to associate herself with the arguments being put forward by the member for South Brisbane as the opposition spokesperson for this bill and her self-proclaimed history as a strong supporter of the resources sector in Queensland. She cannot have it both ways.

Mrs Miller: Stronger than you.

Mr CRIPPS: No. The obvious difference is the opportunity in a tight market, in a very competitive market, for the availability of capital and it is the amount of costs that are associated with developing that new project. Those opposite want to compromise the opportunity to secure jobs. We are doing that by putting in place an arrangement that balances these interests.

In relation to the ability to reject a mining lease, I gave notice that I would be moving an amendment to expand those people who would have the right to be notified and object to a mining lease to people with a common boundary of a property where a proposed mining lease is being applied for. We have listened to the feedback that came from the community during the parliamentary committee process and we have moved an amendment accordingly to accommodate some of those concerns.

Division: Question put—That clause 418, as amended, be agreed to.

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Clause 418, as amended, agreed to.

Clause 419, as read, agreed to.

Clause 420—

Mr CRIPPS (11.42 pm): I move the following amendments—

112 Clause 420 (Replacement of s 260 (Objection to application for grant of mining lease))

Page 253, lines 13 to 23—

omit, insert—

(a) if the affected person is the owner of land the subject of the proposed mining lease—the matters mentioned in section 269(4)(a), (b), (c) or (d)(i)(A) or (C);

(b) if the affected person is the owner of land necessary for access to land mentioned in paragraph (a)—the matters mentioned in section 269(4)(a) or (e);

(c) if the affected person is the owner of adjoining land within the meaning of section 252A—the matters mentioned in section 269(4)(a) or (d)(i)(D) or (ii);

(d) if the affected person is the relevant local government—the matters mentioned in section 269(4)(a) or (d)(i)(B).

113 Clause 420 (Replacement of s 260 (Objection to application for grant of mining lease))

Page 254, line 3—

omit, insert—

(c) an owner of adjoining land within the meaning of section 252A; or

(d) the relevant local government.

Amendments agreed to.

Division: Question put—That clause 420, as amended, be agreed to.

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Clause 420, as amended, agreed to.

Clause 421—

Mr CRIPPS (11.44 pm): I move the following amendment—

114 Clause 421 (Replacement of s 265 (Referral of application and objections to Land Court))

Page 256, line 24, after 'are'—

insert—

struck out or

Amendment agreed to.

Clause 421, as amended, agreed to.

Clause 422, as read, agreed to.

Insertion of new clause—

Mr CRIPPS (11.45 pm): I move the following amendment—

115 After clause 422

Page 257, after line 5—

insert—

422A Insertion of new s 267A

After section 267—

insert—

267A Striking out objections

(1) This section applies to the extent an objection lodged under section 260 is—

(a) outside the jurisdiction of the Land Court; or

(b) frivolous or vexatious; or

(c) otherwise an abuse of the process of the Land Court.

(2) Despite sections 265 and 268, the Land Court may, at any stage of the hearing, strike out all or part of the objection.

Amendment agreed to.

Clause 423—

Mr HOPPER (11.46 pm): It is inappropriate to restrict matters that the Land Court can consider and give those powers, such as considering the public interest, to the minister. It is decreasing judicial oversight, increasing ministerial powers and shutting out community participation, which has worrying implications for corruption. We hear rumours in this job. I have heard rumours of deals being done, but you do not listen to those rumours unless you have some proof. When I get some proof of the rumours that I have heard, things will happen.

This clause is very serious. We have already witnessed the possible collusion between proponents and governments at Acland that continued the expansion despite valid community opposition and concerns over many years regarding the loss of agricultural land, serious social impacts, local economic impacts and mental health and health impacts. Rural communities feel disempowered and unfairly disadvantaged under these conditions. Giving the power to the minister is totally wrong. It opens the door for corruption, as I said. We totally disagree with this clause.

Mr CRIPPS: I did specifically address this clause when I was speaking during the second reading debate. I have moved amendment No. 115 circulated in my name.

Mr HOPPER: I rise to a point of order. The clause was not voted on.

Mr DEPUTY SPEAKER (Dr Robinson): Order! Hold a moment, member for Condamine.

Mr CRIPPS: I move the following amendments—

116 Clause 423 (Amendment of s 269 (Land Court's recommendation on hearing))

Page 257, lines 10 to 14—

omit, insert—

(2) Section 269(1)(d)—

renumber as section 269(1)(b).

(3) Section 269(2), 'subsection (1)(d)'—

omit, insert—

subsection (1)(b)

117 Clause 423 (Amendment of s 269 (Land Court's recommendation on hearing))

Page 257, lines 27 to 30 and page 258, lines 1 to 3—

omit, insert—

operations, are appropriate, having regard to—

(i) the likely impact of the activities on—

(A) the surface of the land the subject of the proposed mining lease; and

(B) infrastructure owned or managed by the relevant local government; and

(C) affected persons; and

(D) any existing use of adjoining land; and

(ii) the proximity of adjoining land to the proposed mining operations; and

118 Clause 423 (Amendment of s 269 (Land Court's recommendation on hearing))

Page 258, after line 8—

insert—

adjoining land see section 252A(6).

Mr DEPUTY SPEAKER: Member for Condamine, the question now before the House is that the minister's amendments be agreed to. That encompasses your question, so that is sorted.

Division: Question put—That the amendments be agreed to.

AYES, 61:

LNP, 61—Barton, Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Davies, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, Frecklington, Gibson, Grimwade, Gulley, Hart, Hobbs, Holswich, Johnson, Kaye, Kempton, Krause, Langbroek, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Minnikin, Molhoek, Nicholls, Ostapovitch, Pucci, Rickuss, Ruthenberg, Seeney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Young.

NOES, 16:

ALP, 9—Byrne, D'Ath, Lynham, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad.

KAP, 3—Hopper, Katter, Knuth.

PUP, 1—Judge.

INDEPENDENTS, 3—Cunningham, Douglas, Wellington.

Resolved in the affirmative.

Clause 423, as amended, agreed to.

Clause 424—

Mr CRIPPS (11.51 pm): I move the following amendment—

119 Clause 424 (Amendment of s 271 (Criteria for deciding mining lease application))

Page 259, line 19—

omit, insert—

will be prejudiced;

(viii) whether the term sought for the mining lease is appropriate; and

Amendment agreed to.

Clause 424, as amended, agreed to.

Clauses 425 to 428, as read, agreed to.

Clause 429—

Ms TRAD (11.52 pm): This clause introduces amendments to allow the minister to grant a mining lease even if compensation has not been agreed to over restricted land. Under current legislation, the granting of a mining lease requires that restricted land is excluded from the mining lease unless the written agreement of the landholder has been provided.

Many submissions to the Agriculture, Resources and Environment Committee raised concerns with this clause. As I outlined in my contribution to the second reading debate, Shine Lawyers have taken particular issue with this clause and have said, in relation to that—

If the amendments are made a landholder will not only be left powerless during negotiations but will also be left with little amenity, privacy or rights to object.

Quite frankly, let us be really clear about what this is about and what this has the potential to do. I note that the previous speaker talked about limiting the opportunities for corruption to flourish in our system of governance. If the minister of the day can have the right, can have the discretion to override and grant a mining lease even when compensation agreements have yet to be agreed to then that leaves open the ability for the minister of the day to be unduly influenced by resource companies that are providing big donations to the political party that the minister belongs to.

Let us be really clear here. What we have seen already in the media is the fact that the Premier of this state, when he was opposition leader, met with the CEO of a mining company which then in turn gave significant electoral support in his seat of Ashgrove in order to get him elected as the member for Ashgrove and the Premier of this state. What we have also seen is that Karreman Quarries had access to the Deputy Premier, made significant donations to the LNP and their compliance order disappeared.

This amendment provides for a very short walk between a significant political donation, undue influence of a Queensland government minister and corruption to flourish in this state. Anyone in this chamber who votes in support of this amendment is not only doing over farmers in Queensland but also doing over the whole of Queensland.

Clause 429, as read, agreed to.

Clauses 430 to 637—

Mr CRIPPS (11.56 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

120 Clause 431 (Amendment of s 316 (Mining lease for transportation through land))

Page 261, lines 8 to 10—

omit, insert—

(1) Section 316(1)(b), 'a prospecting permit,'—

omit, insert—

an

(2) Section 316(5)—

omit.

121 Clause 488 (Amendment of schedule (Decisions subject to appeal))

Page 300, lines 5 and 6 and table—

omit, insert—

(2) Schedule—

insert—

Decisions under Common Provisions Act

19(3)	decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions
21(2)	decision to require security
23(3)	decision to refuse to give indicative approval, or to give indicative approval with conditions
59(2)	imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant 1923 Act petroleum tenure holder
59(7)	variation of condition imposed on entry on public land, other than a variation agreed to or requested by the relevant 1923 Act petroleum tenure holder
64(1)	decision to give road use direction

122 Clause 490 (Amendment of s 61 (Obstruction of 1923 Act petroleum tenure holder))

Page 302, line 5, 'Resources'—

omit, insert—

Provisions

123 Clause 492 (Amendment of s 103D (What happens if a party does not attend))

Page 302, line 16, 'Resources'—

omit, insert—

Provisions

124 Clause 493 (Amendment of s 103E (Authorised officer's role))

Page 302, line 20, 'Resources'—

omit, insert—

Provisions

125 Clause 527 (Amendment of s 908 (Right to apply for petroleum tenure))

Page 314, line 17, after 'dealings'—

insert—

, caveats and associated agreements

126 Clause 529 (Amendment of sch 1 (Reviews and appeals))

Page 316, line 6 and table—

omit, insert—

Table 3 Decisions subject to appeal

Section reference	Description of decision	Appeal body
Decisions under Common Provisions Act		
19(3)	decision to refuse to approve registration of a dealing, or to approve registration of a dealing with conditions	Land Court
23(3)	decision to refuse to give indicative approval, or to give indicative approval with conditions	Land Court
59(2)	imposition of condition on entry on public land, other than a condition agreed to or requested by the relevant petroleum authority holder	Land Court
59(7)	variation of condition imposed on entry on public land, other than a variation agreed to or requested by the relevant petroleum authority holder	Land Court
64(1)	decision to give road use direction	Land Court

127 Clause 550 (Amendment of s 814A (Executive officer may be taken to have committed offence))

Page 321, line 15—

omit, insert—

(5) In this section—

128 After clause 632

Page 358, after line 20—

insert—

632A Insertion of new s 47D

Part 4, division 6—

insert—

47D Restriction on giving of objection notice under the Environmental Protection Act, s 182

(1) This section applies to an application under the Environmental Protection Act for the proposed environmental authority if—

(a) the proposed environmental authority is for a mining activity that relates to a mining lease under the Mineral Resources Act; and

(b) the Coordinator-General's report for the EIS or IAR for the project states—

(i) conditions for the proposed environmental authority; and

(ii) that the Coordinator-General is satisfied the conditions adequately address the environmental effects of the mining activity; and

(c) the mining activity evaluated in the Coordinator-General's report is the same as the mining activity the subject of the application under the Environmental Protection Act.

(2) A submitter under the Environmental Protection Act for the application may not, under section 182 of that Act, request that its submission be taken to be an objection to the application.

(3) This section applies despite the Environmental Protection Act, section 182(2).

(4) In this section—

mining activity see the Environmental Protection Act, section 110.

Amendments agreed to.

Clauses 430 to 637, as amended, agreed to.

Schedules 1 and 2—

Mr CRIPPS (11.56 pm): I seek leave to move amendments en bloc.

Leave granted.

Mr CRIPPS: I move the following amendments—

129 Schedule 1, section 7 (Parks and reserves under the *Nature Conservation Act 1992*)

Page 364, line 20, 'for which there are trustees'—

omit.

130 Schedule 2 (Dictionary)

Page 368, after line 28—

insert—

concurrent notice, for chapter 4, see section 143A(2).

131 Schedule 2 (Dictionary)

Page 369, after line 15—

insert—

EP (coal), for chapter 4, part 2A, see section 136.

132 Schedule 2 (Dictionary)

Page 370, line 12, 'section 123'—

omit, insert—

section 112

133 Schedule 2 (Dictionary)

Page 370, after line 19—

insert—

MDL (coal), for chapter 4, part 2A, see section 136.

134 Schedule 2 (Dictionary)

Page 370, after line 25—

insert—

mining commencement date, for chapter 4, see section 101.

135 Schedule 2 (Dictionary)

Page 370, line 30, page 371, line 3, page 372, lines 5 and 9, 'part 2, division 5'—

omit, insert—

part 2A

136 Schedule 2 (Dictionary)

Page 373, line 16—

omit, insert—

reconciliation payment see section 162(2)(b) and (c)(i).

137 Schedule 2 (Dictionary)

Page 373, line 26—

omit, insert—

replacement gas see section 162(2)(b) and (c)(ii).

138 Schedule 2 (Dictionary)

Page 373, lines 28 and 29—

omit, insert—

resource authority—

(a) generally—see section 10; or

(b) for chapter 4—see section 101.

Amendments agreed to.

Schedules 1 and 2, as amended, agreed to.

Third Reading

Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (11.57 pm): I move—

That the bill, as amended, be now read a third time.

Question put—That the bill, as amended, be now read a third time.

Motion agreed to.

Bill read a third time.

Long Title

Hon. AP CRIPPS (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (11.57 pm): I would like to take this opportunity to thank the departmental staff who have been associated with the development of this particular bill. I thank them sincerely. They know the extensive consultation that they have been through with many stakeholders and with regional and rural communities in Queensland. They have done a sterling job of developing this particular bill. I thank my ministerial staff for their support in developing and supporting me through the passage of this legislation. I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.

Motion agreed to.

ADJOURNMENT

Mr STEVENS (Mermaid Beach—LNP) (Leader of the House) (11.58 pm): I move—

That the House do now adjourn.

Bundamba Electorate, Sporting Clubs

Mrs MILLER (Bundamba—ALP) (11.58 pm): It is always a pleasure to support our community sports groups that do so much for our community. They help our young people with fitness, dedication and commitment, team work and working with others. They build a sense of community and bring together people with the common interest in sport despite their different backgrounds and social classes. On the weekend in my electorate I had the very great pleasure of supporting the Springfield United Football Club—a great club which has an active bunch of people and volunteers who support a large number of footballers, led by Pye and her supportive committee—all women.

Handing out the trophies, we could see the pride in the players and their families as well as the warmth and compassion that the coaches, managers and other volunteers have for their young players. What was terribly disappointing, however, was to see at the end of the year that there was a lack of progress in dressing sheds and canteen facilities, which were fenced off and unfinished. I table these photos for the benefit of the House.

Tabled paper: Photographs of Springfield United Football Club facilities [5894].

This is despite them being promised to be up and running for the beginning of the season earlier in the year. So there were no facilities, no change rooms, no canteen, no toilets, only temporary facilities which are to be taken away very soon. I asked the councillor present at the awards ceremony what was the story but I may as well have asked a shin guard or a water bottle. But

I have strapped on the boots and the studs have gripped. Another councillor has since contacted me with a passing that would make Tim Cahill proud and proceeded to take a dive that would go down in the highlights reel right alongside the Brazilian Fred's dive against Croatia in this year's World Cup.

With the council blaming the contractor since the first touch of the ball, we have not heard so much annoying rubbish since a vuvuzela. Ipswich council has not made it to the final whistle. Like groups of six-year-olds playing soccer, they have all run at the ball at once promising a lot but delivering little. The yellow card was up halfway through the season and now the red card is out. They have failed to own up to who is responsible. Our councillors need to take responsibility for the failure of these facilities. Taking their eye off the ball is not good enough for a club that is strong, growing and contributing to our Ipswich sporting prowess. I believe it is about time that the council came to the party and made sure that the facilities are built. We also want to see a situation where the Springfield United Football Club does not have to pay out some $3,000 to $5,000 to be able to get on board and get a shed that they need because the council has not done the right thing by them.

State School Principals

Hon. JH LANGBROEK (Surfers Paradise—LNP) (Minister for Education, Training and Employment) (12.01 am): I rise tonight to pay tribute to the everyday heroes in charge of our state schools throughout Queensland: 1,233 principals and all of their staff. These individuals rise daily, aiming to run their schools to the best of their ability, providing a safe, encouraging environment for the 517,000 students in primary and secondary state schools. The journey is not an easy one. For every enthusiastic parent, there is a disengaged one or, worse, a violent one, or two involved in a custody dispute so bitter that their children become pawns and the schools the unwitting chessboard on which duelling parents stake their claim. Principals and staff are forced to become negotiators, counsellors, protectors and always advocates for the children in their care.

Tonight I want to pay tribute to the principal of a school on the Sunshine Coast, Gwen Sands. Last week a school newsletter went out filled with the usual advice about school activities and administrative information. Included in the announcements was one reminding parents that their children had been advised not to perform cartwheels or handstands without supervision. Now, this was not the fun police out to stifle any normal school ground hijinks or a draconian edict aimed at turning our children into risk adverse automatons. No, after one seriously broken limb and another facial injury, the school opted for safety first. A cohort of students, inspired by an extracurricular activity based on gymnastic cheerleading, had taken their newfound skills to the largely concrete playground. The injuries were the result. So with her students' safety in mind, the principal asked parents to remind their children about this issue. But what a response this triggered! Gwen Sands was held up to ridicule by the media, pilloried internationally as a perpetrator of crimes against children and derided as the worst of the nanny state officials. But most hurtful were the cowardly cyberattacks launched via Facebook and Twitter, many from parents of the students in her care. There were single lines and stinging rebukes sent without thought for the consequence or the power that words can have, even against adults.

Queensland leads the way in counterattacks on cyberbullies coming after our children. We stand up loud and proud against people who belittle and threaten students in our schools. We appeal to parents to help us spread this message and to understand the impact these cruel attacks have on young minds and spirits. Do we now need to start a campaign to protect our teachers and principals from the very people who should know better, the parents of the children entrusted to their care? These are the same parents who are quick to identify and expect protection from the childhood bullies in their offspring's classrooms, the parents who march straight to the principal's office demanding these measures for their children.

I spoke to Principal Sands and I told her I had her back 100 per cent because I support our principals to make the right decisions for their communities. I encourage discussion and debate within communities about these issues, but at the end of the day a decision has to be made.

(Time expired)

Gannon, Mr W; Capricorn Colour Event

Mr YOUNG (Keppel—LNP) (12.04 am): Madam Speaker, as you would be aware, we enjoyed the company of Bill Gannon in the Premier's Hall last sitting week. Bill is a town planner and also a talented artist whose concept to retrace Ludwig Leichhardt's 1844-45 expedition started with initial fieldwork commencing in 2011. Researching the records of the journals of Leichhardt, John Gilbert

and other members of the expedition were ably assisted by good friend and surveyor Rod Schlencker. Reconnaissance trips provided the confidence in locating the Leichhardt route along with each campsite.

Leichhardt's 1844-45 expedition started at Jimbour in South-East Queensland and finished in Port Essington on the Cobourg Peninsula, Northern Territory. Leichhardt's journey was to take 15 months and Bill Gannon prepared a painting for each month, showing landforms, waterways, biology and skies. Bill's works are consciously influenced by a German artist, notably Caspar David Friedrich. Although each artwork showed the landscape, the journals provided the narrative for the optimism, the physical challenge, the exhausting heat and haze, the arguments, the despair, hope and melancholy that the travellers faced and were captured in Bill's paintings. Bill's in-depth narrative on each painting walked us, the audience, through the journey from a bush tucker Christmas on the Comet River to the despair of being lost on a very hot summer's day, the personal differences and constant quarrelling between expedition members and then the joy to explore the most beautiful country we now know as the 'valley of the lagoons'. Bill recounts meetings between the expedition party and the numerous Indigenous communities and comments on their health and hunting practices and the loss of four pack horses whilst crossing the Roper River, along with the arduous task of crossing the Arnhem Land Plateau before descending onto the floodplain now known as Kakadu National Park.

Ludwig Leichhardt's disappearance in 1848 will always remain a mystery but his expedition of 1844-45 put Queensland in good shape for those agricultural enterprises as Leichhardt's maps and charts were instrumental for graziers seeking good pasture and reliable streams and rivers. Leichhardt was also the first to find coal in Queensland. It is so important that we acknowledge our explorers and keep that enduringness of exploration and struggle in the public eye.

On another note, I wish to acknowledge the Rockhampton publican Leigh Turnbull and his magnificent staff of Michelle and Barb who organised the Capricorn Colour Event on the weekend. These events raised money for six well-known charities. Geraldine and I had the pleasure of the Hon. John-Paul Langbroek and his lovely wife accompanying us to the Black Tie Ball. The Queensland Pops Orchestra with world renowned singer Mirusia Louwerse and the Queensland Police Pipes and Drums played. It was a marvellous event for the Rockhampton region.

Alcohol Fuelled Violence, Trading Hours

Mr BYRNE (Rockhampton—ALP) (12.07 am): The definition of grievous bodily harm includes the loss of a distinct part of an organ of the body or a serious disfigurement or any bodily injury of such a nature that, if left untreated, would endanger or be likely to endanger life or cause or be likely to cause permanent injury to health. New South Wales Assistant Commissioner Fuller recently gave evidence to the New South Wales parliamentary inquiry into the reduction in trading hours in Kings Cross following the release of the six-month crime statistics. He said that in the six months since the laws came into effect there had been two recorded incidents of assault causing grievous bodily harm. In the same six-month period the previous year, from the end of February to the end of August, there had been 22. This means that 20 fewer families are going up to St Vincent's Hospital to watch helplessly as their son or daughter recovers from a life-endangering injury that could have been prevented. That means 20 more members of the general public getting the surgery they need because the surgeons are available to deal with the waiting list. On this side we are listening and heeding the peer reviewed research and we are talking about the prevention of broken jaws and preventing people from being bashed to within an inch of their life.

The LNP are displaying a wilful blindness to the problem and are actually putting more Queenslanders at risk. The LNP must not want the same significant reductions in hospital presentations due to alcohol and to see hospital resources diverted to other areas of need. Following the six-month release of crime statistics relating to the Kings Cross trial, the New South Wales Police Association have called for the Newcastle and Kings Cross solutions to be expanded across the state. According to the LNP, the New South Wales Police Association is wrong. I would put it this way: they know a lot more about this issue because they live it on a daily basis.

Reports suggest that the Queensland Police Union is keeping a watching brief on this matter and will be closely watching the way in which this matter moves forward in New South Wales. The Police Union only have to look at the Safe Night Out legislation strategy debate as evidence. Labor

members argued for a two-hour reduction for the service of alcohol, while allowing entertainment trading until 5 am. The response from the LNP's hand-picked implementation chair was telling, when they stated that Labor's position on trading hours was essentially a load of populous, knee jerk nonsense.

The Queensland Police Service cannot reply on the LNP to wind back trading hours and make their jobs easier and reduce the likelihood of them being bashed at work. Why? Because the nightclubs and liquor industry are dictating LNP policy.

Mudgeeraba Electorate, Achievements

Ms BATES (Mudgeeraba—LNP) (12.11 am): Tonight I rise to thank the wonderful members of the Mudgeeraba State Electorate Council and acknowledge all the work that they have done over the past nine years in supporting me as their representative and/or candidate for the state seat of Mudgeeraba.

It was great to catch up with all of you over the many months that I have been doorknocking throughout the electorate. It was a privilege to catch up with you in your own homes and share many conversations about the state of Queensland and the work that we as an LNP government and party have done to correct the many legacies left to us by the former Labor government. Many of you have experienced tragedies, illness and hospitalisation in your own personal lives, particularly over the past 12 months and yet you have continued to support me without question, and for that I truly thank you all.

Together we have been able to achieve fantastic things for the Mudgeeraba electorate since my election in March 2009. With the continued support of local LNP members, I have been able to secure almost $750 million of investment into the Mudgeeraba electorate to address the issues which were long ignored. This includes the following: community and sporting groups, $427,000; road and rail, nearly $519 million; education—and I thank the minister who is in the chamber tonight—a $14.7 million boost into my electorate; disabilities, $4.6 million; sport and recreation, $1.2 million; the arts, $306,000; health, a whopping $126 million into the Robina Hospital; the environment, $8.5 million; and police and corrections, $4.3 million.

In my maiden speech in 2009, I spoke about the issues that were of major concern to the residents of my electorate after eight long years of being disregarded by their local Labor member. Since I gave my maiden speech over five years ago, as I outlined in my budget reply speech earlier this year, I have worked to address every single issue which had been raised with me from roads and transport, to law and order and community safety, to health and education, to preserving the local environment.

Mudgeeraba locals have consistently seen tangible achievements which make their everyday lives easier, achievements which have seen Mudgeeraba transformed from a marginal Labor electorate from 2001 to 2009 to what it is today—one of the safest LNP seats in the state, held with a margin of 25.9 per cent. As members know, in 2012, while the state-wide swing was 13.7 per cent, the swing in Mudgeeraba was 22 per cent.

There is always more work to be done, and with the support of local LNP members I will continue to address the issues that concern Mudgeeraba residents the most. I will continue to fight against crime and anti-social behaviour. I will continue to fight for better opportunities for our local students in education. I will continue to fight for better health care. I will continue to fight for upgrades to our roads. I will continue to fight for funding for community groups, disability services, sport and recreation organisations and arts groups. There is no limit to what we can continue to achieve for my electorate, and I very much look forward to contesting the state seat of Mudgeeraba for the LNP in 2015 and to continuing to work hard for locals in the years ahead.

Gaven Electorate, Public Transport

Dr DOUGLAS (Gaven—Ind) (12.14 am): Few parliamentary sittings go by when I do not raise objections about the disgraceful public transport services, or rather lack of them, in the electorate of Gaven and the devastating effect it is having on the social fabric of the suburb. Tonight I raise further concerns on behalf of Carrara residents, which is where the Commonwealth Games will be, as well as question the LNP government's TransLink survey in which they ask people if they want public transport service fee decreases or more public transport services in view of a so-called $30 million windfall from carbon tax savings.

This is a sham public consultation where people have been fooled into participating in the survey and are unable to offer any opinions or express their disgust with the poor bus services occurring in many areas of the Gold Coast, but in particular in the electorate of Gaven. One angry constituent contacted me to say that she completed the survey but was unable to make suggestions about services she would like to be increased and described the survey as insulting to her intelligence. My constituent lives in Carrara which, like Nerang, has also been badly hit by the lack of services at night and weekends since the government slashed services in January. She says that it is a constant challenge to meet the few services available to her but, as a result, her life is extremely difficult. This is what she wrote to me—

There is no time to do any shopping after work, no time to go to a gym, no socializing after work, can't go to the library to enjoy extended opening hours, can't go out to dinner with friends, just a stressful dash to catch the public transport home.

The most perplexing aspect is that she does not live in the boondocks; she lives close to a major transport route, Nielsens Road, in a densely populated area with many townhouse complexes which is central Gold Coast and on the coastal side of the Pacific Motorway. She, along with others, described it as like living in a Third World country. She also says she pays a traffic improvement fee on her local rates which is supposed to go towards extending the bus network, but this is not happening.

When my constituent moved to Carrara in 2007 and used the old 20 and 20A bus services to get to her work at Southport, the buses were so heavily patronized that there was usually only standing room available. With rising bus fares, patronage dropped off and fewer people used the service, until this year the service was stopped altogether and a new service to the new university hospital and university, 739, started, but only during the day and not at nights and weekends. That means that it stops at 4.30 in the afternoon. My constituent says she works at Southport, so she has to catch the first bus in the morning and rush to get to the tram at 5.15 pm outside the old hospital, travel to the new hospital to catch the 739, which is the last and only bus to her area for the evening. If for some reason that bus does not arrive, which has occurred since the G started operating, she is stranded. But she says that what sums up the feelings of many Gold Coasters is they are sick of the LNP government using the Gold Coast as a cash cow to be milked to provide services in other areas. Things have to improve for bus services locally.

Thuringowa Electorate, Achievements

Mr COX (Thuringowa—LNP) (12.17 am): I rise tonight to speak briefly on some of the deliverables by this LNP government to the electorate of Thuringowa and the city of Townsville since my winning the seat.

A government member: You do not have enough time.

Mr COX: No, I have not got enough time. I only have three minutes, so I will go to some of the main points. While the ministers are in the House I would mention crime, which is a situation that was raised during the campaign in 2012. I have spoken many times tonight, so I will not go on too much more other than to say that I do appreciate the efforts of the Attorney-General and his office for what he has done for crime in Townsville and I know right across the state. I look beside him and see Minister Elmes—

A government member: You cannot miss him!

Mr COX: No, you cannot miss him. I thank him for the deliverables that he is responsible for when it comes to some of the great cultural events in our city that he has supported.

Mr Costigan interjected.

Mr COX: Like Greek Fest which is coming up next month. Thank you, member for Whitsunday. No more so than—

Mr Langbroek: Go on!

Mr COX: I did not see you there, Minister. I do look at the Minister for Education, and I must say that in Thuringowa under the previous government, as in most of the state, maintenance was the main issue. I would like to say in the House this evening that several principals in some of the fine schools in Thuringowa have made a point of noting the attitude of this Minister for Education as compared to previous ministers under the Labor government and his willingness to listen to their concerns both individually and as a whole.

They are some of the deliverables that I have seen under this government, but one of the biggest ones that I fought for with the member for Hinchinbrook and the member for Burdekin, who is in the House, and the member for Mundingburra in Townsville was the fixing of the famous or infamous Blakeys Crossing, which I want to briefly say is due to be completed before Christmas. As many a tender and project has gone so far along the east coast of this state, it is looking like being about $5 million under with a surplus at the end of it. I am pushing that that money for roadworks gets delivered to another project in my electorate in Thuringowa which I will not speak about this evening.

When it comes to delivering roads, this LNP government has done in 2½ years what the previous minister for main roads, the previous representative of my electorate, could not do in his whole term as minister. We all know that the Bruce Highway is dear to not just my part of the world but also all of Queensland. I thank this government for its work.

Etheridge Shire Council

Mr KATTER (Mount Isa—KAP) (12.20 am): I rise to talk about the plight of remote and regional councils in North-West Queensland. The councils of this great state are, in my opinion, the backbone and most productive part of not only Queensland but also the entire country. These councils are facing some of the toughest challenges since Queensland was established. I attended a roads forum on Friday at which it was stated—it is nothing new—that road funding in the region will go from $100 million to $30 million for the next three years. It will be a big struggle for those councils because doing that work with that funding is what keeps them viable.

Not only are councils struggling to overcome the challenges of Mother Nature with the most devastating droughts in history; they are also facing the challenge of an ever-dwindling share of the vast revenues that they raise for the government. These stalwarts of the Australian economy generate the lion's share of GDP for this great state yet they receive the lowest share per square kilometre of the funds that they raise for the benefit of Queenslanders.

The Etheridge Shire Council is an example of one of our proud, great councils in the north-west. It is approximately 4½ hours west of Cairns. Today, about 40 per cent of houses in the Etheridge shire are for sale or vacant. Families are leaving town and the community cannot afford to lose even one person. I am informing the House that they need help from the government and they need help from every department—the help of developing opportunities for key economic development projects in the shire to come to fruition, and help to have the most basic services provided such as nursing, a reliable telephone and internet service, safe roads and, most importantly, clean, safe water. I table a picture depicting the water that residents of this great shire, which is home to some of the hardest working people in our state, are putting up with. No-one anywhere in Australia would find that acceptable. The picture shows their town water at the moment.

Tabled paper: Photographs of unclean water in council areas in the Mount Isa electorate [5895].

The last time I raised the issue of the water supply in Georgetown the minister responded that it was the responsibility of the council and no responsibility of his. I disagree. There is a problem with water at the moment. The council does not have the capacity to cover it. They have been a very frugal shire. They have not spent on any big projects with bells or whistles in the town. They operate on a shoestring budget. The shire is very well run by the mayor there, Will Attwood, and Councillor Warren Bethel. They do a great job of running that council. They have the proposal for the Charleston Dam that is sitting there. That can help unlock growth in that region. There are big projects ahead for that region with IFED and others. There is great potential there.

They need something done about the water supply. I think everyone in this House would agree that that is unacceptable to anyone in Queensland. That issue alone does not need a dam; it just requires assistance with the chlorination plant. I will be meeting with the minister and will put to him that he should step in and help these people. I would not wash in that water. I do not think anyone else in this room would. It is not acceptable and it needs to be fixed.

Lake Kurwongbah, Waterskiing

Mr HOLSWICH (Pine Rivers—LNP) (12.23 am): On Sunday afternoon the member for Kallangur, the Minister for Energy and Water Supply and I joined the president, vice-president and members of the Lake Kurwongbah Water Ski Zone Association to advise them of the good news that waterskiing would be continuing on Lake Kurwongbah. This was an outcome that was far from guaranteed over the past few months, with Seqwater's recreational use study recommending that Lake Kurwongbah be opened up to recreational paddle craft and exclude waterskiing entirely. This

compromise outcome will now see paddle craft having access to the lake four days a week and waterskiers having access three days a week, as well as still being able to hold several major charity events each year.

This compromise outcome came about because the Lake Kurwongbah Water Ski Zone Association, Waterski Queensland and local skiing enthusiasts worked proactively with the member for Kallangur and me in an endeavour to see skiing continue on the lake. I take this opportunity to thank the ski club president, Peter Leonard, as well as his executive and members for the exemplary manner in which they have run their campaign to keep waterskiing on the lake. I also thank Minister McArdle and his staff for the manner in which they took on board the concerns put to him by the member for Kallangur and me, and for the way he worked closely with us and with the club to reach this positive outcome.

The biggest negative of this issue has been the way Labor sought to use the club and its members as political pawns for their own political benefit. Labor showed very little desire to actually engage with stakeholders on this issue. They huffed and puffed and they jumped up and down, possibly believing that this flurry of useless energy would somehow solve the problem. They stood at the lake getting opportunistic photos with waterskiers but did little or nothing to actually work to resolve the issue.

This issue yet again shows the stark contrast between this LNP government and the Labor opposition. Whilst Labor's first response to most issues is to slap on a protest event, our government rolls up its sleeves and gets on with fixing the problems. While Labor are writing placards, we are writing letters on behalf of residents. While Labor are spouting empty promises, we are on the phone working towards an outcome.

In a continuation of the 20 years of neglect our community experienced under Labor representation, Labor has again showed on this issue that its major concern is self-concern and that issues that are important to Pine Rivers and Kallangur residents are simply tools for their own self-promotion.

This common-sense decision to allow waterskiing to continue on Lake Kurwongbah is a great result for waterskiers, a great result for recreational users of the lake and a great result for our community in general. I am pleased to have been able to work alongside the member for Kallangur and the minister to achieve this fantastic outcome for our community.

Public Transport

Mr BENNETT (Burnett—LNP) (12.26 am): There was terrific news this week when the transport and main roads minister announced that savings from the repeal of the job-destroying carbon tax would be reinvested in our public transport system. We all recognise that the carbon tax drove up the cost of living through rising electricity prices, gas prices, council rates and additional cost for public transport. I can advise that we have had an overwhelming response to the two-week-long survey, with constituents appreciative of a government that allows the opportunity to have their say on what they would like the saving to go toward—either cheaper fares or more bus services. If Queenslanders choose a decrease in bus and train fares, it will be the first time in our state's history that there has been a state-wide cut to public transport fares.

With our local campaign and communications continuing, it is clear that there is a strong mood for more services to Bargara and Burnett Heads and of course around Bundaberg. Of no surprise, regions outside Bundaberg are expressing a desire for bus services to Bundaberg from towns like Childers and Moore Park Beach as currently there are no services at all.

In researching the significance of the announcement, I can advise that a regular weekday passenger travelling two zones in the Bundaberg region could save $88 a year. There are currently 506 existing bus services per week operating in the Bundaberg area. We could do with a lot more. I acknowledge that it appears that the engagement with the public is showing a desire for a reduction in fares; however, in my electorate we are clearly in need of additional services and infrastructure such as bus shelters. With significant reforms continuing we have seen $350 million invested in our two-year Road Safety Action Plan, leading to the lowest road toll on record. We have delivered the Bruce Highway Action Plan and negotiated an $8.5 million deal with our federal colleagues to ensure the Bruce is everything we expect. I encourage all persons with an interest in further improving public transport in our region to have their say by visiting translink.com.au or phoning 131230 before midnight this Sunday, 14 September.

I acknowledge the residents of Burnett Heads in drawing the attention of Bundaberg Regional Council to the lack of bus shelters, signage and bus pull-in safety zones in Burnett Heads. It is important that petitions tabled in this House are acknowledged as so important. Local residents are seeking provisions for bus shelters and signage in Milton and Shelley streets in Burnett Heads. A petition that was handed in to the Bundaberg Regional Council sought a reconsideration of the priority to install bus shelters. We know that the council is struggling with funds in this space and, of course, we do ask for special treatment as year 7 transitions into high school. We know that buses have no safety pull-in zones and we need to make sure that stops are safe for the kids in our regions.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 12.29 am (Wednesday).

ATTENDANCE

Barton, Bates, Bennett, Berry, Bleijie, Boothman, Byrne, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Crisafulli, Cunningham, D'Ath, Davies, 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, Lynham, Maddern, Malone, Mander, McArdle, McVeigh, Menkens, Millard, Miller, Minnikin, Molhoek, Mulherin, Newman, Nicholls, Ostapovitch, Palaszczuk, Pitt, Powell, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Scott, Seeney, Shorten, Shuttleworth, Simpson, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trad, Trout, Walker, Watts, Wellington, Woodforth, Young