



RECORD OF PROCEEDINGS

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FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT

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TUESDAY, 21 MARCH 2017



The Legislative Assembly met at 9.30 am.

Mr Speaker (Hon. Peter Wellington, Nicklin) read prayers and took the chair.

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

ASSENT TO BILLS



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

The Honourable P.W. Wellington MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

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

Date of assent: 3 March 2017

A Bill for An Act to amend the Mental Health Act 2016 for particular purposes

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

Yours sincerely

Governor

3 March 2017

Tabled paper: Letter, dated 3 March 2017, from His Excellency the Governor to the Speaker, advising of Assent to certain Bills on 3 March 2017 [\[401\]](#).

The Honourable P.W. Wellington 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: 9 March 2017

A Bill for An Act to apply a national law that provides for a national system of rail safety, to repeal the Transport (Rail Safety) Act 2010, and to amend this Act, the Coal Mining Safety and Health Act 1999, the Mining and Quarrying Safety and Health Act 1999, the Queensland Rail Transit Authority Act 2013, the Work Health and Safety Act 2011 and the Acts mentioned in schedule 1 for particular purposes

A Bill for An Act to amend the Liquor Act 1992, the Liquor Regulation 2002, the Penalties and Sentences Act 1992 and the Trading (Allowable Hours) Act 1990 for particular purposes

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

Yours sincerely


Governor

9 March 2017

Tabled paper: Letter, dated 9 March 2017, from His Excellency the Governor to the Speaker, advising of Assent to certain Bills on 9 March 2017 [\[402\]](#).

PERSONAL EXPLANATION


Comments by Member for Mermaid Beach, Apology

 **Mr STEVENS** (Mermaid Beach—LNP) (9.31 am): During the last sitting, on Thursday in the debate on report No. 35 of the Finance and Administration Committee titled *Inquiry into how to improve health and safety outcomes for combat sports contestants in high risk and amateur contests in Queensland* I inadvertently breached standing order 211 by congratulating the member for Bundamba on her wise decision-making in rejecting further inquiry into the matter.

I incorrectly advised the Deputy Speaker and the chair that the matter was resolved in public and I genuinely believed that the information was published. I later discovered that it was not. I apologise to the committee and the member for Bundamba for inadvertently revealing the private deliberations in the committee and the House for my undertaking to the Deputy Speaker given in error.

PRIVILEGE

Speaker's Ruling, Alleged Contravention of Terms and Conditions of Broadcast of Parliament

 **Mr SPEAKER:** Honourable members, on 5 December 2016, the Leader of the House and member for Sandgate wrote to me alleging that the Leader of the Opposition had used photographs from the broadcast of the proceedings of the parliament in an advertisement in contravention of the parliament's terms and conditions of broadcast.

I have decided that the Leader of the Opposition has provided an adequate apology to the House on 16 February 2017 and I have therefore decided that the matter does not warrant the further attention of the House via the Ethics Committee and I will not be referring the matter.

I table the correspondence in relation to this matter. I seek leave to incorporate the ruling circulated in my name.

Leave granted.

SPEAKER'S RULING ALLEGED CONTRAVENTION OF THE PARLIAMENT'S TERMS AND CONDITIONS OF BROADCAST

MR SPEAKER: Honourable members,

On 5 December 2016, the Leader of the House and Member for Sandgate wrote to me alleging that the Leader of the Opposition had used photographs from the broadcast of the proceedings of the Parliament in an advertisement, in contravention of the Parliament's terms and conditions of broadcast. The photographs were included in a document the Leader of the Opposition tabled on 1 December 2016 and uploaded onto his website.

In his letter to me, the Leader of the House stated that the Leader of the Opposition had further published the broadcast of proceedings, that there were conditions imposed on the broadcast and the further broadcast was in breach of those conditions as it was used for satire and ridicule, and this amounted to a breach or interference with the powers, rights and immunities of the House.

I sought further information from the Leader of the Opposition about the allegations made against him, in accordance with Standing Order 269(5).

The Leader of the Opposition offered an apology to the House. On 16 February 2017 during a personal explanation he apologised to the House.


Standing Order 269(4) requires:

In considering whether the matter should be referred to the committee, the Speaker shall take account of the degree of importance of the matter which has been raised and whether an adequate apology or explanation has been made in respect of the matter. No matter should be referred to the ethics committee if the matter is technical or trivial and does not warrant the further attention of the House.

On this basis, I have decided that the Leader of the Opposition has provided an adequate apology and I have therefore decided that the matter does not warrant the further attention of the House via the Ethics Committee and I will not be referring the matter.

Tabled paper: Correspondence from the Leader of the House, Hon. Stirling Hinchliffe, and the Leader of the Opposition, Mr Tim Nicholls MP, to the Speaker, Hon. Peter Wellington, regarding an alleged contravention of the Parliament's terms and conditions of broadcasting rules [\[403\]](#).

Speaker's Ruling, Same Question Rule

 **Mr SPEAKER:** Honourable members, on 14 February 2017 the Leader of the Opposition introduced the Bail (Domestic Violence) and Another Act Amendment Bill. Following the introduction of the bill, the Leader of the House raised a matter of privilege in relation to the application of the same

question rule, noting that the bill appeared to relate to matters also dealt with in the Victims of Crime Assistance and Other Legislation Amendment Bill currently before the House. I invited members to write to me and undertook to make a decision on the matter.

The Bail (Domestic Violence) and Another Act Amendment Bill seeks to amend the Bail Act 1980 in relation to the granting of bail to, and the imposition of specific conditions on, alleged offenders charged with a relevant domestic violence offence along with specific obligations on certain parties to notify particular persons regarding bail applications and release of defendants charged with a relevant domestic violence offence, and also to the stay of release decisions. The bill also seeks to amend the Corrective Services Act 2006 with respect to the eligible persons register to enable particular persons to receive certain information concerning the discharge or release of prisoners.

The Victims of Crime Assistance and Other Legislation Amendment Bill proposes amendments to various legislation. Relevantly, clause 93 of the bill proposes to amend the Victims of Crime Assistance Act 2009 by inserting a Charter of Victims' Rights. The proposed charter sets out rights of victims and of eligible persons. Rights of victims include being informed about the outcome of a bail application, including any special bail conditions. Rights of eligible persons include such persons being kept informed of an offender's period of imprisonment or detention, and the transfer or escape of the offender.

Standing order 87(1) provides that, unless the standing orders otherwise provide, a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative. As previous Speakers and I have noted, the matters do not have to be identical, merely the same in substance as the previous matter. In other words, it is a question of substance, not form.

While there may be some similarity across both bills in terms of seeking to ensure that victims and eligible persons are informed of certain information, the specific information and the relevant requirements are different. Broadly, clause 93 of the Victims of Crime Assistance and Other Legislation Amendment Bill deals with rights of victims and eligible persons, whereas the Bail (Domestic Violence) and Another Act Amendment Bill deals with the obligations on particular persons to provide information and is specific to the acts being amended. Therefore, I rule that the same question rule does not apply with respect to these bills.

PETITIONS

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

Mackay's Northern Beaches, Youth Facilities

Mr Costigan, from 2,060 petitioners, requesting the House to deliver a youth facility, including a skate park, for the youth of Mackay's northern beaches [\[404\]](#).

Kippa Ring, Anzac Avenue and Hercules Road Intersection

Mr Whiting, from 804 petitioners, requesting the House to expedite the installation of an overpass at the signalled intersection of Anzac Avenue and Hercules Road, Kippa Ring [\[405\]](#).

Kirwan State High School, Hall

Mr Harper, from 510 petitioners, requesting the House to ensure the construction of a multi-purpose hall for Kirwan State High School [\[406\]](#).

Bus Service 514, Timetable

Mr Madden, from 92 petitioners, requesting the House to implement a 514 bus service which operates on Sundays and public holidays [\[407\]](#).

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

Maleny, Landsborough-Maleny and Maleny-Montville Roads Intersection

Mr Powell, from 238 petitioners, requesting the House to immediately upgrade the intersection of Landsborough-Maleny Road and Maleny-Montville Road, Maleny [\[408, 409\]](#).

Coomera, Finnegan and Celestial Ways, Australia Post Box

Mr Crandon, from 100 petitioners, requesting the House to ensure an Australia Post post box is provided at the Rededge Convenience Centre, corner of Finnegan and Celestial Ways Coomera [\[410, 411\]](#).

The Clerk presented the following paper and e-petitions, sponsored and lodged by the Clerk—

Queen's Wharf Development, Bridge

From 822 petitioners, requesting the House to require as a condition of the Queens Wharf development that the new bridge to be built between South Bank and the Queens Wharf precinct allow bicycle access and incorporate a landing at street level in the CBD [\[412, 413\]](#).

Eastern Standard Time, Queensland

From 966 petitioners, a paper and three e-petitions, requesting the House to seek a mandate to advance Eastern Standard Time in Queensland by 30 minutes [\[414, 415, 416, 417\]](#).

Adani Carmichael Coal Mine

From 3,586 petitioners, requesting the House to reverse the Adani Carmichael coal mine approval and withdraw consent for use of the site for extractive resources [\[418, 419\]](#).

The Clerk presented the following e-petition, sponsored by the Clerk—

Fraser Coast Regional Council

From 100 petitioners, requesting the House to take all action possible to ensure that Deputy Premier and Minister for Local Government immediately exercise her ministerial powers under s.113 of the Local Government Act 2009 to direct remedial action be taken within the Fraser Coast Regional Council [\[420\]](#).

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—

3 March 2017—

- [359](#) Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee: Report No. 35, 55th Parliament—Subordinate legislation tabled from 11 October 2016 to 4 November 2016
- [360](#) Agriculture and Environment Committee: Report No. 31, 55th Parliament—Subordinate legislation tabled 12 October to 29 November 2016
- [361](#) Legal Affairs and Community Safety Committee: Report No. 47, 55th Parliament—Criminal Law Amendment Bill 2016: Erratum
- [362](#) Letter, dated 3 March 2017, from the Premier and Minister for the Arts, Hon. Anastacia Palaszczuk, to the Clerk of the Parliament, Mr Neil Laurie, regarding a nonconforming petition about the Westlander train service
- [363](#) Nonconforming petition regarding the Westlander train service
- [364](#) Letter, dated 3 March 2017, from the Premier and Minister for the Arts, Hon. Anastacia Palaszczuk, to the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning, Hon. Jackie Trad, regarding a nonconforming petition about the Westlander train service
- [365](#) Director of Forensic Disability—Annual Report 2015-16

7 March 2017—

- [366](#) Response from the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef (Hon. Dr Miles) to an ePetition (2682-17), sponsored by Mr Pyne, from 1,406 petitioners, requesting the House to reacquire the land at 163 Abbott Street, Cairns, an undeveloped portion of the former Cairns Central School site, and replant it as a park and secure, expanded roost area for flying foxes
- [367](#) Response from the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef (Hon. Dr Miles) to a paper petition (2708-17) presented by Mr Cripps, and an ePetition (2662-16) sponsored by Mr Cripps, from 2,555 and 303 petitioners respectively, requesting the House to disperse the flying fox colony occupying the Keith Payne VC Botanical Gardens in Ingham
- [368](#) Education, Tourism, Innovation and Small Business Committee: Report No. 28, 55th Parliament—Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016
- [369](#) Infrastructure, Planning and Natural Resources Committee: Report No. 41, 55th Parliament—Stock Route Network Management Bill 2016
- [370](#) Infrastructure, Planning and Natural Resources Committee: Report No. 42, 55th Parliament—Strong and Sustainable Resource Communities Bill 2016
- [371](#) Infrastructure, Planning and Natural Resources Committee: Report No. 43, 55th Parliament—Local Government Electoral (Transparency and Accountability in Local Government) and Other Legislation Amendment Bill 2016
- [372](#) Infrastructure, Planning and Natural Resources Committee: Report No. 44, 55th Parliament—Subordinate legislation tabled between 2 November 2016 and 8 November 2016
- [373](#) Agriculture and Environment Committee: Report No. 32, 55th Parliament—Land and Other Legislation Amendment Bill 2016

9 March 2017—

- [374](#) Auditor-General of Queensland: Report to Parliament No. 6: 2016-17—Rail and ports: 2015-16 results of financial audits: Erratum
- [375](#) Queensland Independent Remuneration Tribunal: Additional Salary of the New Office of Leader of the House, Determination 14/2017, 9 March 2017
- [376](#) Letter, dated 9 March 2017, from the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply (Hon. Bailey), to the Clerk of the Parliament, Mr Neil Laurie, regarding documents required to be tabled in accordance with section 155B(1)(a) of the Transport Operations (Passenger Transport) Act 1994
- [377](#) Documents tabled in accordance with section 155B(1)(a) of the Transport Operations (Passenger Transport) Act 1994—Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017: Tabling Draft; Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017: Tabling Draft, explanatory notes; and Transport and Other Legislation (Personalised Transport Reform) Regulation 2017 (No. ...): Tabling Draft

10 March 2017—

- [378](#) Response from the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad), to an ePetition (2683-17) sponsored by Mr Boothman, from 140 petitioners, requesting the House to include the region of Sharton Avenue, Buccan and Wilson Roads, Buccan in the urban footprint

14 March 2017—

- [379](#) Report by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad), pursuant to section 424 of the Sustainable Planning Act 2009, in relation to the Ministerial Call In of a development application at 111 Boundary Street, 26 and 26A Little Jane Street, 19 and 23 Mollison Street, West End and 37 Mollison Street, South Brisbane (West Village mixed-use development, West End and South Brisbane)
- [380](#) Report by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad), pursuant to section 424 of the Sustainable Planning Act 2009, in relation to the Ministerial Call In of a development application at 111 Boundary Street, 26 and 26A Little Jane Street, 19 and 23 Mollison Street, West End and 37 Mollison Street, South Brisbane (West Village mixed-use development, West End and South Brisbane)—Annexure A
- [381](#) Report by the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad), pursuant to section 424 of the Sustainable Planning Act 2009, in relation to the Ministerial Call In of a development application at 111 Boundary Street, 26 and 26A Little Jane Street, 19 and 23 Mollison Street, West End and 37 Mollison Street, South Brisbane (West Village mixed-use development, West End and South Brisbane)—Annexures B—F

15 March 2017—

- [382](#) Response from the Minister for State Development and Minister for Natural Resources and Mines (Hon. Dr Lynham) to a paper petition (2701-17) presented by the Clerk in accordance with Standing Order 119(3) and an ePetition (2643-16) sponsored by the Clerk in accordance with Standing Order 119(4) from 110 and 697 petitioners respectively, requesting the House to end both Exploration Permits currently located over prime agricultural land near the Goomburra Main Range National Park and ensure that no further Resource Authorities are approved over the area

16 March 2017—

- [383](#) Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee: Report No. 31, 55th Parliament—Inquiry into the performance of the Health Ombudsman's functions pursuant to section 179 of the Health Ombudsman Act 2013, government response
- [384](#) Response from the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad) to an ePetition (2693-17) sponsored by the Clerk in accordance with Standing Order 119(4) from 450 petitioners, requesting the House to call in the application for a 24 hour 7 day a week service station, place a stay on construction work immediately and to reconsider this development
- [385](#) Response from the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad) to a paper petition (2700-17) presented by Mr Crandon, and an ePetition (2661-16) sponsored by Mr Crandon, from 240 and 285 petitioners respectively, requesting the House to ensure that the expansion of Woolworths Supermarket at the Coomera East Shopping Centre proceeds in a timely manner
- [386](#) Response from the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad) to a paper petition (2699-17) presented by Ms Davis, and an ePetition (2677-16) sponsored by Ms Davis, from 588 and 191 petitioners respectively, requesting the House to ensure the Government acts according to conventional environmental and planning principles regarding the Fitzgibbon Urban Development Area Development Scheme and allow for proper public consultation, consider the impact on residents and conduct an environmental impact study
- [387](#) Response from the Attorney-General and Minister for Justice and Minister for Training and Skills (Hon. D'Ath) to an ePetition (2633-16) sponsored by Dr Robinson, from 31,735 petitioners requesting the House to not change current abortion laws
- [388](#) Response from the Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships (Hon. Furner) to an ePetition (2653-16) sponsored by Mr Sorensen, from 82 petitioners, requesting the House to release all reports into the Fraser Coast Regional Council since its creation through amalgamation
- [389](#) Response from the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply (Hon. Bailey) to a paper petition (2697-17) presented by the Clerk in accordance with Standing Order 119(3) from 30 petitioners, requesting the House to instruct the speed limit on Flaxton Drive between Mapleton and Montville be lifted back to between 70 and 80 kph

- [390](#) Response from the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply (Hon. Bailey) to a paper petition (2695-17) presented by the Member for Townsville, Mr Stewart, from 644 petitioners, requesting the House to upgrade the pedestrian crossing situated in front of Townsville Central State School
- [391](#) Response from the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply (Hon. Bailey) to an ePetition (2631-16) sponsored by Mr Langbroek, from 44 petitioners, requesting the House to allow a U-turn whilst traveling southbound on Currumburra Road at the intersection of Ashmore Road, Ashmore
- [392](#) Response from the Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply (Hon. Bailey) to a paper petition (2696-17) presented by the Clerk in accordance with Standing Order 119(3) from 158 petitioners, requesting the House to install traffic lights at the intersection of Bribe Island Road and Spinnaker Drive, Sandstone Point
- [393](#) Response from the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef (Hon. Dr Miles) to a paper petition (2698-17) presented by Hon. D'Ath, and an ePetition (2676-16) sponsored by Hon. D'Ath, from 144 and 1,635 petitioners respectively, requesting the House to issue a new Expression of Interest to identify an operator who will establish and provide a reliable vehicular and passenger barge service between the Redcliffe Peninsula and Moreton Island

17 March 2017—

- [394](#) Response from the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs (Hon. Grace) to paper petition (2702-17) presented by Hon. Dr Miles, from 188 petitioners, requesting the House to designate Brisbane and regional centres as a Safe Haven Enterprise Visa zone
- [395](#) Response from the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs (Hon. Grace) to paper petition (2703-17) presented by Mr Williams, and an ePetition (2652-16) sponsored by Mr Williams, from 17 and 351 petitioners respectively, requesting the House to achieve a long overdue outcome and make a formal apology to the descendants of the original South Sea Islanders
- [396](#) Legal Affairs and Community Safety Committee: Report No. 50, 55th Parliament—Bail (Domestic Violence) and Another Act Amendment Bill 2017
- [397](#) Finance and Administration Committee: Report No. 35, 55th Parliament—Inquiry into how to improve health and safety outcomes for combat sports contestants in high risk and amateur contests in Queensland, government response

20 March 2017—

- [398](#) Response from the Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning (Hon. Trad) to a paper petition (2704-17) presented by Mrs Smith, and an ePetition (2609-16) sponsored by Mrs Smith from 45 and 126 petitioners respectively, requesting the House to construct a new multilevel three story car park on the existing car park site at Darra Railway Station
- [399](#) Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2016, Replacement explanatory notes and letter, dated 16 March 2017, from the Minister for Police, Fire and Emergency Services and Minister for Corrective Services, Hon. Mark Ryan, as explanation of the replacement Explanatory Notes
- [400](#) Response from the Minister for State Development and Minister for Natural Resources and Mines (Hon. Dr Lynham) to a paper petition (2709-17) presented by the Clerk in accordance with Standing Order 119(3) from 450 petitioners, requesting the House to declare an immediate moratorium on coal seam gas fracking and all unconventional gas mining activities and licenses and transition to renewable energy

TABLING OF DOCUMENTS

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Planning Act 2016—

- [421](#) Planning (Postponement) Regulation 2017, No. 28
- [422](#) Planning (Postponement) Regulation 2017, No. 28, explanatory notes

Planning and Environment Court Act 2016—

- [423](#) Planning and Environment Court (Postponement) Regulation 2017, No. 29
- [424](#) Planning and Environment Court (Postponement) Regulation 2017, No. 29, explanatory notes

Planning (Consequential) and Other Legislation Amendment Act 2016—

- [425](#) Planning (Consequential) and Other Legislation Amendment (Postponement) Regulation 2017, No. 30
- [426](#) Planning (Consequential) and Other Legislation Amendment (Postponement) Regulation 2017, No. 30, explanatory notes

Waste Reduction and Recycling Act 2011—

- [427](#) Waste Reduction and Recycling (Fees) Amendment Regulation 2017, No. 31
- [428](#) Waste Reduction and Recycling (Fees) Amendment Regulation 2017, No. 31, explanatory notes

Mineral and Energy Resources (Common Provisions) Act 2014—

- [429](#) Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation (No. 1) 2017, No. 32
- [430](#) Mineral and Energy Resources (Common Provisions) Transitional Amendment Regulation (No. 1) 2017, No. 32, explanatory notes

Associations Incorporation Act 1981—

[431](#) Associations Incorporation (Unsuitable Name) Amendment Regulation 2017, No. 33

[432](#) Associations Incorporation (Unsuitable Name) Amendment Regulation 2017, No. 33, explanatory notes

Tattoo Industry Act 2013—

[433](#) Tattoo Industry (Fees) Amendment Regulation 2017, No. 34

[434](#) Tattoo Industry (Fees) Amendment Regulation 2017, No. 34, explanatory notes

Aboriginal Land Act 1991—

[435](#) Aboriginal Land (Birriah USL and Duyfken Point USL) Amendment Regulation 2017, No. 35

[436](#) Aboriginal Land (Birriah USL and Duyfken Point USL) Amendment Regulation 2017, No. 35, explanatory notes

Fisheries Act 1994—

[437](#) Fisheries (Deception Bay and Jumpinpin-Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017, No. 36

[438](#) Fisheries (Deception Bay and Jumpinpin-Broadwater Declared Fish Habitat Areas) Amendment Regulation 2017, No. 36, explanatory notes

EXEMPT STATUTORY INSTRUMENTS

The following statutory instrument was tabled by the Clerk—

Biodiscovery Act 2004—

[439](#) Collection Protocol: Collecting spinifex (*Triodia pungens*) under a collection authority (biodiscovery) granted to the Dugalunji Aboriginal Corporation

[440](#) Collection Protocol: Collecting spinifex (*Triodia pungens*) under a collection authority (biodiscovery) granted to the Dugalunji Aboriginal Corporation, explanatory notes

MEMBER'S PAPER

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

Member for Cleveland (Dr Robinson)—

[441](#) Nonconforming petition regarding abortion laws

REPORT BY THE CLERK

The following report was tabled by the Clerk—

[442](#) Report pursuant to Standing Order 165 (Clerical errors or formal changes to any Bill) detailing amendments to certain Bills, made by the Clerk, prior to assent by His Excellency the Governor, viz—

Mental Health Amendment Bill 2016

Amendments made to Bill

Short title and consequential references to short title—

Omit—

'Mental Health Amendment Act 2016'

Insert—

'Mental Health Amendment Act 2017'.

Rail Safety National Law (Queensland) Bill 2016

Amendments made to Bill

Short title and consequential references to short title—

Omit—


'Rail Safety National Law (Queensland) Act 2016'

Insert—

'Rail Safety National Law (Queensland) Act 2017'.

MINISTERIAL STATEMENTS

Trade Mission

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (9.40 am): On the weekend I returned from a trade mission to Singapore, London and India aimed squarely at securing more jobs for regional Queensland. During the mission I had the opportunity to officially launch the state's latest trade and investment office in Singapore, bringing the number of our international offices to 15. With the highest disposable income in South-East Asia, Singapore is already a growing export destination for Queensland. Also, as a major financial hub, Singapore is a target investment attraction market. While in Singapore, the Australian High Commissioner, Mr Bruce Gosper, hosted an investors

business breakfast. It was clear from the interest shown by business leaders present, from fields such as hospitality and tourism, agriculture and transmission infrastructure, that Queensland is regarded as a premium investment destination across our region.


I then led a team of key senior officials to London to boost trade and investment opportunities for Queenslanders ahead of the Gold Coast 2018 Commonwealth Games. While attending the inaugural meeting of Commonwealth trade ministers, I highlighted my government's plan to leverage the opportunity created by the Gold Coast 2018 Commonwealth Games to build a lasting legacy of new trade, investment and business opportunities, not just for Queensland but also for the entire Commonwealth.

The last leg of my trade mission was to supercharge Queensland exports to India and return investment in Queensland. India is an important partner for Queensland and my government has worked hard to deepen the trading relationship. Over the last two years, our export sales to India have increased by \$2.2 billion, or almost 50 per cent, to \$6.9 billion. India has now overtaken Korea to become Queensland's third most valuable export market. I also had the opportunity to discuss future trade opportunities with the chairman of the Mahindra Group, Mr Anand Mahindra. Mahindra is one of the 20 biggest companies in India and has revenues of over \$20 billion. It is a global leader in fields as diverse as aerospace, vehicle manufacturing, agriculture and hospitality. I also met representatives of several film companies who are interested in productions that could be shot in Queensland while at the same time showcasing our state to the huge Indian market.

Together with a group of eight regional mayors, I was able to visit the extraordinary Mundra Special Economic Zone, owned by the Adani Group. Adani is developing the Carmichael coalmine and rail project in the Galilee Basin which has the capacity to create thousands of jobs for regional Queensland. Adani's interest in Queensland goes far beyond a project that could bring reliable electricity supply to hundreds of millions of people in India. Adani is building a 200-megawatt solar power station near Moranbah and has the capacity to go even bigger, with a solar panel factory at Mundra that can produce one million panels a year. Adani has made it clear the next business it wants to establish in Queensland is in agriculture to help supply proteins like chickpeas and lentils to the growing appetite of the world's largest vegetarian population.

India, Singapore and Great Britain are all part of the Commonwealth. That group of friendly nations is not a trading bloc but is home to one in every three people on this planet. It constitutes around 20 per cent of global GDP and, in a time of great upheaval and dislocation in global trade, represents an opportunity that demands further attention. Through my government's discussions with the Commonwealth Secretary-General we have ensured next year's Commonwealth Games will be not just a pinnacle of sporting achievement but also a vehicle to focus on trade, growth and investment, in particular for Queensland. I have announced the establishment of a dedicated Commonwealth House on the Gold Coast where Commonwealth ministers can gather and meet. This will ensure that trade will become an integral element of the Commonwealth Games experience—one that fosters growth and creates jobs in Queensland and for our enduring Commonwealth friends around the world. I would like to thank all of the stakeholders who made this mission a success. Showcasing Queensland in this light will create jobs and growth for all Queenslanders, now and for the future.

Energy Industry

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (9.44 am): Queensland is Australia's energy state. We send electricity interstate and we export thermal coal and LNG to overseas partners. Over the last two years we have stabilised electricity prices from the 43 per cent increases under the previous government. Over the same period we have also set the policy for an energy mix for affordable, secure and sustainable electricity supplies for all Queenslanders. Where other states have privatised their electricity generation and closed coal-fired power generation, we have maintained our fleet. Where other states have an aversion to renewable energy, we have welcomed investment, with a current pipeline of over \$2 billion and 1,900 construction jobs—mainly in regional Queensland. Where other states have moratoriums on gas development, we have a rigorous policy that has promoted the sustainable development of the LNG industry. While the Turnbull government ties itself in knots to pick political fights on energy policy, we are leading the way.


As the preliminary report of the Turnbull government's Chief Scientist, Dr Alan Finkel, identified, restrictions on onshore exploration and development in some states and territories were a factor in tightening the supply of gas. As Dr Finkel concluded, 'Tighter gas supply translates to higher gas prices.' Therefore, I am pleased to announce good news for gas supplies and jobs in Queensland. Today I will join Shell's executive vice-president for Australia and New Zealand, Andrew Smith, to welcome QGC's

new investment in the Surat Basin. The Ruby Project is a new program of gasfield development that supplies both domestic and LNG markets. The project will secure 350 new and existing jobs during its 16-month peak construction and sustain QGC's gas production as older wells come off peak production. Studies have shown that for every local person working directly in the CSG industry a further three new indirect jobs are created within the Surat region. As Mr Smith said—

This is the next significant milestone in the QGC project and a further vote of confidence in Queensland's onshore gas industry. We are proud to be investing in regional Queensland, creating jobs and securing gas supply for domestic and export customers into the future.


This is Queensland policy generating jobs and investment. We have the policy settings that give industry the confidence to invest and employ. We can have the broadest possible energy mix: we can have coal, we can have renewables and we can have gas.

AFL Women's, Grand Final

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (9.46 am): Queensland's great history of sporting success may be just days away from another extraordinary chapter. The Brisbane Lions Women's AFL team will go into this weekend's grand final undefeated through the course of the inaugural season of their competition.

Along with other members of this House I had the privilege of meeting members of the Lions team, including captain Emma Zielke and others. The match will be played at 1 pm this Saturday at Metricon Stadium on the Gold Coast with entry free of charge. I urge all honourable members to attend. I acknowledge this is not the venue the Lions, their fans or the AFL would have wanted, but the most important thing now is that we all get behind the team this weekend. I will be there, the Minister for Sport will be there and the Minister for Women will be there. I urge all AFL fans to get along and back in what we hope will be our newest Queensland champions.


Indigenous Councils, Meeting with Cabinet

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning) (9.48 am): In an historic first for Queensland, last week in Cairns the Palaszczuk government hosted a meeting of the cabinet with the elected local government leaders of Indigenous councils. This provided a valuable forum for mayors and ministers to discuss issues of mutual concern and help shape the future of Aboriginal and Torres Strait Islander policy in this state. The meeting builds on the relationships with mayors and communities established through the Queensland government's ministerial championship program. This program provides unprecedented contact and direct communication between ministers and Aboriginal and Torres Strait Islander communities so the government can listen and act on their concerns.

Our government is committed to working with all Queenslanders and ensuring everyone has a voice on the challenges and opportunities in their regions. The joint cabinet and Indigenous leaders meeting was an opportunity to have a frank and honest conversation with Aboriginal and Torres Strait Islander mayors and to discuss how we can work together to overcome challenges and achieve a brighter future for all Queenslanders.

A number of key areas were raised for discussion, including health, housing, land tenure and economic development. Conversation ranged from ways to improve front-line health and education services to housing investment in remote communities to driving local economic development. Mayors attending the meeting also heard about the range of initiatives funded by the Queensland government to support their communities. Mayors who attended discussed the historic nature of the event and expressed thanks to the government for convening the first ever joint meeting of the cabinet and elected Indigenous leaders of Queensland.

Queensland Rail

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning) (9.49 am): In February the Strachan commission of inquiry report laid bare systemic problems within Queensland Rail that were causing major disruptions and inconveniencing Queensland commuters. Queenslanders rely on rail transport for key parts of their lives: moving them to and from work, getting children to school and accessing important services. They deserve a reliable rail service that they can trust. That is why the Palaszczuk government accepted all 36 recommendations of the inquiry and as minister I am committed to delivering each and every one of them as soon as possible.

Since the Strachan report, we have hit the ground running on our plan to reform Queensland Rail and fix the trains. We have already delivered on two of the recommendations in full. On 8 March, we released our 30-day response to the Strachan report, the Fixing the Trains action plan. This plan is a blueprint for a new era of rail in South-East Queensland, an era where the customer comes first. For the benefit of the House, I table a copy of the high-level implementation plan, which outlines our priorities.

Tabled paper: Queensland Government: Fixing the trains, High-level implementation plan, March 2017 [\[443\]](#).


On 8 March I also announced the appointment of Mr Nick Easy as the new Queensland Rail CEO. Having led two other major statutory authorities, most recently as the CEO of the Port of Melbourne, Australia's largest container and cargo port, we are confident that Mr Easy is the right person to drive a new era at Queensland Rail.

Since the Strachan report was handed down, we have increased the size of driver and guard training schools, with a total of 65 new train crews starting training in February. Those are the largest classes that QR has ever run. The work to examine the sustainability of the timetable is also well underway and that exercise is being assured by the Citytrain Response Unit. I will continue to update the House on the progress of that work and will table a copy of the outcomes once completed.

Today I can announce more progress in our plan to fix the trains. In line with recommendation 16, Queensland Rail will partner with external experts GHD and the Centre for Excellence in Rail Training, CERT, to conduct a total overhaul of its training program. GHD and CERT will undertake a full review of Queensland Rail's training program and work with Queensland Rail to improve time frames, while maintaining rigorous safety and quality standards.

Faster training times and larger class sizes will deliver more train crew more quickly, which is what our network needs. We have a clear plan to fix the trains and we are working hard to deliver it for the commuters of South-East Queensland.

Jobs

 **Hon. CW PITT** (Mulgrave—ALP) (Treasurer and Minister for Trade and Investment) (9.51 am): Where others talk the Palaszczuk government is about action. We took office from a former government that had no plans and no ideas for a post-mining boom transition. We are putting our money where our mouth is with \$1 billion invested in creating jobs and building infrastructure across regional Queensland. That has been our focus since day one. In fact, since the election a net total of 33,700 jobs have been created in Queensland. Unemployment is now at 6.4 per cent, down from the 6.6 per cent we inherited in 2015 from the former government. I am concerned by the slight rise of 0.1 per cent in the most recent trend figure to 6.4 per cent, which is up from a revised 6.3 per cent in January. Despite this, on average, 1,350 jobs have been created each month since the January 2015 election.


Our economic plan is working: Queensland posted a record \$52.7 billion in exports last year. Last week's NAB business confidence survey ranks Queensland at plus 11, higher than the national average of plus eight and more than double the confidence level of plus five in New South Wales. Annual growth in retail spending in Queensland is higher than in New South Wales, Victoria and the national average. We are on track to be the fastest growing state in 2016-17, with the latest ABS statistics showing trend growth in state final demand for the December quarter of 0.5 per cent. We have seen four quarters of positive growth in state final demand after eight negative quarters.

Restoring Queensland to a position where we are now forecast to have nation-leading growth in 2016-17 has been challenging. However, we have rolled up our sleeves and are doing the heavy lifting to stare down the challenges ahead. What we really need to see right now is the Turnbull government stepping up to match our efforts. We need direct federal government investment in infrastructure investment, not politicking. We need direct federal government support for employment programs to match our efforts. We need the Turnbull government to match the type of programs we are delivering to support employment and growth, particularly in regional Queensland.

Our successful \$20,000 Youth Boost program, which has now been extended to October, is giving businesses incentives to hire unemployed people aged 15 and 24 and has created nearly 800 jobs for young people. The Back to Work and Youth Boost programs have seen over 1,100 employers participate, creating jobs for regional Queenslanders. Our \$200 million Works for Queensland program is allowing councils to undertake job-creating, maintenance and minor infrastructure projects right now. We are investing \$440 million in our Accelerated Works Program to bring forward projects to stimulate economic activity in regional Queensland. The \$375 million Building Our Regions program is supporting more than 600 jobs across 51 projects funded in the second round.

We have doubled the payroll tax rebate from 25 per cent to 50 per cent for employers hiring trainees or apprentices. So far, almost 3,500 businesses have taken advantage of concessions worth \$17.8 million. We reintroduced the Skilling Queenslanders for Work program, which was axed by the Newman-Nicholls government, with \$240 million over four years to help an estimated 32,000 jobseekers train for and secure jobs. Our \$200 million Jobs and Regional Growth Package includes \$130 million specifically to support private sector projects and economic development. That is a job-creation program and we have started to roll out projects, including support for Glencore's operations in Mount Isa and the re-bricking of its copper smelter, to ensure job security and growth. Queenslanders voted for a government willing to do the hard work in the face of tough times and that is exactly what we are delivering.

Harmony Day; Back to Work Program


 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (9.55 am): I wish everyone a happy Harmony Day, which celebrates diversity in a community where everyone belongs. The Palaszczuk government's \$100 million Back to Work regional jobs package is going from strength to strength. To date under the program, 1,090 regional businesses have been paid, employing 2,323 Queensland jobseekers. That includes 755 jobseekers aged 15 to 24 who have been hired under the \$20,000 Back to Work Youth Boost. There are a further 807 applications pending across all categories, which, if approved, will result in a total of 3,130 jobs supported under the program.

I have seen firsthand the difference the regional jobs program is making to regional jobseekers. Last week in Cairns, I visited Hunter Automotive, which recently hired young John McGee as an apprentice mechanic under the \$20,000 Youth Boost. Owner Glen Hunter said that the \$20,000 payment he successfully applied for was instrumental in his decision to hire John. I am pleased to say that there are literally thousands more success stories just like that repeated throughout regional Queensland.

Back to Work is delivering great results for those who traditionally face significant labour market challenges: over 12 per cent are from Aboriginal and Torres Strait Islander backgrounds; nearly 11 per cent are people with a disability; 24.7 per cent are mature age; nearly nine per cent are from culturally and linguistically diverse backgrounds; and nearly 42 per cent are women. These are great results from an outstanding program that is not only supporting regional jobs but also boosting regional economies. So far, the total amount paid to regional employers is nearly \$11 million. That money is being put to work in regional economies, following the application of strict eligibility criteria. The majority of applications are for employees in small to medium sized businesses. Five hundred and two applications belong to businesses that have one to four employees and 816 are in businesses that employ five to 19 people.

We understand that the regions are doing it tough and that is why this program is specifically targeted at the regions and it is delivering jobs right across-the-board: 545 in Far North Queensland; 497 in North Queensland, 335 Mackay-Whitsunday; 356 in Central Queensland; 424 in Wide Bay; 69 in North-West Queensland and 93 in South-West Queensland. Back to Work is delivering for jobseekers, employers and regional economies. I urge all members to promote the benefits it is bringing to communities throughout regional Queensland.

Queensland Health, Capital Works Overview

 **Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (9.59 am): The Palaszczuk government's 2016-17 Queensland Health budget provides a substantial investment in the state's health infrastructure and a substantial investment in jobs for Queenslanders. One of the projects we committed to delivering in the budget was a new Dimbulah primary health centre. It is terrific to see that the Cairns and Hinterland Hospital and Health Service has completed the design and procurement phase of that project and plans for the new facility are on display in the existing clinic. I know that outcome was welcomed by the member for Dalrymple and I acknowledge his interest in and advocacy for the project. The project will be delivered for the Tablelands community by a North Queensland construction company, Laurie Lindner Constructions. It is expected to support 12 jobs over the course of construction. That is a great outcome for the far north of our state.


Right across this state, that is what Queensland Health's \$1.4 billion capital program does. It delivers improved healthcare facilities for staff and patients. It delivers important jobs not just in the south-east but in the Torres and the cape, in the south-west and on the Sunshine Coast. We are supporting more than 200 projects, which will improve our capacity to deliver first-class health services throughout our state. These 200 or more projects will support 1,500 jobs throughout our great state.

I have previously advised the House that, since forming government, we have approved new health projects valued at more than \$500 million. That is in addition to delivering, in partnership with Australian Unity, the \$1.1 billion Herston quarter redevelopment project, which will include a new 132-bed public specialist rehabilitation and ambulatory care centre.

This week the Sunshine Coast University Hospital will see its first patients—a hospital promised by Labor, a hospital properly budgeted for by Labor and a hospital being delivered by Labor. We can see the impact of health infrastructure investment in Roma where we are investing \$70 million in a brand-new hospital. Earlier this month I was in Hervey Bay and observed firsthand the significant work involved in delivering the new Hervey Bay emergency department. This is all part of our government's Enhancing Regional Hospitals program. In the Far North of our state we are investing in health infrastructure projects in remote communities, such as a \$6.3 million refurbishment of the Aurukun primary healthcare centre, the redevelopment of the Thursday Island Hospital and the refurbishment of other health clinics on islands and communities throughout the Torres Strait.

By 2026 we want Queenslanders to be the healthiest people in the world. With this goal in mind, the Palaszczuk government is committed to maintaining and improving health services in Queensland, no matter where Queenslanders live.

State Schools, Teacher Numbers

 **Hon. KJ JONES** (Ashgrove—ALP) (Minister for Education and Minister for Tourism, Major Events and the Commonwealth Games) (10.01 am): Next year our very first year of preppies who started school way back in 2007 will begin year 11. It makes the class of 2006 feel old! To support their transition to senior, I am pleased to announce that the Palaszczuk government will invest \$57 million to employ up to 230 extra teachers. This investment will ensure these students will have the same variety of subject offerings as the larger classes before them.

In 2007 Labor introduced the prep year to Queensland schools and in the following year raised the year 1 starting age by six months. These major education reforms gave students a better start to their education and finally brought Queensland into line with all other states in the country. It also led to the creation of a smaller cohort of students in state schools—often referred to as the half cohort. We are creating these 230 extra teaching positions in 2018 and 2019 to ensure they have the best possible education during their senior years of learning.


These 230 extra teachers are on top of the 875 extra teachers we promised at the election. In total, this announcement today means that there will be an additional 1,105 more teachers in our classrooms supporting students' learning.

Government members interjected.

Ms JONES: I appreciate the support from the backbench. I know that they understand how important it is to have extra teachers working in our classrooms.

This investment will support schools across Queensland. For example, in the Gregory electorate, Longreach State High School will benefit from funding to support two extra teacher positions. Schools in metropolitan areas will also be supported to maintain the breadth of curriculum offering over 2018-19 where needed. Our Labor government is determined to ensure that our trailblazing prep students are able to finish their schooling journey in the same way they started.

North Queensland, Jobs

 **Hon. AJ LYNHAM** (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (10.03 am): Jobs for Queenslanders are this government's No. 1 priority. So I am pleased to advise the House that a 1,000 job pipeline will start flowing in the north in the fourth quarter of this year. It starts with the first trade work for the \$250 million North Queensland stadium and then continues with the \$167 million expansion of the Ravenswood mine.

Everything is on schedule for the stadium managing contractor to be appointed next month. The managing contractor should put early works trade packages out for tender in the third quarter of this year. That is great news. Even better news is that, as at 3 pm Monday, 182, or more than 41 per cent, of the 443 companies that have registered an interest in working on this project have a base in North Queensland. Well done North Queensland for stepping up to be part of this once-in-a-lifetime project!


There are more jobs in the pipeline. Provided all approvals are in, Resolute Mining will be recruiting workers for their Buck Reef West expansion project in the second quarter of 2018. Resolute is extending the life of their gold operations for up to 13 years. Not only will this project ensure the existing 280 jobs at the gold mine continue, it will create a further 100 new construction jobs in that community. The positive news is that Resolute Mining has committed to employing people from within 150 kilometres of that mine. That means more jobs for locals in Charters Towers, Ayr, Home Hill and Townsville.

That is not all. Across North Queensland we are building the capacity and capability of businesses to win work and create jobs. Last week alone, 26 people participated in workshops in Townsville and Ayr to help their businesses develop capability statements and tender for important government business. This will help locals like Sabina Ellsley, of Ellsley Metal Recycling in Ayr, and Bec Grigg, from Townsville landscaper Naturform, to win contracts in the north and create jobs. This government is delivering in many ways on our commitment to create jobs and drive economic growth in North Queensland.

Mr Costigan interjected.

Mr SPEAKER: I counsel the member for Whitsunday that I think he is getting a bit close to the mark.

Skilling Queenslanders for Work

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (10.06 am): As I travel the state I have the privilege of being able to visit many of the Skilling Queenslanders for Work programs that are providing real results and outcomes everywhere I go. I know that many of my fellow ministers and members have been able to share the same experiences.

I rise today to speak about one of my recent visits and also to inform the House that, as of the end of February, more than 6,200 people have secured jobs as a direct result of Skilling Queenslanders for Work. These are jobs right across the state, helping youth, mature age workers, migrants, returning mothers and the disabled enter the workforce and contribute to growing the Queensland economy. I am pleased to inform the House that recent figures show that over 14,400 people have been assisted through Skilling Queenslanders for Work already, either having completed or currently undertaking a program. That includes people who have been through the program and secured jobs.

I am very pleased—it has been just three weeks since I last reported these figures to the House—that 6,220 people have secured jobs, 1,588 people have returned to further training and 224 youth have returned to school. This is great news for Queensland. Programs in the Skilling Queenslanders for Work initiative are making a difference to everyday Queenslanders' lives.


Last week I was in Cairns and visited the Cairns Regional Community Development and Employment Aboriginal and Torres Strait Islander Corporation project, being delivered by IJC Training. This project is delivering certificate III in individual support and the students I spoke to were close to completing their studies. The participants were mostly recent migrants who all shared a common goal—that is, contribute to the Cairns community in a meaningful way. On 2017 Harmony Day it is wonderful to acknowledge how the Palaszczuk government is supporting diversity in our communities. IJC Training have developed strong ties to local employers and many of the participants are confident of securing long-term employment in the aged-care and disability sector. I was able to speak to many of them about their experiences, goals and future plans.

One of the people I met was named Mary. She was a recent migrant from PNG. With her bright smile and engaging personality, I am sure she will be a perfect fit for a career in aged care. What really struck me though was the fact that, even though she did not have a class that day, she walked more than four kilometres in the Cairns heat to come to tell me how much the training has changed her life.

Stories such as this are common. Whether I am in Cairns, Townsville, Toowoomba, Bundaberg or anywhere else in Queensland, for most of the participants it is an opportunity—an open door to a career, stability and success. From the results we have seen so far, many Queenslanders are making

the most of it. I look forward to continuing to visit many of these programs into the future to witness firsthand the difference the Palaszczuk government is making to people's lives and to continue to provide real opportunities for all Queenslanders who want them.

Myriad Festival


 **Hon. LM ENOCH** (Algera—ALP) (Minister for Innovation, Science and the Digital Economy and Minister for Small Business) (10.09 am): It gives me great pleasure to advise the House of the incredible opportunity being offered to Queensland entrepreneurs at the 2017 Myriad Festival. The sequel to the hugely successful Advance Queensland Innovation and Investment Summit last year, Myriad will be held from 29 to 31 March at the Brisbane Powerhouse. It will put our Queensland entrepreneurs in contact with investors and venture capitalists from all parts of the globe.

I can reveal that international investors representing a staggering \$10 billion in funds under management will be coming here looking for opportunities in Queensland during the festival. One of them is a shining star of Silicon Valley, Jonathan Teo, who will return to Australia—where he spent his high school years—for the event. Jonathan's investments have helped social media platforms, including Snapchat and Instagram, grow. He is the co-founder of Binary Capital, a firm which has over \$US300 million under management. Venture capitalists like Jonathan are coming to Myriad to find those companies, products and ideas on the verge of becoming the next big thing.

Among Australia's emerging voices on innovation to attend Myriad will be Nicola Hazell. Nicola joined start-up and innovation group BlueChilli in 2016 to lead the development of a new open innovation program turbocharging female leadership in the start-up economy. SheStarts has now invested \$1 million in 10 female-led start-ups. Big name venture capitalists from Silicon Valley will also be at Myriad including Yiyang Lu, from 500 Startups, who has invested in over 1,600 companies in more than 60 countries.

Last year we provided the opportunity to attend the summit to 50 of our regional entrepreneurs, who all walked away with new contacts, leads and collaborators. Many walked away with new customers and investors, like Robert Watkins, from Natural Evolution Foods, who is taking his prebiotic green banana flour global thanks to the investment and connections he secured at last year's event. This year we have almost tripled the number of regional entrepreneurs we are supporting to attend the festival. The Palaszczuk government is supporting 127 regional innovators to come to Myriad to show off their innovative products and services in a regional showcase. Myriad strengthens our standing as the start-up state.

Energy Industry

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (10.11 am): I rise to speak about the critical state of the national energy policy. What we have seen is the Turnbull government fail to provide the policy coherence and certainty that Australia needs. Energy sectors around the globe are undergoing transformational change. The way that energy is produced, transported, managed and used will never go back to the old ways. Australia is well placed to benefit from this transition but, unlike other countries, we do not yet have a national transition plan.

We need ministers to work together on energy policy solutions, but all we have seen is too much politics from the federal government. We have seen the federal government tax state governments in a game of big politics but not big policy. In Queensland we have been criticised for having a state based renewable energy target. The Turnbull government still does not have a renewable energy target policy beyond 2020—no credible pathway to meet its international climate change action obligations under the Paris agreement. It is in this context of a lack of national action that the states are setting their own policies. This is a rational response to the threat of climate change to our economies and it also seeks to maximise the jobs and investment the renewable energy economy can deliver for Queensland.

However, we know that without coordinated national action the energy sector will continue to have investment uncertainty and suboptimal outcomes. We will fail to meet international obligations at the expense of our environment, at the expense of our Great Barrier Reef and at the expense of our economy. Yet the federal government continues to provide one-off, one-out proposals, not comprehensive policy or energy policies—like an expensive new coal-fired power station costing upwards of \$4 billion that will lock in high emissions for more than 30 years. As for the feasibility study for the Snowy River hydro 2.0 project, it was announced to be \$2 billion but is very likely to be much higher—without an explanation of who is going to pay for it and a time frame for construction of between five and 10 years according to energy experts.


The Independent Review into the Future Security of the National Electricity Market, led by Dr Alan Finkel, is critical to delivering national reform for the transition and to maintain energy security, reliability and affordability. Again, before it barely began, the federal government tried to stop it looking at an emissions intensity scheme. We need the federal government and the state LNP to heed industry calls and back the Finkel process, instead of trying to pre-empt the outcome. If the federal government has billions of dollars to spend on energy solutions, it should be bringing this funding to the COAG Energy Council. It should allow these policy initiatives which affect us all to be considered by all ministers, taking into account the Finkel review recommendations.

Australia is an energy-rich nation, but if we are to harness the opportunities from that natural endowment then all governments need to work as one, led by the national government, through the COAG processes. This is a time for cohesion and cooperation, not partisan politics in this national debate. Our economic future depends on that.

VICTIMS OF CRIME ASSISTANCE AND OTHER LEGISLATION AMENDMENT BILL

BAIL (DOMESTIC VIOLENCE) AND ANOTHER ACT AMENDMENT BILL

Cognate Debate; Order of Business

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Leader of the House) (10.15 am), by leave, without notice: I move—


That—

1. standing order 136(6) be suspended to allow the commencement of the second reading debate on the Bail (Domestic Violence) and Another Act Amendment Bill despite three calendar months having not elapsed.
2. in accordance with standing order 172, the Victims of Crime Assistance and Other Legislation Amendment Bill and the Bail (Domestic Violence) and Another Act Amendment 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.
3. notwithstanding anything contained in the sessional orders, consideration of the bills shall commence this sitting Wednesday evening after the dinner break and shall continue until completed.
4. notwithstanding anything contained in the standing and sessional orders:
 - (a) the time limits and order for moving the second reading shall be: the Attorney-General and Minister for Justice and Minister for Training and Skills—60 minutes, followed by the member for Clayfield—60 minutes; and
 - (b) the time limits and order for reply to the second reading debate shall be: member for Clayfield—30 minutes, followed by the Attorney-General and Minister for Justice and Minister for Training and Skills—30 minutes.

Question put—That the motion be agreed to.


Motion agreed to.

ABSENCE OF MINISTER

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Leader of the House) (10.17 am): I advise the House that the Minister for Disability Services, Minister for Seniors and Minister Assisting the Premier on North Queensland is absent from the House this week due to ill health.

PRIVATE MEMBERS' STATEMENTS

Palaszczuk Labor Government, Performance

 **Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (10.17 am): On Saturday we will see a sporting contest that many sports lovers throughout Queensland have been hoping for eight weeks, since the start of the Australian Football League women's competition, to see happen here in Queensland. We have watched the success of the Brisbane Lions women's team mount until it became obvious a month ago that they were squarely in contention for a grand final here in Brisbane. A month

ago they knew that was coming. However, this fumbling, bumbling government has been unable to secure a home grand final—for the first time in AFL history a grand final to be played outside Victoria, to be played here in Brisbane.

The level of the Palaszczuk Labor government's incompetence is breathtaking. We have an employment minister who tells us the youth unemployed are always with us and who as a racing minister could not put a minimum bet on a race until she backflipped last week.

Ms GRACE: Mr Speaker, I rise to a point of order. I believe a statement was made that I called youth unemployed whingers. That is not correct. I take offence and I ask that it be withdrawn.

Mr SPEAKER: Minister, you take personal offence to the statements related to you.


Mr NICHOLLS: I withdraw, Mr Speaker. What we had was an employment minister who told us that young unemployed are always with us. 'It's a structural issue; I don't think there's much you can do about it.' That is what she said. Stand up and take offence at that one if you do not like it.

We had a police minister forced to resign over what an Ethics Committee report described as a pattern of reckless conduct. We had the appointment of an agriculture minister whose field experience was a veggie patch, while paying her rates and registration was not much of an experience at all. We have a transport minister who finds out about train cancellations on Twitter and then proceeds to see us spending a million dollars a fortnight still paying overtime bills and over \$4 million on buses and taxis because he cannot get the trains to turn up on time.

We have a Treasurer presiding over the worst unemployment rate and the lowest participation rate in the nation. We have an Attorney-General who cannot organise a booze-up on Origin night at a pub. Now to top it all off we have a sports minister who cannot take a sitter at the Gabba. Thirty-nine days into the job and he has spilled the ball right in the square in front of the big sticks. The first women's AFL grand final in Queensland's history and he cannot get the game to go there. That is a kick from in front that even the aimless Treasurer as sports minister would have been able to get through the posts. Four weeks ago we knew it was happening. There is nothing happening.

(Time expired)

Works for Queensland

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning) (10.21 am): Rather than indulge in cheap political pot shots, as the member for Clayfield likes to do, I would like to talk about—

Opposition members interjected.

Mr SPEAKER: Order! Pause the clock.

Mr Hart interjected.

Mr SPEAKER: Order! Member for Burleigh, I can hear you. I now call the Deputy Premier.

Ms TRAD: The continued blokification of Tim; that is all I can say. Is it working? Only time will tell. I want to talk about our jobs-generating program for regional Queensland, Works for Queensland. It has been one month today that I announced the projects that our \$200 million groundbreaking project was going to fund. I am pleased to say that it is doing exactly what we said it would: it is creating jobs and opportunities for Queenslanders throughout our state.


Two weeks ago I visited Palm Island where 15 young people had started work on the Coolgaree Bay foreshore beautification project—jobs made possible through Works for Queensland. Most of these workers were 16- to 22-year-olds. As Mayor Alf Lacey puts it, 'This is the future workforce of our shire.' In Flinders shire, CEO Graham King says that they are putting on seven extra employees. With a current workforce of 110, he says, 'This is quite a significant increase.'

In the Southern Downs Works for Queensland projects are already supporting the jobs of 20 staff in roles for procurement, design and support. In the Western Downs they have started two extra people on footpath upgrades and they are advertising for a project manager. If anyone is interested—such as the member for Callide when he leaves this place—applications close on 3 April.

In Rockhampton three significant tenders for its projects are closing soon. In the Mareeba shire they have just completed the first of their projects—a \$20,000 gravel upgrade of Walsh Street in Dimbulah—and others are now underway. In Goondiwindi, the council already has five workers replacing cemetery fences in Inglewood and Texas. The Livingstone Shire Council has started work on its homemaker centre, and Mornington Shire Council has contractors ready to start on its staff housing

upgrade. Maranoa Regional Council has an external contractor working on the northern bore in Roma. This is an early snapshot of what our program has accomplished in the first month. It demonstrates that the Palaszczuk Labor government is determined to create jobs and deliver essential community infrastructure throughout regional Queensland in partnership with local government.

Jobs

 **Mr BLEIJIE** (Kawana—LNP) (10.24 am): The Deputy Premier started her contribution by saying that she is not going to engage in cheap political pointscoreing. She could not even utter the words with a straight face. The Deputy Premier and Premier come in here and talk about jobs, but let us not let the facts get in the way of a good story. The facts of the situation are that Queensland has the worst unemployment rate in the nation now, and it had the worst number of job losses in the last year and the worst number of job losses in the last month. They want to talk about jobs, jobs, jobs; they are sugar-coating the statistics released last week.

The Minister for Training and Skills said that she travels around the state talking to young people about their skills and training. What she does not want to talk about is the national statistics released last week which showed that training completions under her watch are down 15 per cent, and Queenslanders in training have fallen in the last 12 months by 25,000 under their watch. That is 25,000 fewer Queenslanders the Minister for Training and Skills can talk to around Queensland because they are not in training. The Labor Party members talk more about their own jobs than the jobs of Queenslanders. The Premier in her first press release back in February said that her new cabinet would be focused on job creation. This is a ripper, and I quote—

“The new Cabinet is an exciting mix of experience and fresh talent,” Ms Palaszczuk said.

...

... my Cabinet is the team that will fulfil that task.

that is, the task of job creation. Then she states—

“Ministers such as Curtis Pitt, Cameron Dick and Kate Jones bring with them a wealth of previous Cabinet and Parliamentary experience, while the new faces bring their own special skills and experience.

What special skills did the member for Bundamba bring to the role? What special skills did the member for Rockhampton bring to the role—rat shooting in Rockhampton? What did the member for Mundingburra bring to the role? The Premier continues—

“Coralee O'Rourke, the Member for Mundingburra, will also be in the Cabinet ...

...

“The Assistant Minister's position will now be filled by Stirling Hinchliffe who will directly assist me on integrity and accountability issues ...


Then the Premier states—

“I'm excited by the level of talent and fresh ideas my Ministers will bring to Cabinet.

Half of them are not sitting there anymore since that press release. They are sitting on other benches. The Minister for Tourism, Kate Jones, last week said, ‘I might run for Bonney on the Gold Coast,’ following her mentor Peter Beattie running for Forde. What is happening on the inner-west side of the Labor government? Is it really so horrible to be across the river from Jackie Trad? That is the question they have to ask themselves.

(Time expired)

Jobs

 **Hon. CW PITT** (Mulgrave—ALP) (Treasurer and Minister for Trade and Investment) (10.28 am): Our No. 1 priority since coming to office has been job creation. We have said that clearly every week we have been in this place. We are working with businesses to create jobs and grow industry. We inherited a 6.6 per cent unemployment rate from those opposite. The latest figures show the rate is at 6.4 per cent, a 0.1 per cent increase on the previously revised month. I have consistently said that we should be judging progress on trend figures, not the seasonally adjusted data. Why? Let me read to the House a statement someone made in January 2013 about the ABS jobs data—

... the seasonally adjusted estimates seemed volatile and it was important to look at trend figures ...

The same person again in March 2013 stated—

I have always maintained the seasonally adjusted series is volatile. It's important to look at the trend figures ...

Who said that? Campbell Newman's treasurer and now Leader of the Opposition, the member for Clayfield, and on this occasion I agree with him. I table the seasonally adjusted figures to show the volatility that we are dealing with.

Tabled paper: Document, dated February 2017, graph titled 'Queensland Trend Unemployment Rate (%) Persons' [444].

It did not take the former treasurer long to start cherrypicking and highlighting the seasonally adjusted or trend data, whichever suited him better as treasurer. We heard the member for Kawana say, 'Let's not let the facts get in the way of a good story.' Let us talk about some facts. On their preferred seasonally adjusted measure, unemployment got up to 7.1 per cent and it stayed at 6.7 per cent for four consecutive months in late 2014. That is what we are dealing with. They are hypocrites on the other side. The shadow Treasurer, the member for Indooroopilly, has learnt from the best. When it comes to the ABS data, he looks at the data that gives the worst possible impression. One month it could be trend; the next month it could be seasonally adjusted.

Campbell Newman compared us to Spain, but what those opposite clearly are all about is actually a little bit like *Little Britain*. It is as though the shadow Treasurer is channelling Vicky Pollard, 'What's this? The unemployment rate? Well yeah, but no, but yeah, but no. It's sumthin' or nuffin'. Trend, but seasonally adjusted? But trend, you know, whatever!' We know that is what they are about. They flip-flop between measures as it suits them.

The *Little Britain* similarities do not stop there. Every time we try to put something positive into this House we have a vote and then we hear from the Chief Opposition Whip. What does he say? 'The LNP says no.' That is all we get: negativity. It was the same situation during their time in government. They may be the only government we have ever had that was more negative about the economy when they were in government than when they were out of government.

What we need is for those opposite to get on board, get a plan together and actually get their federal colleagues to start doing some heavy lifting. Right now it is the state government that is doing all the heavy lifting when it comes to job creation. We on this side of the House are dedicated to job creation. We are going to continue to do that each and every day that we are in office.

Minister for Energy, Biofuels and Water Supply, Email Account



Mr EMERSON (Indooroopilly—LNP) (10.31 am): Let's remind everyone that the only number that counts is the worst unemployment rate in the nation. The question Queenslanders want answered today is why the Premier has not stood down the member for Yeerongpilly. No matter what is further brought to light about his sneaky email communiques, Queenslanders already know enough. We know he is using his private email accounts to contact his ministerial staff to discuss cabinet matters. We know this because a right to information application last November for emails sent to or from his private Yahoo! email account produced documents but with information redacted as 'cabinet in confidence'. We know that in the episode that blew the lid off this skunk of a scandal—

Mr BAILEY: I rise to a point of order.

Mr SPEAKER: Pause the clock. What is your point of order, Minister?

Mr BAILEY: That matter has already been clarified in this place and I ask that he be accurate.

Mr SPEAKER: It is not a point of order.

Mr EMERSON: We know in the episode that blew the lid off this skunk of a scandal, the ETU State Secretary, Peter Simpson, contacted the minister at the same private email address. In this secret correspondence, uncloaked by the *Australian* newspaper on 17 January, the union boss was caught lobbying the minister to block a \$13 billion merger of two super funds to protect union jobs. What we do not know is how the minister responded. That is because on 5 February, just days after the *Australian* lodged an RTI request seeking to find any such record, the member for Yeerongpilly hit the delete button on the account. There is no turning back from this trail of deception and cover-up, irrespective of the minister being dragged into reactivating the account and what 30,000 retrieved emails may now additionally reveal.

Should there have been a shred of doubt over the gravity of these matters, the CCC has now dispelled it, saying that under the Crime and Corruption Act 2001 the allegations against the minister would, if proved, amount to corrupt conduct. Today we also read reports that the man hand-picked by the Premier to investigate the member for Yeerongpilly over his email abuse, her Director-General of the Department of the Premier and Cabinet, Dave Stewart, has referred himself to the CCC over the issue of government contracts to a company headed by his wife. We now have the investigator facing potential investigations. That can only happen in a government whose hallmarks are failure to lead and failure to act.

Finally, the Premier has a chance to get it right. The CCC says that if the allegations are proved, the member for Yeerongpilly has engaged in corrupt conduct. I say to the Premier: do not insult Queenslanders by perpetuating this stench. Do the right thing and stand down the member for Yeerongpilly today.

NOTICE OF MOTION

Queensland Labor Party, Mount Coot-tha Branch



Mr CRIPPS (Hinchinbrook—LNP) (10.33 am): I give notice that I shall move—

That this House condemns the Mount Coot-tha Branch of the Queensland Labor Party for its statement against resources industry jobs for Central and North Queensland.

QUESTIONS WITHOUT NOTICE

Mr SPEAKER: Question time will finish at 11.33 am.

Minister for Energy, Biofuels and Water Supply, Email Account



Mr NICHOLLS (10.33 am): My first question is to the Premier. The Director of Integrity Services of the Crime and Corruption Commission is reported today as saying, 'The Crime and Corruption Commission (CCC) has finalised its assessment of these matters and determined that the allegations raised against Minister Bailey would, if proved, amount to corrupt conduct.' I ask: will the Premier do the right thing and stand down Minister Bailey while he is under investigation for corrupt conduct?

Ms PALASZCZUK: I thank the Leader of the Opposition for the question. I think part of his question is deliberately misleading and I will write to you about that, Mr Speaker. I am aware of what the corruption watchdog has said. Let me say that there is an investigation that is currently underway that has been confirmed by the CCC. In the meantime I expect Minister Bailey to get on with his job, just as I expect everyone in my cabinet to be getting on with the job.

There is an investigation. There is a presumption of innocence here until that investigation is completed. I do believe that the Leader of the Opposition's question was deliberately misleading by implying corrupt conduct when that has not been proven. It has not been proven. I will leave the matters there for the investigation to continue its current course.

Minister for Energy, Biofuels and Water Supply, Email Account

Mr NICHOLLS: My second question is also to the Premier. I ask: will the Premier explain to the House exactly why she is satisfied to allow a minister to continue to make decisions affecting thousands of Queenslanders and involving hundreds of millions of dollars of taxpayers' money while he has serious questions to answer of alleged corrupt conduct?

Ms PALASZCZUK: I have answered that question. There is an investigation underway. That investigation will take its course. Minister Bailey is an outstanding member of my cabinet team. He has a large portfolio. This is the man who has kept electricity prices down for Queenslanders, who brought forward to cabinet the need for concessions to remain for those who cannot afford to pay. He has been driving renewable energy in this state, seeing over \$2 billion worth of renewable energy money going into this state, growing Queensland jobs.

Mr SPEAKER: I know you are keen to talk about that, but I think it is not answering the question.

Ms PALASZCZUK: The minister will continue to do his job.

Harmony Day

Ms BOYD: My question is to the Premier. Will the Premier outline the importance of Harmony Day to Queenslanders and detail any alternative approaches?

Ms PALASZCZUK: I thank the member for Pine Rivers very much for that question. As we know, Harmony Day is very important. Today we are celebrating Harmony Day and everyone in the House should be wearing their orange ribbon. I thank the Minister for Multicultural Affairs for outlining the importance of Harmony Day. 'Where everyone belongs' is the theme of this year's Harmony Day celebrations. It will be celebrated across Queensland and the rest of Australia today. Events are being held over the next few days. We have 'Cultures around the Campfire' in Roma and special education

English classes at Smithfield State High School in Cairns. We also have a morning of multicultural performances this Saturday in my own electorate of Inala. Harmony implies many things such as a time when we all try to get on together and accept everyone's differences, to make sure that we can create a better Queensland.

I notice with some interest that recently the Leader of the Opposition attended a Media Club address where he tried to apologise to Queenslanders. It was an apology that had no form of regrets. These are the words. He said—

In moving quickly we failed to take Queenslanders with us, and I acknowledge that we broke the trust of Queenslanders, and for that I am sorry.

Breathtakingly, he then pleaded for Queenslanders not to blame him for slashing services and sacking tens of thousands of workers. I know when I travel around the state—everybody knows—the damage that this man and the former government did to people across the state. If he wants to talk about the economy and regional Queensland, the damage lies at the feet of the former treasurer, who crafted those budgets directly. He was the former premier's right-hand man. He sat there at the decision table, at the cabinet table, as part of the leadership group and made those decisions that hurt Queenslanders right across the state. Not long after that media address someone popped up. Who could that be? Campbell Newman! What did he say? He said—

Leaders take responsibility for hard decisions that have to be made—I did. Time for Tim Nicholls who drove asset sales & cuts. It did not take long and a few minutes after that he said—

If Tim Nicholls had no role in the policies of my govt (yeah, right) what are his policies now and how do they differ?

This man says it all—

Mr SPEAKER: Premier, it is not a prop. Do you want to table it or put it down?

Ms PALASZCZUK: I hope that in the interests of Harmony Day they can reunite and become reacquainted as long-term good friends.

(Time expired)

Minister for Energy, Biofuels and Water Supply, Email Account

Mrs FRECKLINGTON: My question is to the Premier. Is it the action of an outstanding minister to delete an email account when such action may potentially amount to corrupt conduct?

Ms PALASZCZUK: I believe that question is repetitious. It is exactly the same question that was asked by the Leader of the Opposition. I will repeat the same answer: the matter is being investigated. If you want to talk about conduct, we can always go to the former member for Redcliffe—

Opposition members interjected.

Ms PALASZCZUK: Where is he now?

Mr NICHOLLS: I rise to a point of order. The question was absolutely different, because the Premier described the minister, the member for Yeerongpilly, as an outstanding minister, and the Deputy Leader of the Opposition's question was clearly, 'Are the actions of an outstanding minister those which may potentially amount to corrupt conduct as described by the CCC?' It is a very different question and I ask you to bring the Premier to the point of the question.

Mr SPEAKER: It is a separate question. I call the Premier for her response.

Ms PALASZCZUK: As I was saying, will they give back the \$50,000 that the former member for Redcliffe gave to the LNP?

Opposition members interjected.

Mr SPEAKER: I did not hear any of that. Premier, I was not able to hear your response.

Ms PALASZCZUK: I want to know if the LNP will give back the \$50,000, the proceeds of crime, which can be used for tackling ice in this state—

Mr SPEAKER: Premier, it is not an opportunity to debate the issue. I call the member for Maryborough.

Works for Queensland

Mr SAUNDERS: My question is to the Deputy Premier. Will the Deputy Premier provide more information to the House about the Works for Queensland program and how it is supporting jobs for Queenslanders?

Ms TRAD: I thank the member for Maryborough for the question. I know that he has been a staunch advocate for job creation in the Maryborough region and right throughout regional Queensland. The member for Maryborough is constantly knocking on my door and the door of every minister in the Palaszczuk government to talk up issues of importance to the Maryborough region.

Works for Queensland has delivered for regional Queenslanders and the Maryborough Regional Council. More than \$12 million worth of works have been approved for funding and are currently in the process of being delivered, supporting some 162 jobs in the Maryborough region. Approved projects include things like the Maryborough CBD streetscape improvement, the Queen's Park improvement, extending the Maryborough to Hervey Bay rail trail from Maryborough-Hervey Bay Road to Takura and the construction of an adventure playground adjacent to Seafront Oval.

This story is being replicated right across regional Queensland, and I did touch on this in my private member's statement. Today I am pleased to advise that the latest project in the Works for Queensland initiative has received final approval, and that is the \$4.7 million restoration of the Mary Valley *Rattler*. I know that this funding will be incredibly welcome news to the member for Gympie because it means jobs in his region, and it took a Labor government to deliver it. It is not something that he is going to get from the Leader of the Opposition, because we all know that the Leader of the Opposition is a policy-free zone—just ask Campbell Newman!

Mr SPEAKER: Are you going to table that?

Ms TRAD: Recently I was very much interested in the member for Clayfield—

Mr Cripps interjected.

Mr SPEAKER: Pause the clock. Member for Hinchinbrook, you are warned under standing order 253A. If you persist I will take the appropriate action.

Opposition members interjected.

Ms TRAD: I would like to take that interjection but I think it is unparliamentary. It does seem like they get very animated as soon as we talk about Campbell Newman's tweets, but let us talk about the Tim and Deb regional tour last week. I know that the backbench—

Ms Jones: Nobody else is!

Ms TRAD: I will take that interjection from the member for Ashgrove: nobody else is. I know that the LNP backbench are already saying that there was a lot of listening and not a lot of doing apart from the pub crawl that occurred right throughout regional Queensland. Can Queenslanders take the member for Clayfield seriously when he orders a pot and not a schooner? On this side of the House we are serious about delivering for Queenslanders: they are serious about stunts.

Minister for Energy, Biofuels and Water Supply, Email Account

Mr EMERSON: My question is to the Premier. In light of the revelation in today's media reports that the Premier's own director-general referred himself to the CCC for investigation, what steps has the Premier taken to ensure that the investigation into Minister Bailey's emails is thorough and above reproach?

Ms PALASZCZUK: I thank the member for Indooroopilly for the question. Having recently returned from London, there is a buzz about Senator Brandis going to London in the very near future. I wonder where we are about to see Senator Emerson very shortly. There is a rumour going around—

Mr SPEAKER: Premier, can you make your answer relevant to the question, please.

Ms PALASZCZUK: Yes, I am getting there. Director-General Dave Stewart has worked for successive governments in Queensland and New South Wales, as well as Brisbane City Council administrations including Jim Soorley's, Tim Quinn's and Campbell Newman's. This morning the director-general has advised the CCC that he will stand aside from the investigation into the emails of the Minister for Main Roads pending its consideration of the director-general's self-referral. The director-general made that self-referral in relation to recent claims on the internet questioning his integrity and his wife's association with Minister Bailey as an employee of Brisbane City Council. A number of the claims referred to communications, stakeholder and community engagement work contracted by government agencies to the company that his wife is employed by. I met with the director-general this morning. He advised me that this is the course of action he will be taking. He is awaiting further advice from the CCC. The investigation will still continue, with the State Archivist involved in that investigation. Once the CCC considers Mr Stewart's self-referral it will come back to us about his role in that continuation, but he has stood aside.

Mr SPEAKER: Before I call the member for Nudgee, I am informed that we have in the gallery observing our proceedings students and teachers from the Mary MacKillop Catholic College in the electorate of Toowoomba North. Welcome.

Economic Plan

Ms LINARD: My question is to the Treasurer and Minister for Trade and Investment. Will the Treasurer please advise the House about the government's economic plan and any alternatives?

Mr PITT: I thank the member for Nudgee for her question. As the Premier reminded the House a little earlier, the Leader of the Opposition addressed the Queensland Media Club, where he attempted to set out his economic plan. The problem was that all Queenslanders got was platitudes, wishy-washy language and recycled Newman government policies. Where there used to be four pillars, we now get six drivers. We know that the opposition leader is lazy, but just adding a couple of points really is quite lazy. We all remember the document *Growing a four pillar economy—4% unemployment*. When the Leader of the Opposition was treasurer he backed away from that at a million miles an hour. He termed it a 'stretch target'. No-one understands what he really meant by a stretch target, but that is what he said.

The LNP's four pillars were agriculture, tourism, resources and construction. In terms of resources, the member for Clayfield put up coalmining royalties at the worst possible time after promising he was not going to go there. In terms of construction, their big construction feat was 1 William Street. The member for Clayfield drove up unemployment and slashed economic growth in this state. That was when he was focused on only four pillars. Imagine the damage he could do if he was let loose on six sectors of the economy! When those opposite were last in government they did not recognise two of these pillars.

We on this side of the House have just gotten on with the job. In terms of tourism, under our government a record 2.6 million international visitors came to Queensland in the 2016 calendar year. The government has also secured more than 500,000 additional inbound seats to Queensland. That is thanks to our \$33.5 million Advance Queensland: Connecting with Asia Strategy. In resources we have approved the Adani Carmichael mine, which will commence construction later this year. We have instituted the fair regulatory framework for the burgeoning coal seam gas industry.

In terms of agriculture, the Palaszczuk Labor government has approved an additional \$50 million to be provided to primary producers as concessional loans following an unprecedented uptake for financial assistance to support prawn farmers affected by white spot disease to rebuild their businesses. In terms of construction and manufacturing, we have put manufacturing back onto Queensland's agenda, with the \$20 million Made in Queensland manufacturing program. Of course, we have the Queensland Productivity Commission undertaking an inquiry into manufacturing, including reshoring.

In education we have restored front-line teachers and we are growing our teaching workforce. We have reintroduced Skilling Queenslanders for Work, a \$240 million program that those opposite were so short-sighted about. Every dollar invested in it was returning \$8 to the economy but those opposite thought that was a bad deal and not a good investment.

In terms of services, science and technology, we have the \$405 million Advance Queensland package promoting jobs of the future. All of the sectors those opposite identify in their so-called economic plan we are already getting on with delivering for and growing. We on this side of the House are not about platitudes; we are about getting on with the job. The Media Club address made one thing very clear: the member for Clayfield had no plan then and he has no plan now.

Minister for Energy, Biofuels and Water Supply, Email Account

Mr WALKER: My question is to the Premier. Why is it appropriate for her director-general to stand down from the investigation into the Minister for Energy's secret emails but not for the minister himself to be stood down?

Ms PALASZCZUK: As I said very clearly, the director-general has referred himself this morning.

Mr Bleijie interjected.

Mr SPEAKER: Member for Kawana, you are warned under standing order 253A. You have had a pretty good go.

Ms PALASZCZUK: I stand by the fact that Minister Bailey will continue in his role. I do recall that when the member for Southern Downs was referred to the police for investigation he continued to serve in the role of chair of the—

Mr WALKER: Mr Speaker, I rise to a point of order. The historical matters the Premier is going into have no relationship to the question. In terms of relevance, the question was in respect of the double standard between the minister and her director-general. It is a double-standard issue.

Mr HINCHLIFFE: On the point of order, the member for Mansfield is seeking to make an argument and a point around his point of order which suggests that you cannot draw comparisons. His very question is about drawing a comparison. It is certainly in order for the Premier, in answering that question, to draw comparisons.

Mr SPEAKER: My ruling is: past practice and conventions are relevant.

Ms PALASZCZUK: I support the director-general's decision here. It is entirely appropriate because there is a perception of a conflict of interest. He wants to clear that up with the corruption watchdog first. As I said, the investigation will continue in relation to that matter.

Keppel Electorate, Health Infrastructure

Mrs LAUGA: My question is to the Minister for Health and Minister for Ambulance Services. Will the minister advise the House of any investments the Palaszczuk government is making into health infrastructure in the electorate of Keppel?

Mr DICK: As the member for Keppel knows, our government is making very significant and critical health infrastructure investments across Queensland—\$1.4 billion this year. That is because we want our staff, our patients and the families that support patients to get the best possible treatment in the best possible facilities. That is why we will continue to invest in facilities across Queensland—hospitals, clinics and aged-care facilities.

I know that the member for Keppel is very passionate about the state of the health clinics and services in her electorate. That is why I took the opportunity earlier this year, when the Premier and the cabinet were in Rockhampton and on the Keppel coast, to look at the North Rockhampton Nursing Centre at the invitation of the member for Keppel. While that facility is staffed by some outstanding staff members and the fabric of the clinic is in a good state, it needs improvement. Those representations were made to me by the member for Keppel. I am delighted to report to the House today that the government will invest \$5.5 million to refurbish the Cec Pritchard Wing of the North Rockhampton Nursing Centre. I thank the member for Keppel for her advocacy.

This nursing facility is well known by the Leader of the Opposition. He knows this nursing facility well because he wanted to flog it off and sell it when he was the treasurer of Queensland. He did not want to invest; he wanted to divest. He wanted to sell aged-care facilities across Queensland. He never saw a government asset he did not want to sell or lease. He has never repudiated that. He has never said sorry. That is because he believes in it. He would be more genuine and more authentic if he said to the people of Queensland, 'I believe in asset sales,' because he has never changed his position.

Labor will continue to invest—\$42 million into the new emergency department at Hervey Bay. It is so good that during the last sitting week the LNP member for Hervey Bay claimed it as one of his achievements. I say to the member for Hervey Bay: 'Come across, comrade. You are welcome.'

We will continue to do this across Queensland. We know it is in the DNA of the LNP to sell public assets, including nursing homes. We will continue to fund the front line. It is in our DNA to deliver the best possible health services for Queenslanders. What is in the DNA of the Leader of the Opposition? Sacking staff and selling assets. That is what every Queenslanders knows.

Minister for Energy, Biofuels and Water Supply, Email Account

Mrs SMITH: My question is to the Premier. Given Mr Stewart's decision to excuse himself from the investigation into Minister Bailey's secret emails, who is now conducting the investigation or will it just join the long list of stalled investigations initiated by this government?

Ms PALASZCZUK: I thank the member for the question. If she was listening, she would have heard me say very clearly that the State Archivist continues to conduct that investigation, which is the role—

An honourable member interjected.

Ms PALASZCZUK: That is correct, which is the role that was referred from the CCC to Mr Stewart and the State Archivist. Mr Stewart wants clarification from the CCC about his perceived conflict of interest to clarify once and for all that he can conduct that investigation. He has done the right thing. I met with him this morning.

Mr Seeney interjected

Ms PALASZCZUK: I have made it very clear that this is the right course of action to take and he will await the outcome of the CCC—

Mr Seeney interjected.

Mr SPEAKER: Thank you, member for Callide. I find your interjections are designed to disrupt the Premier. If you persist, I will take the appropriate action.

Ms PALASZCZUK: Thank you; and we await the outcome from the chair of the CCC.

Commonwealth Games, Trade and Investment Opportunities

Mr BROWN: My question is directed to the Minister for Education and the Minister for Tourism, Major Events and the Commonwealth Games. Will the minister inform the House about how the Palaszczuk government is using the Commonwealth Games to leverage new trade and investment opportunities for Queensland?

Ms JONES: I thank the honourable member for his question and I know, like everybody in this parliament, how enthused he is about the Commonwealth Games coming to Queensland in April 2018. We were very pleased to see our Premier lead a delegation to Buckingham Palace to kick-start a trade and investment program here in Queensland. Last year we saw a record \$52 billion exported from Queensland creating jobs for Queenslanders right across this state. As part of the unique opportunity that the Commonwealth Games presents for every single Queensland, an audience of over 1.5 billion people around the world will be seeing everything that Queensland has to offer. As part of Commonwealth nations around the world, more than \$16 billion in economic activity is happening through the 70 Commonwealth nations and territories across the world. This presents Queensland with a unique opportunity in terms of positioning ourselves globally in the world. Given the fact that we are part of this unique friendship and partnership with the Commonwealth nations, there is huge potential for us to expand our trade and investment growth with partners such as the UK, India, Canada and Singapore. That is why we have, through the Commonwealth Games in 2018, the largest trade and investment program ever held for any Commonwealth Games in the history of the Commonwealth Games, because we want to create jobs here in Queensland. As the Premier said in her statement about Commonwealth House, this is a unique opportunity for representatives from the 70 Commonwealth nations and territories to come here and mix with our major companies in order to create opportunities here.

However, it is not just us who are chasing opportunities across Queensland. The member for Clayfield is going around the state pretending all of a sudden that he is just your average bloke travelling around Queensland trying to say that he is not the same Tim Nicholls who destroyed their jobs, took away their services and cut front-line services from their local communities. I say this: Queenslanders are too smart. It does not matter how many pots you shout them, member for Clayfield—and who shouts a pot anyway? It does not matter how many pots you shout them—

An honourable member interjected.

Ms JONES: I take that interjection; they will not fall for the fraud—sorry—

Opposition members interjected.

Ms JONES: They will not fall for this facade. I withdraw. It is a facade and it is not true. When he goes around our state, what are you saying, member for Clayfield? You still want to cut their services, you still want to cut their jobs and you still want to sell their assets. That is what—

Mr SPEAKER: Pause the clock. Minister, you are still using the word ‘you’. You should be referring to him as either the member for Clayfield or the Leader of the Opposition.

Ms JONES: Thank you. The member for Clayfield is still the same man who was in Campbell Newman’s razor gang. The member for Clayfield cut jobs, cut front-line services and did up all the paperwork to sell our assets. Every Queenslander knows. It does not matter if he jumps in a tinnie, whacks on a vest, puts up—

Mr SPEAKER: Minister, I think you have now moved off the relevance of the question.

Ms JONES: It is very relevant. It is all about choices, Mr Speaker.

Palaszczuk Labor Government, Email Accounts

Dr ROWAN: My question is directed to the Minister for Innovation, Science and the Digital Economy. As the minister responsible for administering the Public Records Act 2002, is the minister aware of any other Palaszczuk government ministers who may have used private email accounts to conduct official government business and failed to comply with their lawful obligations?

Ms ENOCH: I thank the member for the question and am unaware of any other minister. However, the State Archivist in his role to promote and support the Public Records Act has ensured that everybody in the cabinet is across their responsibilities. That is the responsibility of the State Archivist, along with a number of functions that are his responsibility. Section 24 of the Queensland Public Records Act outlines all of the functions of the State Archivist. One of them is to promote and ensure that the records are created, maintained and preserved in order to keep them for the future of Queensland. In terms of that, he has ensured that all cabinet—

Opposition members interjected.

Mr SPEAKER: Pause the clock. Deputy Leader of the Opposition, I find your interjections are designed to disrupt the minister in her answer. You are warned under standing order 253A. Yes, you are warned. I call the minister. Do you have anything further you wish to add?

Ms ENOCH: Just to add that he has ensured that every cabinet minister is fully aware of their responsibilities in terms of creating and maintaining records, and I think that is a responsible part of his role. His role now in terms of having a look at this particular incident that obviously has the opposition all excited—

Mr SPEAKER: Thank you, Minister, but I think you have answered your question.

Ms ENOCH: Let me keep going, Mr Speaker. I am happy to keep going to educate those opposite on the Public Records Act.

Honourable members interjected.

Mr SPEAKER: No. Thank you, members.

Queen's Wharf

Mr KELLY: My question is directed to the Minister for State Development and the Minister for Natural Resources and Mines. Will the minister please provide the House with an update on the Queen's Wharf integrated resort development?

Dr LYNHAM: I thank the member for Greenslopes for his question. No doubt there would be people living in his electorate today who would be employed by this Queen's Wharf project and probably many more to come—2,000 construction jobs and 8,000 ongoing jobs into the future from this wonderful project. After months of planning, we now see some visual progress. The hoardings are up and we are seeing soft demolition of the site progress. I can inform the House that in the coming weeks some roads around the CBD will be closed around the Easter break. This is to allow scaffolding and gantries to go across the Margaret Street overpass. Once the scaffolding and gantries are up, it will allow demolition of that Market Street overpass while allowing pedestrians and traffic to safely use Margaret Street.

The work is designed to occur when traffic levels are traditionally low around the Easter break and demolition will continue until the main gantries and the main spars are in place and then over a series of weekends those main spars across Margaret Street will be removed. The demolition, crane and scaffolding activities are just examples of how this project is creating scores of jobs in Brisbane. We understand that there will be some disruption over Easter over some weekends, but this is necessary disruption, especially over Margaret Street, for the construction to occur. While these works are occurring such as the service relocations and the soft strip-outs of our non-heritage buildings, I can reassure the House that the heritage buildings are being well looked after. We are making sure that the structural integrity around those sites is completely intact so that our heritage will persist now and well into the future. This development is sensitive to the heritage of Brisbane and indeed Queensland and, with 2,000 construction jobs and 8,000 ongoing jobs, this is what this government is all about!

Mr SPEAKER: Before I call the member for Cairns for his question, I am informed that we have another group of students from the Mary MacKillop Catholic College in the electorate of Toowoomba North observing our proceedings. Welcome.

Fitzroy Island, Helipad

Mr PYNE: My question is to the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef. Following seven years of correspondence from the resort owner, will the minister intervene to approve an emergency services helipad on Fitzroy Island to save lives?

Dr MILES: I thank the member for his question and for his interest in emergency service evacuations on Fitzroy Island. It is not a matter that I have information on to hand, but I am happy to take it on notice and get back to him.

Bundaberg, Skilling Queenslanders for Work

Ms DONALDSON: My question is to the Attorney-General and Minister for Justice and Minister for Training and Skills. Will the minister provide an update of the Palaszczuk government's Skilling Queenslanders for Work initiative and its achievements in the Bundaberg area?

Mrs D'ATH: I thank the member for Bundaberg for her question, for her passion for her local community and for her commitment to seeing people in her community in jobs, or further training, or re-engaging in schools through Skilling Queenslanders for Work. The member for Bundaberg is very committed to her local community and is determined to ensure that her community has access to skills and training opportunities. Last week at Impact Community Services in Bundaberg I had the great pleasure of attending a graduation for students who had completed traineeships and certificate III qualifications. Ten of those graduates had completed a traineeship under the Palaszczuk government's Skilling Queenslanders for Work Skills program, which combined 22 weeks paid work for students while they completed a certificate I in conservation and land management. That day, another 16 students graduated with a certificate III in individual support—ageing. Their training was supported by the Palaszczuk government's certificate III guarantee.

While at the graduation I was able to speak with Jack, who had completed a traineeship and who now has employment in the Bundaberg region. Jack completed school and wanted to expand his horizons and saw the program as a great opportunity to gain skills for the future. Jack started the program in May last year and has managed to find employment at CQ Frames & Trusses. His new employer, Robin, attended the graduation with Jack to show his support. Robin told me that it was worthwhile for his business to use the funding available to train young people in the community. This is a great example of how Skilling Queenslanders for Work initiatives are helping Queenslanders and why we reinstated this vital program for Queenslanders after the LNP scrapped it. I hate to think what the future for people like Jack would have been under an LNP government.

The Palaszczuk government is committed to investing in jobs and skills and training. Already, under the Skilling Queenslanders for Work initiative we have invested a total of \$131 million and we are seeing extremely positive outcomes right across this state. As I said this morning in my ministerial statement, as a consequence of this program more than 6,200 people, including Jack, have gained employment.

Let me make this clear: in fewer than two years, under our program, more than 6,000 people have secured jobs—a program that those opposite thought was a waste of time. It was one of those necessary cuts that had to happen, along with thousands of jobs. The 6,000 people who now have jobs, those who have gone on to further training and those young people who are re-engaging in our education system are not just figures on paper. I have heard criticism from those opposite and even the Leader of the Opposition talked about these figures at the Press Club. At the end of the day, these are people—real people—who are getting real jobs, who are re-engaging in education and we should back them all the way.

(Time expired)

Back to Work Program

Mr BLEIJIE: My question to the Premier. I refer the Premier to reports that Victorian based fraudsters have attempted to access Queensland government funding under the Back to Work program and are waiting to receive funds that they allege were promised by the government. Can the Premier assure the House that no Queensland taxpayers' money has or will be given to these cold-calling scammers and what scrutiny has her government used to filter out dodgy applications?

Ms PALASZCZUK: I thank the member for Kawana for the question. It was quite specific in detail. I am happy to get back to him about the specifics of it. I understand that there has been no money—

Mrs D'Ath interjected.

Ms PALASZCZUK: I am advised by the minister that no money has been going out. The member asked about the Back to Work program. This is a signature government program. We are getting money out the door and we are getting people into work.

Unlike those opposite, across this state people want to hear what the government is doing to get people into work. Today, there have been no questions about employment, jobs, growing the economy, tourism, the Commonwealth Games, trade—absolutely nothing. We know that the Back to Work program is operating across regional Queensland. We know and all the members representing regional areas who are sitting in this House know that people in the regions are doing it tougher than people down here in the south-east. As a government, we are clearly focused on that.

Today, we heard the minister refer to the personal stories of people. The Back to Work program is changing people's lives. As I move across the state and meet with people and hear their personal stories, I am hearing the impact it is having. Our aim is to get as much of the money out the door. We are seeing more and more employers coming on board. We are also seeing Back to Work officers in the regions—getting out and about, talking to the community and talking to small business.

The Back to Work program is also a program to drive small business in this state. It is a great government program. It is one that I am very proud my government is involved in. I know that, at the end of the day, it is changing people's lives and giving people that opportunity to get into work.

Crustaceans, White Spot Virus

Mr WHITING: My question is to the Minister for Agriculture and Fisheries. Will the minister update the House on the white spot virus affecting crustaceans and the actions being taken to prevent it spreading?

Mr BYRNE: I thank the member for the question and I note his keen interest in the subject. Last week, I met with prawn farmers, commercial fishers, wholesalers and others who work in the crustacean supply chain to advise of detections of white spot disease in Moreton Bay. In view of the spread of the virus and the threat that it poses, I announced a movement control zone for uncooked crustaceans encompassing the bay and a large part of South-East Queensland. For the benefit of the House, I table a map that outlines the boundaries of that closed area.

Tabled paper: Document, dated 16 March 2017, map titled 'White Spot Disease Response—Movement Control Order' [\[445\]](#).

I acted on the advice of an expert panel, with the support of the federal government, and in consultation with the national Aquatic Consultative Committee on Emergency Animal Disease. I was advised that the movement control order provides the best chance of preventing the spread of the virus to prawn farms and other parts of the state while enabling commercial fishing to continue in the bay. The Palaszczuk government recognises that there will be significant implications for commercial fishers, in particular those who previously supplied lucrative markets outside Queensland. I have advised operators that we will work to support their continued activity wherever possible.

The best support that Queenslanders can give is to continue to buy and eat locally caught fresh seafood. Easter is coming and there is absolutely no reason for anyone to break their traditional eating habits. Queensland prawns are great eating, very nutritious and, above all, entirely safe whether they are caught wild or they come from a farmed environment.

Throughout the biosecurity response to the outbreak of white spot disease at prawn farms on the Logan River, the Palaszczuk government has been fully transparent at all times with the industry and the public. The report that I received from the expert panel last week was made available to all last Thursday when the movement control zone was established. We will continue to be open and continue to work closely with the industry, with biosecurity experts, and other jurisdictions to ensure the eradication of the disease at infected farms and to minimise the risk of the spread of the virus in the wild. An extensive surveillance regime is underway along the entire Queensland coast. I will be advising members of the House of all future developments. I make this offer: should anyone in the House require a briefing to be updated on the situation, I am more than happy to provide any and all information associated with the government's response.

This has been an issue on which I have worked very closely with the federal government. The cooperation that has been evident in the background among officials and at a political level establishes a benchmark for conduct in these circumstances. I say to all members of this House that they have, if not a social obligation, certainly a principle to support the seafood industry and commercial fishing. I ask them to get out there and eat more bugs, prawns and crabs.

Cross River Rail

Mr POWELL: My question without notice is to the Premier. I refer the Premier to the glossy brochures for the Cross River Rail project—a project with no trains and no drivers—which have been distributed across South-East Queensland, including to areas like Currumbin and Noosa. Will the Premier explain why Queenslanders more than 100 kilometres away, who have to catch a bus to a train station to have access to a train service that may or may not actually turn up, are receiving government propaganda lauding this government's unrealised promises?

Ms PALASZCZUK: I thank the member very much for the question. It gives me a great opportunity to talk about Cross River Rail and how important this project is for our state. It is about time that those opposite actually supported this project. It is our No. 1 infrastructure project. Already \$850 million has been allocated—\$50 million to the Cross River Rail Delivery Authority and \$800 million to start the early works—but we need the federal government to come on board. What have those opposite said to the federal government? Absolutely nothing! The Cross River Rail will shorten travel times between destinations. It will actually improve the time of travel for those coming from the Gold Coast and those coming from the Sunshine Coast and will alleviate the pressure on the inner city. All those opposite could offer up in their term of government was something called a BaT Tunnel. We know that Cross River Rail is the answer. We will continue to pursue it with the federal government because it is a vital project.

In relation to the brochures, this is about informing the public. It is about consulting with the public about the EIS changes. In their term of government those opposite did not do much consulting; they just made rapid decisions that had everyone fighting and in chaos. Look where it got them. Yes, I prefer a consensus approach—it is called consultation, where you actually bring people with you, you let them understand the issues, you consult with them and that means you make better government decisions. That is something that those opposite have no comprehension of because they failed to do it in their term of government.

My call to the opposition today is to ring up Malcolm Turnbull, tell him that you support Cross River Rail, tell him that it is going to be bipartisan and let us get on with the project and build it for the benefit of those people living in South-East Queensland.

CSG Industry, Compliance Funding

Mr PEARCE: My question is of the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef. Will the minister outline how the former government's cut to CSG compliance funding impacted the Queensland community?

Dr MILES: I thank the member for Mirani for his question. It provides me with an opportunity to address some of the claims made by the member for Hinchinbrook in the last sitting of parliament. As accurately reported by the ABC on 2 March, it was the LNP government—those opposite—who slashed funding to EHP for environmental compliance. As a result of those cuts the number of front-line staff involved in compliance was cut by half—that is, half the staff to monitor and respond to potential groundwater impacts, potential soil contamination, air quality, noise, dust and vegetation disturbances and impacts on wildlife. I can understand those opposite being ashamed of that record, ashamed of how they put our farmland at risk—so ashamed that the member for Hinchinbrook refused to accept his culpability in the last sitting. To be a leader you need to take responsibility for your decisions. That is what Campbell Newman tells us anyway. I look forward to the member for Clayfield taking more of Campbell Newman's advice. In 2015-16 EHP carried out 63 proactive inspections and 24 reactive inspections. EHP made special allocations specifically to CSG regulation, in addition to existing regulatory funding of \$4.8 million in both 2015-16 and 2016-17. This funded compliance as well as other regulatory activities.

In the last sitting, the member for Hinchinbrook suggested that no funding was allocated to CSG regulation in 2011-12. I can inform the member that the then department of environment and resource management allocated \$8.18 million to CSG regulation. Let me clarify for the member for Hinchinbrook, who struggles to read this level of detail, that this was funded by a \$4 million carryover of unspent and

unallocated funds from 2010-11 and further supplementation in the 2011-12 Mid Year Fiscal and Economic Review of another \$4.18 million. That is why the member could not find them, because they do not appear as a specific line in the 2011-12 Budget Measures paper. This government is committed to best practice environmental protection. Only Labor can be trusted to deliver economic development and jobs growth with rigorous environmental compliance.

Breach of Bail

Mr McEACHAN: My question is to the Attorney-General and Minister for Justice and Minister for Training and Skills. Is the Attorney-General aware of the serious instances of breach of bail at the Breaking Through facility on Woodlands Drive, Thornlands?

Mrs D'ATH: I thank the member for his question. As the member may know, it is not the role of the Attorney-General to be aware of each and every individual circumstance of a breach of bail or what the response would be in relation to the matter coming before the court and the court considering it, nor is it appropriate for the Attorney-General to necessarily be interfering in those particular matters.

I thank the member for his question, but I think he is a bit misguided in thinking that is a particular role that I would have or should have in those matters. Those are matters that are dealt with by the police, that are dealt with by prosecution, that are dealt with by the courts, not by the relevant attorney-general of the day.

A government member interjected.

Mr SPEAKER: Thank you, Minister. You will be warned if you persist.

Penalty Rates

Mr POWER: My question is to the Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence. Will the minister update the House on how recent cuts to penalty rates will affect young Queenslanders?

Ms FENTIMAN: I thank the member for the question. I know he does his best to advocate for young workers in his electorate and other workers who are working in flexible and casual jobs. I rise today to throw my support behind those Queenslanders who are working hard to make ends meet. Maybe they are just starting their careers or studying or maybe they have spent a lifetime working hard so that they can retire. We know many Queenslanders are doing it tough, which is why the Palaszczuk government is cutting power bills for lower income families, and it is why we have introduced fairer fares so that children can travel free on the weekends and seniors can travel more cheaply.

It makes no sense for the Fair Work Commission to wind back penalty rates and put more pressure on Queensland families. We know that Queenslanders in casual and part-time work are already some of the lowest paid and most vulnerable workers in Queensland. We know that cuts to penalty rates will have a much greater impact on women and young people because they are the ones who are taking on the jobs in retail, hospitality and pharmacy. Women are more likely to take on part-time or casual work as they have a family and they take on those care-giving roles for their kids.

More than half of the workers in Queensland's retail industry are women and a staggering 77 per cent of hospitality workers are women. I know that for many women their work during the week barely covers the cost of child care and, because our calls to make child care more affordable have fallen on deaf ears in Canberra, many women have taken things into their own hands, taking on part-time and casual roles that offer them more flexibility. They take on weekend work knowing that penalty rates will help them make the difference. These cuts will reduce the income of women in Queensland at a time when we need to be talking about closing the gender pay gap, not widening it. That is why we have put in place targets for women to make up 50 per cent of all new appointments to government boards and bodies.

It is time to ask the opposition, now that they finally have a shadow spokesperson for women, will they stand up for Queensland women? Do they back Malcolm Turnbull's and Pauline Hanson's plan to cut penalty rates? This weekend, can those opposite explain to the retail and hospitality workers in their electorates why they support cuts to penalty rates? Cutting penalty rates is a callous choice by the LNP and Pauline Hanson, who are oblivious to the fact that education, housing and childcare costs are rising and people are struggling to make ends meet. It is bad news for women, it is bad news for young Queenslanders and it is bad news for those Queenslanders working in casual and part-time jobs. I call on the members of the LNP to stand up for women workers, young workers and Queenslanders working in retail and hospitality.

(Time expired)

Emergency Service Assistance, Delays

Mrs STUCKEY: My question is to the Premier. My office has received a number of calls from residents about delayed emergency service assistance caused by triple 0 phone calls being diverted to the New South Wales Police Service. Can the Premier advise what she is doing to improve those services for the people of Currumbin and when they can expect this issue to be resolved?

Ms PALASZCZUK: I thank the member for Currumbin for the question. It is a very important question. I will follow that up for her and I undertake to get back to her in relation to the matter.

Multiculturalism

Mrs GILBERT: My question is to the Minister for Multicultural Affairs. Will the minister update the House on what the Palaszczuk government is doing to support an inclusive multicultural Queensland and any alternative policies?


Mr SPEAKER: Minister, you have one minute.

Ms GRACE: I thank the member for Mackay for that great question. I know she is very supportive of the multicultural community in her area. Today is Harmony Day, a celebration of our cultural diversity and a day of cultural respect for everyone who calls Queensland or Australia home. The message of Harmony Day is that everyone belongs, which is a fantastic message that we will be sending to each other and to every Australian. However, it was with dismay that I woke up to find that the Turnbull government has chosen today of all days to discuss watering down section 18C of the Racial Discrimination Act. What an insult to those from a multicultural background! Today is Harmony Day when we should all be celebrating diversity, but of all days what do they do? They want to advance the watering down of 18C! That is shameful. Those opposite should renounce them. They have no respect for our multicultural communities. I condemn them for their actions.

Mr SPEAKER: The time for questions has expired.

CHILD PROTECTION AND EDUCATION LEGISLATION (REPORTING OF ABUSE) AMENDMENT BILL

Introduction

 **Mr PYNE** (Cairns—Ind) (11.34 am): I present a bill for an act to amend the Child Protection Act 1999 and the Education (General Provisions) Act 2006 for particular purposes. I table the bill and explanatory notes. I nominate the Education, Tourism, Innovation and Small Business Committee to consider the bill.

Tabled paper: Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017 [\[446\]](#).

Tabled paper: Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017, explanatory notes [\[447\]](#).

This bill is very simple: it amends the Child Protection Act 1999 and the Education (General Provisions) Act 2006 to impose the obligation of mandatory reporting for sexual abuse, real or suspected, on ministers of religion. The bill follows the widespread and worldwide revelations of childhood sexual abuse by religious representatives over decades. The bill amends section 13E of the Child Protection Act 1999, mandatory reporting by persons engaged in particular work, to insert a new category of persons, namely, a minister of a religious denomination or society who performs work for or has an association with a school. Examples of 'religious representative' include priest, pastor, bishop, rabbi and imam.

Regarding the Education (General Provisions) Act 2006, in this bill clause 5 amends section 384, definitions for part 10, to insert 'religious representative', which means a minister of a religious denomination or society. Clause 6 amends section 365, obligation to report sexual abuse of persons under 18 years at state school, to impose a mandatory reporting requirement on a religious representative. Clause 7 amends section 365A, obligation to report likely sexual abuse of a person under 18 years at state school, to impose a mandatory reporting requirement on a religious representative. Clause 8 amends section 366, the obligation to report sexual abuse of persons under 18 years at non-state school, to include 'religious representative'. Clause 9 amends section 366A, obligation to report likely sexual abuse of a person under 18 years at non-state school, to include 'religious representative'.

The bill is substantially uniform or complementary with legislation in other states. The bill is consistent with fundamental legal principles. The bill does not include the confessional as an exception from mandatory reporting. The bill is not a direct response to the Royal Commission into Institutional

Responses to Childhood Sexual Abuse, after all, the issue of abuse by church-run institutions is a well-known worldwide fact. The tragic conveyor belt of witnesses before the royal commission only proved to confirm what we all know about institutional abuse: it ruined thousands of lives and hurt thousands of vulnerable children. I am sure we all felt shock and deep sorrow at the staggering statistics produced by the commission. One in 14 Catholic clergy were accused of abuse by 4,444 victims over six decades, which is a terrible abuse of power and a terrible failure of our society. In some individual orders, the rate increased to a staggering one in five. The report also stated that the church was unwilling to investigate the reported abuse and also assisted in covering up incidents after they were reported, with Senior Counsel Gail Furness noting to the commission that—

Children were ignored or worse, punished. Allegations were not investigated. Priests ... were moved. The parishes and communities to which they moved knew nothing of their past. Documents were not kept or they were destroyed.

The worst order, the Saint John of God Brothers, had 40 per cent of religious brothers accused of abuse. The consequences of failing to achieve fundamental structural and cultural change would be dire, not only for the protection of children but also for the fate of the Catholic Church itself. That is shown by the Christian Brothers through its slow descent into irrelevance. Twenty-two per cent of its clergy were alleged perpetrators, which is the second highest rate of any religious order in the country. More than 1,000 survivors made a claim against the Christian Brothers. On average, victims were 11 years old when they were abused. I cannot imagine the horror of that experience for a child. Of any Catholic order, the Christian Brothers has paid out the most to survivors, making 763 payments worth \$38.5 million, which is an average payment of around \$64,000. Its brand is all but gone from Australia, replaced by Edmund Rice Education Australia, an organisation with the Christian Brothers' founder as its namesake. The Christian Brothers Oceania leader, Peter Clinch, said there are only 280 brothers left Australia-wide, most of whom are aged 75 years or above. The youngest is 53. They no longer seek new candidates for the order. I, for one, say that that is an overwhelmingly good thing.

Royal commission witness Christopher Geraghty wrote in 2013—

... the Church has for centuries presumed that it can police its own borders, that it is an independent empire, not answerable to any secular power. It has had its own language, its own administration and training programmes, its own schools and universities, its own system of laws and regulations, its police force and lawyers, a developed list of penalties and its own courts and processes. A law unto itself—an organisation founded by God and answerable only to God.

Such an attitude is no longer acceptable. In fact, a majority of Australians find such an attitude thoroughly objectionable. It falls horribly short in protecting our children.

It must be noted that Australia's first saint, Mary MacKillop, took action against clergy abuse in 1871 and was excommunicated. One can only wonder how many children were abused by clergy in the 150 years that followed. Childhood is the one time in life that human beings are entitled to feel happy and carefree. It is vital we acknowledge the suffering of those who have had their lives ruined by childhood sexual assault and that encouraged them to seek justice.

This place has also had members guilty of childhood sexual abuse—prominent MPs at that. Those who are aware of the details of the Heiner affair know all too well that those in highest positions within government have not been above destroying evidence of childhood sexual abuse. In that case, as in many others, justice was never served.

We are dealing here with people who, in their customs, traditions and behaviour, proclaim a great knowledge of morality and what is right. I have never accepted that. My attitude in the past to many of these leaders, like George Pell and others, was simply one of a lack of respect. Now it is one of disgust. It is high time they had a higher burden placed on them regarding mandatory reporting and this bill does just that. It is time religious representatives are subjected to the same rule of law as many of the other groups that work with children in schools. I commend the bill to the House.

First Reading

Mr PYNE (Cairns—Ind) (11.42 am): I move—

That the bill be now read a first time.

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

Motion agreed to.


Bill read a first time.

Referral to the Education, Tourism, Innovation and Small Business Committee

Mr DEPUTY SPEAKER (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Education, Tourism, Innovation and Small Business Committee.

MATTERS OF PUBLIC INTEREST

Minister for Energy, Biofuels and Water Supply, Email Account

 **Mr NICHOLLS** (Clayfield—LNP) (Leader of the Opposition) (11.42 am): What a farce we have seen this morning. It is unbelievable that yet again another round of questioning from the opposition has drawn out more information that the Premier would otherwise not have revealed. This is a Premier who was elected and said, 'My credo, my hallmark will be openness and transparency,' but whose actions are anything but—whose actions are in direct contradiction to her statements.

It was not until the fourth question in question time today that the Premier actually said that her director-general has excused himself from the investigation into Minister Bailey's murky email trail, has referred himself to the CCC and will take no further part until advice is received from the CCC. This is a Premier who refuses to fully explain why she does not stand aside a minister whose alleged conduct if proved will constitute corrupt conduct according to the CCC report.

We now have the situation where the Premier has said the investigation will continue under the supervision of the State Archivist. That is not correct. The CCC investigation, and I quote from the letter, is this—

We consider the matters appropriate for the Director-General Department of the Premier and Cabinet, Mr David Stewart, to deal with subject to the CCC's monitoring role. The CCC has directed Mr Stewart to provide a report to the CCC at the conclusion of a number of specific inquiries.

There is no mention of the State Archivist. There is no mention of any other person conducting the inquiry other than the Director-General of the Department of the Premier and Cabinet, Mr David Stewart. I believe that the Premier has misled the House this morning in her answer. I will be writing to the Speaker in respect of that matter, given that it clearly contravenes the written advice of the CCC.

That does not in any way, shape or form cover off the fact that the Premier still refuses to do the right thing and stand Minister Bailey aside. Minister Bailey has himself not taken the appropriate action. He has not stood up and said that he has made mistakes. He seems to try to recover every step of the way by defending, obscuring and then finally relenting to the extent where he has now finally reactivated an email account that has 30,000 emails in it, which is now subject to investigation, which he was again dragged kicking and screaming to do—something he ought to have known to do in the first place.

The director-general by contrast has done the right thing. As soon as the allegation was raised on a website and became known, he referred the matter to the CCC and has volunteered to stand aside from the investigation. Given the relationships that are alleged with respect to the director-general and his wife formerly with Minister Bailey, when Mr Bailey was in the council, I completely support the director-general's decision. He has made the right and proper decision to go down that path.

The question has to be asked: why does Minister Bailey refuse to do the same? If it is good enough for the director-general of the Department of the Premier and Cabinet, the most senior public servant in Queensland, to take that action, why is it not appropriate for a minister of the Crown, holding high office, administering hundreds of millions of dollars, making decisions that affect the lives of thousands of Queensland, not to do the same thing? Minister Bailey's actions, whilst they defy explanation, do not defy the expectations of this government. We have seen a Premier who is incapable of making a decision, whether it is building a road or getting a licence or taking action against a minister who has done the wrong thing. This government, under this Premier, refuses to do the right thing.

Let us just look at the record. We have the member for Bundamba. I quoted in my three-minute private member's statement the findings of the CCC in relation to the member for Bundamba. Was she stood aside? Did the Premier take action? No, we had to wait for the member for Bundamba to realise her position was untenable.

We remember the short-lived career of the member for Bundaberg. Did the Premier stand her aside? She said, 'I will take strong action.' What happened? The member for Bundaberg resigned herself. The Premier did not take strong action.

We had the member for Sandgate—the poor, beleaguered member for Sandgate—who stood there for months and months. He was the man for the job. The Premier had the expectation that he would fix the problem with the rail network and as soon as he got the report he resigned. Did the Premier sack him? No, she did not.

We had the member for Cook who, at the beginning of this parliament, resigned but was not sacked by the Premier at that time. Now we have the member for Yeerongpilly, who continues to cling and grasp to the ministerial leather as if his life depended on it, refusing to do the right thing as well. Again, we have a Premier who refuses to take action to enforce ministerial standards, to make her ministers accountable to the people of Queensland, even when the clear advice from the CCC is that the allegations if proved would constitute corrupt conduct.

Any shred of credibility that this Premier has in relation to transparency, openness, honesty and accountability of her government is disintegrating in front of her eyes today. This Premier has no option but to stand this minister aside. Obviously the power of the factions and the union movement is keeping him in place, because we know that there are ructions going on over there on the other side. Word has crept to us that there is movement at the station, that there is unhappiness with the member for Mulgrave, the Treasurer and now trade minister, in the selling of his portfolio and the way he does things. I understand that the mean girls are ganging up over there—the member for South Brisbane, the member for Ashgrove and the member for Waterford are putting the weights on. The member for Ashgrove, I understand, is the front runner to take on that role from the member for Mulgrave.


Mr Powell interjected.

Mr NICHOLLS: I do not think I will take that interjection at the moment. Nonetheless, the mean girls are ganging up against the member for Mulgrave. Moves are afoot. I understand that there is a warm reception to that move in the caucus as well. I understand that there is a high degree of sympathy for that view from the mean girls as they line up to take action. It seems that the member for Mulgrave might be involuntarily reassigned to another position, unlike the member for Yeerongpilly, who is obviously from the Left faction and who is obviously getting the benefit of the protection of the numbers in cabinet despite all of the failings.

The member for South Brisbane seems to have an obsession with my travels throughout the state and has been following me closely. I note that she said something about the fact that I had a pot rather than a schooner. Of course, those of us who grew up in Queensland, as I did, know that the schooner is an import from New South Wales and the traditional drink in Queensland, as served at the main bar at the Breakfast Creek Hotel and at the Royal Hotel in Ingham and at the Larrikin Hotel in Bowen, is a pot. If you go in there and speak to the locals, there is just one thing they want—and that is a pot. I say to the member for South Brisbane: it ain't trendy inner Brisbane; it is where the real people are.

(Time expired)

Back to Work Program Youth Boost

 **Mrs LAUGA** (Keppel—ALP) (11.52 am): I really do not care what the member for Clayfield drinks; I am here to talk about jobs. The Palaszczuk government is working to get Queenslanders back to work. Already the \$100 million Back to Work program has supported 1,090 businesses to employ 2,323 workers in regional Queensland. There are another 807 applications pending approval. Of the 2,323 approved jobs, the majority of approved applications have come from small business. This includes 755 jobseekers aged between 15 and 24 who have been hired under the \$20,000 Back to Work Youth Boost.

Significantly, 636 of the Queenslanders assisted through Back to Work were long-term unemployed. These are people who had been out of the workforce for at least 12 months. Now they have work. There is dignity in work. The total amount paid out to regional employers so far is \$10,782,000—money that is being put to work in regional communities. The majority of applications to the program are for employees in small to medium sized businesses—502 applications belong to businesses that have one to four employees and 816 are in businesses that employ between five and 19 people.

The Back to Work regional jobs program has helped 356 Central Queenslanders back into employment. To date, the program has supported 193 Central Queensland employers to hire 356 local jobseekers and 90 of those were long-term unemployed Central Queenslanders. That is a lot of Central Queenslanders now back in work, being able to look after themselves and their families, and learning

new skills which will stand them in good stead in the future. The \$20,000 Back to Work Youth Boost is also a great success, with 138 Central Queenslanders aged between 15 and 24 now in jobs. Under the program, an employer support payment of \$10,000 is payable for employers filling a new job in regional Queensland. For those long-term unemployed, our program offers an employer support payment of \$15,000. The Back to Work Youth Boost offers \$20,000 to employers to hire a young person aged between 15 and 24.


When the Premier addressed the Capricornia Chamber of Commerce at Yeppoon in January, the Premier was asked by iAssist General Manager Jason Spence about the Youth Boost program. Mr Spence has engaged three new staff under the Back to Work program for his business in North Rockhampton. Indeed, the approval for one of the staff came through to him whilst he was at the lunch. iAssist offers bookkeeping and payroll services, technical support and business networks. Mr Spence asked the Premier if the government would continue the Youth Boost beyond 28 February. The Premier took the question on notice as at the time the government was assessing the success of the program. I advocated to the Premier and to the Treasurer for the extension of the Youth Boost program. I am pleased that the Palaszczuk government has announced an extension to the Youth Boost for another eight months to 31 October 2017.

We have also restored Skilling Queenslanders for Work to get people job ready. The LNP cut this program, despite independent analysis finding that, of 57,000 people to gain employment through the program, 8,500 would not have otherwise gained employment. Our \$405 million Advance Queensland program, which is focused on diversifying our economy after the resources boom, is supporting innovation and creating new jobs by backing Queensland's best and brightest and attracting new companies here to Queensland.

The Palaszczuk Labor government stopped the Newman-Nicholls government from selling our assets. Two years ago Queenslanders told us that they wanted front-line services restored, and we are doing just that. Between March 2015 and September 2016 we have appointed more than 2,390 new nurses, 770 new doctors, 1,990 new teachers, 990 new teacher aides and more than 250 new police officers. We have announced 129 new child safety officers, in addition to the 166 employed over the last two years, to help rebuild our Child Safety Services workforce. This contrasts to the 225 positions cut by the LNP. Nine out of every 10 public servants are now employed in front-line services and front-line support roles.

We have allocated more than \$1 billion to attract investment and create jobs in regional Queensland. Programs including the Jobs and Regional Growth Fund, Building our Regions, Works for Queensland, Back to Work, Youth Boost, the Accelerated Works Program and the Significant Regional Infrastructure Projects Program are all focused on creating regional jobs. Moreover, the Deputy Premier announced the \$200 million Works for Queensland program—700 local council projects across regional Queensland, generating some 6,000 jobs. In Central Queensland alone, the Palaszczuk government is putting \$12.9 million on the table to support 430 jobs. We hire Queenslanders; those opposite fired Queenslanders.

Palaszczuk Labor Government, Performance

 **Mrs FRECKLINGTON** (Nanango—LNP) (Deputy Leader of the Opposition) (11.57 am): It is so obvious that a member who sits in this House and proclaims to be from a regional area was reading a speech straight out of the Labor handbook which does not talk about the fact that the unemployment rate in rural and regional Queensland is through the roof. It does not talk about the fact that her Labor government has cut the Royalties for Regions program, a program that was successful, that was benefiting areas like the member for Keppel's. Instead, she reads a list of things that do not even benefit her region. She talks about a lack of services. When we were in government we put the health boards in, we put extra police on the front line and we certainly paid nurses at their highest rate ever. It was those opposite when they were last in government who could not even pay the nurses. It is embarrassing that we have a member on that side of the House who proclaims to be from rural and regional Queensland but who, just like her Premier, does not even appreciate that almost 90 per cent of this state is in drought.

While today we sit in this place we may hear the pitter-patter of rain on our roof, we may have seen some rain fall over the last couple of days in South-East Queensland and it might still be raining here in Brisbane, let us not forget the people who are out there hurting. Yes, there may have been some showers, but people in South-East Queensland need to understand that that does not mean the drought has broken. We have heard absolute silence today from the Palaszczuk government in relation to the drought which covers 87.94 per cent of this great state. It is obvious that those opposite do not

appreciate what this means. To be drought declared, it means you need to have had a rainfall deficit in the last 12 months that is likely to occur no more than once in 10 years. It means no running water to fill the dams for pumping water to troughs or to allow the grass to grow so stock can feed.

It is extremely disappointing that the opposition needs to use the platform of this place to voice our concerns as to why the drought committees were not meeting, as I did in the last sitting of this parliament. After the last sitting and calls from both me and the member for Burnett, Steve Bennett, we saw the Burnett and South Burnett areas drought declared—only after we spoke out in this parliament and demanded that those drought committees meet. The Minister for Agriculture thought it was fine for those drought committees to meet in May. It is simply not good enough to have this do-nothing Labor government sitting here in Brisbane and not getting out into the regions. They need to understand what it means for those people on the ground. It means that they can get relief from their electricity bills. It means fodder subsidies and freight subsidies.

Government members interjected.

Mrs FRECKLINGTON: I hear the interjections of those opposite. How ignorant they are to what rural and regional Queenslanders are facing! While the Premier is over there talking to the Queen, we on this side of the House were out there talking to rural and regional Queenslanders. That is why the Leader of the Opposition and I went on a regional tour up the coast to Mackay, Bowen, Ingham, Townsville and Cairns.


Mr Power interjected.

Mr Janetzki interjected.

Mr DEPUTY SPEAKER (Mr Crawford): Order! Member for Toowoomba South and member for Logan, I am monitoring your rather loud conversation up the back. You are both warned under standing order 253A.

Mrs FRECKLINGTON: We were out there listening and meeting with locals in our forums through our politics in the pub events. They were not Labor forums filled with party hacks and unionists. They were truly open events. No question was off limits. At times the meetings were fiery and at other times laughter filled the room. We learnt a lot. We learnt that there is a lot of pain out there in regional Queensland. We learnt that the Palaszczuk Labor government is not listening and, worst of all, the Palaszczuk government is not delivering for rural and regional Queensland. The people of regional Queensland can see through this do-nothing Labor government. All they need to do is look at the infrastructure that was flowing under the LNP government that has now been cut. They just need to look at the dreadful unemployment rates for outback Queensland at 35 per cent.

Harmony Day

 **Mr PEGG** (Stretton—ALP) (12.03 pm): I rise today to speak about Harmony Day and the commitment of the Palaszczuk government to multiculturalism. Harmony Day is about diversity, inclusiveness and a sense of belonging among the local community. It provides everyone with the opportunity to acknowledge the importance of belonging. The key message for Harmony Day this year is that everyone belongs. As well as being Harmony Day, 21 March is also the United Nations International Day for the Elimination of Racial Discrimination. Both of these days try to encourage respect and understanding for all cultures both within Australia and the global community.

The Palaszczuk government has a strong vision for our state as a place where people, regardless of their backgrounds, can feel welcome and part of our society. That is why we introduced the Queensland Multicultural Recognition Act 2016. This act contains a charter—a set of principles that speak of equity, fairness, welcome and belonging. The charter recognises the benefits that generations of migrants and refugees have brought to Queensland. It also recognises that our diversity is the strength of our future. I strongly believe that all Queenslanders will support the charter and will work towards bringing the charter to life in every street, neighbourhood, community and city across this wonderful state.

I am very proud to represent the most multicultural electorate in the state. My seat of Stretton has the highest proportion of people born overseas of any electorate in the state. It also has the highest proportion of people speaking a language other than English at home of any electorate in the state. There are various events occurring in my electorate today to celebrate Harmony Day. These events are important as they promote and showcase our rich cultural diversity and reaffirm Queensland as a wonderfully welcoming and harmonious society. I know that Kuraby State School is holding its annual

Harmony Day celebrations today which I have been privileged to attend over the past couple of years. From previous experience I know they have truly embraced the idea that everyone belongs, with a diverse range of food, traditional clothing and culture.

It is great to see our local schools promoting Harmony Day and cultural diversity through education. It sends a message that teachers, parents and students alike deserve respect and understanding no matter what their background. It allows children to learn to encourage belonging of all cultures and identities through a fun and interactive event. It is always wonderful to see so many parents and students wearing orange or their national dress and sharing some delicious food. I pay tribute to Kuraby State School principal, Nicole Trethewey, for organising this important event. I am sorry I cannot make it this year due to parliamentary commitments. I would have loved to have been there but my waistline will probably thank me given all the delicious food that is always on offer.

I am very fortunate to have a wonderful organisation in my electorate called World Arts & Multi-Culture Inc. which has organised its fourth annual Arts Festival to celebrate Harmony Week. It has organised a wonderful program of events that kicked off at Calamvale Community College. It was wonderful to see an exciting display of performances and entertainment. What a delightful way to bring people together from all walks of life and to highlight Queensland's social and cultural calendar. WAMCI have developed a fantastic and mutually beneficial relationship with Calamvale Community College. I acknowledge the efforts of college principal Lisa Starmer and David Hepper for their work in that regard.


Members who have walked through the parliamentary foyer today or over the last week would have seen some beautiful artwork on display which is part of an exhibition organised by WAMCI. I want to particularly acknowledge the efforts of Melody Chen, Maggie Lu and all the volunteers who give up their time to support so many wonderful events in my local community. I am very proud to be an honorary adviser to such a wonderful organisation.

Griffith University held a citizenship ceremony for Harmony Day at Nathan Campus on Saturday where 67 new Aussies were welcomed from 24 nations. I am a very proud graduate of Griffith University and I want to commend the work of Dr Brian Adams and Ricky Lashand. It was great to see Minister Bailey and the member for Moreton, Graham Perrett, at the ceremony also. It is very notable that local legend Lewis Lee OAM was also recognised for emceeding his 30th citizenship ceremony.

Mr Power interjected.

Mr PEGG: I take that interjection from the member for Logan. It is a very notable achievement. Harmony Day highlights the strength of multiculturalism and the benefits that diversity brings. It is a day that gives us an opportunity to take a moment and share our commonalities with friends, family, colleagues and community members. Representing the most multicultural electorate in Queensland allows me to really appreciate the diversity within our community. I believe that diversity is something to be celebrated. It is wonderful to see people, schools, organisations, workplaces, childcare centres, churches and community groups celebrating this important day. I am very proud to represent such a multicultural electorate and proud to be part of a government that values multiculturalism and the benefits that it brings.

Child Protection

 **Ms BATES** (Mudgeeraba—LNP) (12.08 pm): Since the last sitting of this parliament just three weeks ago, Queenslanders have continued to be sickened by what they have seen in Child Safety. They have seen more helpless kids missed by a failing system, more secrecy by this Labor government and more of this incompetent minister ducking for cover. How many times will I need to stand up in this House and highlight the gross failings of a system supposed to protect our kids before something is done? How many times will I need to stand up in the media and demand answers from an out-of-touch minister before she comes clean, and how many more deaths of children known to Child Safety will we see before this minister is shown the door?

Two weeks ago we saw another tragedy occur under this minister's watch. We learned of yet another child dying whilst allegedly waiting in a Child Safety backlog that is only getting worse. Like all Queenslanders, I was shocked and angered to hear of yet another child death. That was a six-month-old baby from Yeppoon. Concerns were raised for his safety in January of this year but he was missed by child safety officers. This baby died waiting in an apparent investigation backlog at the Rockhampton Child Safety Service Centre. What we have seen in the weeks since is that in Rockhampton Child Safety is struggling. In fact, by all accounts, it is in a worse state than Caboolture, and staff are stretched to the limit.

Secret internal data from October reveals only 20 per cent of abuse reports requiring a 10-day response were actioned in time in Central Queensland. Worse still, 12 per cent of critical 24-hour cases were missed. As I have said before in this House, these are not just statistics; these are real kids in real danger right now, today, waiting for Child Safety to come knocking. The Premier and her minister are not only failing to protect Queensland children; they are putting child safety staff in the most stressful of situations. This is just another example of Labor's child safety department in complete disarray and imploding fast.


Meanwhile in Caboolture we heard of more child safety officers quitting this troubled child safety service centre in the wake of the death of Mason Jett Lee. In November 2016 we were promised the final report by the expert panel into how the system failed Mason Jett Lee and that it would be released in January. It is now March and the report is still nowhere to be seen. Queenslanders deserve to see the full release of every report into Child Safety's handling of Mason Jett Lee. The full implications of this report and its findings are too important to be kept secret by a minister more interested in clinging to her portfolio than in telling the truth.

This case has shocked Queenslanders to their core and they deserve answers. They deserve to know about the failures in their child safety system. That is why the LNP opposition submitted a right to information request which would shine a light on how each child safety service centre is performing against key performance measures. However, in a bizarre turn of events, this request came back with a \$4,320 price tag attached to it. It is clear this Labor government is running a protection racket for a bumbling, fumbling minister and a child safety system in crisis. Queenslanders deserve to know if the almost 4,000 cases of suspected child abuse stuck in a secret backlog have become worse. Charging RTI costs of over \$4,000 is nothing short of scandalous. First, Labor was washing the data and now they are hiding it through a protection racket. The real question is: how much influence did the minister's office have in this decision-making process? Not since the dying days of the Bligh Labor government have we seen a department performing this badly and with this level of secrecy.

The crisis in Child Safety goes far beyond Rockhampton or Caboolture and we need answers. What is this minister doing as children die and the system fails? She is claiming it has turned a corner. She is burying her head in the sand. She is choosing to remain blissfully unaware or in firm denial about the issues plaguing her department under her stewardship.

What is the Premier doing about the gross incompetence of her child safety minister? Absolutely nothing! This Premier simply continues to support a bumbling minister who is putting kids' lives at risk by failing to fix this crisis. Our kids cannot afford to wait any longer as this Labor government refuses to act. They need action today. We need to overhaul the way child abuse investigations are carried out because we need to put an end to these terrible deaths.

Operation Oscar Merchant

 **Mr STEWART** (Townsville—ALP) (12.13 pm): I would also like to acknowledge Harmony Day today, particularly as my wife has Maltese heritage. Queensland and Malta have a very close connection and affiliation. In fact, the Maltese cross is emblazoned upon our state flag and also is on our crest. It is a great day for all the Maltese families, particularly those in Mackay.

I rise today to provide an update to the House on the Townsville Stronger Communities committee headed by Inspector Glenn Doyle of the QPS. Before I provide the latest information on how the Palaszczuk government is driving down crime rates in Townsville I will retrace the journey so far on the raft of initiatives undertaken to make the streets of Townsville safer.

After initial community consultation, 30 additional police were activated across the city of Townsville in Operation Oscar Merchant as an immediate response to the increasing rates of crime. The Palaszczuk government also mapped out long-term strategies to address community safety, service delivery, housing, education, training and health. It developed a five-point plan to integrate all these government services operating together and sharing information about families to provide a whole-of-government wraparound service. Why did the Palaszczuk government go down this path? Not because it was easy. In fact, it has been a difficult path to travel. However, it is the right path to travel. Those opposite want to travel the easy road. 'Lock them up and throw away the key,' were the howls from the opposition.


Every bit of evidence based research around the world was telling us to invest in whole-of-government wraparound services that teach families how to be families, that teach parents how to be parents and that teach parents to take responsibility for their own kids. That is exactly what the Townsville community wants: parents taking responsibility for their own kids.

In the first 30 days of Operation Oscar Merchant, police across Townsville made 803 arrests and laid 1,808 charges. The majority of those charges related to drug, property and traffic matters for adult and youth offenders. The Townsville community told us that juvenile offenders needed to be accountable for the crimes that they committed. In response the Palaszczuk government introduced a new specialist high-risk youth court which deals with young repeat offenders who see the same magistrate each time they go before the court. That means that that magistrate will apply penalties that fit the crime knowing the intervention work that has already been done with the offender.

We knew that more needed to be done so an additional \$7.3 million announced by the new police minister, Minister Ryan, reiterated that the Queensland Police Service led project, supported by the Palaszczuk government as well as the PCYC, targeted criminal behaviour and the attitudes of at-risk young people through Project Booyah. Many people have spoken in this House about those successes. In addition to this, the Palaszczuk government provided more than half a million dollars to fund additional case managers as well as psychologists, a team leader and five youth and family support officers at the Townsville youth justice centre. The case managers address the causes, motivations and attitudes that lie behind offenders' actions and emphasise the need for young people to accept responsibility for their criminal behaviour and the direct impact it has on others. We know that children who have appeared in court multiple times and/or who have substance addictions are at a high risk of future offending. They will be among those in the target group.

The latest plank in our efforts to reduce the number of kids wandering the streets after dark as a way of reducing youth crime was the opening of the city's first after-hours drop-in centre for kids. The Palaszczuk government dedicated \$482,000 to the Townsville Aboriginal and Islanders Health Services, or TAIHS, to operate this pilot service in Garbutt at nights and on weekends. Police in Townsville estimate there are upwards of 30 kids walking the streets most nights. Clearly some of these are using the cover of darkness to break into homes, businesses and cars. The message from the police, Townsville Stronger Communities Action Group and youth support groups across the city is that a safe after-hours place is a priority. The outcomes that we are seeing from the Townsville Stronger Communities Action Group are that youth crime is decreasing significantly in the areas of break and enters and stolen vehicles, which were the two common focus areas of concern. I will quickly say that work is not finished by any stretch of the imagination, but the Palaszczuk government is committed to keeping the streets of Townsville city safe.

Category H Weapons

 **Mr MANDER** (Everton—LNP) (12.18 pm): At a time when many of our hardworking farmers are suffering through enduring drought it seems that the Weapons Licensing branch within the Queensland Police Service continues to apply their own interpretation to the legislation in relation to category H weapons for primary producers. What is of great concern to me is the way in which this government is treating law-abiding firearm users like they are criminals. I want to give honourable members an example of a man who has come to see me on a number of occasions who is very distressed by the whole situation. His name is John Geary and he is a lifelong resident of Taroom. He has lived at the same address for 47 years.


He is a grazier who does a bit of diesel fitting and truck driving on the side during the quieter times, and there have been a lot of quieter times during the drought. He is a law-abiding citizen who in my opinion is being treated unfairly by this Labor government. Mr Geary told me that he has held a category H firearm licence for around 20 years. Under the Weapons Act, primary producers are permitted to have weapons such as handguns for very good reasons. They obviously need to manage their property, they need to look after pests and feral animals, and they need to do that in a way which is safe and secure. There are OH&S issues because primary producers do not want to ride horses and motorbikes with rifles strapped across their handlebars or over their shoulders. Mr Geary was advised by the local police that his licence had expired. He claims that he was given no notice, so of course he immediately went about remedying the situation.

Weapons Licensing has been at best unhelpful. After holding his licence for around 20 years, he waited for three months to see what was going to happen with his reapplication. He then started making countless phone calls to Weapons Licensing. Six months passed and finally, after almost 12 months since reapplying, he had his application rejected. Mr Geary alleges that one of the officers in Weapons Licensing told him that in his opinion he and many other farmers should have never been issued with a category H licence. He allegedly called Mr Geary a Clayton's farmer. They are now referring to a CSIRO report that is 30 years old. It has always been there, but it has never been referred to in the past. They also claim that these farmers should not get category H licences because other states do

not allow it either. Mr Geary is just one of hundreds of law-abiding primary producers who are having their category H weapon licence renewals rejected. I am calling on the minister to take responsibility for this injustice and intervene—not to abrogate his responsibility and say that this is an operational matter—because this is a matter that affects the livelihoods of many of our rural people. Law-abiding primary producers are being victimised and treated very poorly. Weapons Licensing should be focused on those who do the wrong thing, not those who do the right thing.

Today I was quite alarmed when I received a reply to a question on notice that I submitted earlier this year. I asked the minister to advise how many weapons licence holders had their licences either cancelled or suspended for committing a crime. How many people with a weapons licence committed a crime and had the licence suspended or taken away from them? The answer I received back is that it is impossible to give this information because they would have to go through every cancellation one by one. I think there are at least 76 full-time-equivalent staff in Weapons Licensing, and by that response they are telling me that their focus is more on making it difficult for law-abiding citizens to get a tool of their trade rather than those people who are breaking the law by illegally possessing firearms. The balance is well out here, and I ask the minister to intervene and stop the rot that is happening.

Thuringowa Electorate, Youth Justice

 **Mr HARPER** (Thuringowa—ALP) (12.24 pm): I too join the member for Townsville to reflect on positive news and the work that our government is doing to tackle crime which has affected our great city of Townsville for a period of some years. Indeed, it is a positive indication that the work we are doing is gaining results in terms of reducing offending and reoffending. It is certainly something that the three government members for Townsville have spoken about in this parliament before. Crime issues also challenged the three previous Newman government LNP members for Townsville. They tried but dismally failed with their boot camp at Lincoln Springs and youth crime recidivism remained high, as we found out after the 2015 state election.

What we have done is what all good government members do: actually listen and work with the community, our valuable government agencies and front-line staff to reduce crime and help make our city a safer place to live. We know that the bulk of the work started with the government led crime forum which was held in Townsville. Hearing the community's direct concerns and working with people from across our broad community has certainly helped us pave the way forward, knowing that government alone could not achieve what we have done without the help of people in our community like our respected Indigenous elders and non-government agencies such as Queensland Youth Services in Townsville.

On Saturday, 4 March, *Townsville Bulletin* journalist Chris McMahon, who has followed the challenging issues of crime over the past year, reported on the good work being achieved by our local police and the Stronger Communities team which is collocated at the Thuringowa QPS RAP. This is our whole-of-government response—a first for Queensland—to tackle the issue of crime, and I table that article.

Tabled paper: Article from the *Townsville Bulletin*, dated 4 March 2017, titled 'Blitz curbs crime' [\[448\]](#).

The article states that we are seeing a decline in offending and reoffending rates since the introduction of government led initiatives in October 2016. As Chris reported in that article—

Crime has dropped significantly in the four months since the creation of Townsville Stronger Communities and the introduction of Operation Oscar Merchant.

The article further states—

In four months, those crimes have dropped significantly through the arrest of the region's most prolific offenders, the intensive case management of young people on the verge of a life of crime, and interagency support.

There are no illusions among the Stronger Communities Action Group and the police that the crime issues are solved—they are planting the seed for long-term solutions.

QPS inspector Glenn Doyle, who leads the team, said that their primary goal is to 'break the cycle of offending with these young people'. He went on to say—

Having all the agencies in the one room and coming up with a targeted approach on each young offender and their family was working wonders.

We know that there is much more work to do, and that is why we have formed the Townsville Stronger Communities group. We have asked for and received 10 extra Queensland Police Service officers; reinstated the Murri Court, Sentencing Advisory Committee and court conferencing which the former Newman government removed; asked for and received extra funding of \$7.3 million for Project

Booyah; set up specialist magistrates youth court lists in Townsville; and recently opened the Safe Place in Garbutt. Importantly, we are working with Indigenous elders who want to be part of the solution with their back-to-country cultural Indigenous Yinda program. I give special acknowledgment and a shout-out—because I know they are watching today—to uncles Rusty Butler and Alfred Smallwood and Mr Wayne Parker and Mr Noel Gertz. Gentlemen, I am right behind your proposal. I hope it gains the funding that it requires as soon as possible, because I believe it is yet another positive step in breaking the cycle of crime.

We will not stop. We know that a complex issue requires a complex suite of programs and policies to make positive changes in the fight against crime. I would like to acknowledge each member of the Stronger Communities team and the executive team, led by Minister O'Rourke and coordinated by the Regional Director of Communities, Ms Sandra Moore. We meet every second Friday with the executive team to stay across the issues and be informed of other strategies the Stronger Communities team is implementing to tackle the causes of crime whilst ensuring that people are held accountable for crimes they have committed and that, importantly, victims of crime receive support and follow-up wherever possible.

Eudlo Creek Key Resource Area Proposal; Pauline Hanson's One Nation, Policies



Mr DICKSON (Buderim—PHON) (12.29 pm): I rise to speak on a proposal for a designated key resource area at 162 Eudlo Creek as an area of regional and state significance for extractive resources. Recently residents and people who made submissions concerning the proposal received a letter from Resource Planning, Geological Survey of Queensland and the Department of Natural Resources and Mines and I table that.

Tabled paper: Letter, dated 27 February 2017, from the Manager, Resource Planning, Geological Survey of Queensland, Mr Malcolm Irwin, responding to a submission of an unknown person on a proposal to designate KRA 162 Eudlo Creek as an area of state significance for extractive resources [449].

The letter states—

As you are aware, the Department of Natural Resources and Mines (DNRM) is responsible for assessing all submissions on KRA 162 Eudlo Creek. Following this assessment, DNRM will provide a submission report as well as recommendations to the Minister for Natural Resources and Mines, the Honourable Dr Anthony Lynham MP ...

The proposal went before the Sunshine Coast Regional Council, was voted on by councillors and was rejected. Maroochydore Sands is appealing this decision to the Planning and Environment Court. I understand that the appeal will be heard this week, on Thursday, 23 March. I believe that the government's decision to continue this assessment process could be prejudicial to the appeal process. I will provide a bit of detail to explain.

This proposition was put before the Sunshine Coast Regional Council. Thousands of people objected to the proposal. The council has made a decision. The applicant has fulfilled the requirements to appeal that decision. Now the matter is before the court. I thought the Queensland government understood the separation of powers, but the state government is doing an assessment of a key resource area which relates to this very block of dirt. How can it be that a court case is happening and the state government is interfering in that court case? I call on the Premier, the Attorney-General and the minister to pull this proposal immediately so that due process can take its course. That is what the government should do. I put the government on notice today. It knows this is happening. I ask it to please do something about it. The media is watching this process so the ball is in the government's court.

This morning I listened to the health minister sing the praises of the Queensland health department relating to the opening of the brand-new Sunshine Coast University Hospital. I heard absolutely nothing about whether the new Mooloolah River interchange road network will be constructed—or even started—before the hospital opens. That has not happened. I have been beating this drum for a very long time within the Queensland parliament, asking for this crucial piece of infrastructure to get a tick in the box. The budget is not that far away from being brought down. Somebody, somewhere, sometime has to make a difference. The day this hospital opens, traffic will increase by 47 per cent. It is ludicrous that we are opening a \$1.8 billion hospital knowing it will create a traffic nightmare.

One Nation is the only party that has committed to delivering this project if elected to government, or if we hold the balance of power we will make sure this project is delivered. I call on both major parties to do the right thing and commit to delivering this crucial piece of infrastructure for the Sunshine Coast. Do they still consider the people of the Sunshine Coast second-class citizens? That is how they are


being treated. If members make a comparison between the Gold Coast and the Sunshine Coast they will see that the Sunshine Coast is lacking the infrastructure required for its continued growth. We have had bestowed upon us huge developments at Caloundra South and Palmview, a new hospital being constructed and an international airport being built not so far down the track, yet we do not get support from the state government or the other major party to deliver the crucial infrastructure we need now. One Nation has made the commitment. I ask the other parties to follow our path.

A few minutes ago I heard the shadow minister for police talking about category H weapons. We have already announced our policy in relation to firearms. It is very clear. We have probably upset people on the far left and the far right. We have landed it right in the middle. It is a great policy that will do some fantastic things for Queensland.

One Nation will not be selling major assets in Queensland, as has been implied in ads put up in Cairns that have a picture of Tim Nicholls and the LNP in joint partnership with us. That is not going to happen, either. We are not selling assets. Labor has done it in the past. The LNP has threatened to do it. We have said that we are not going to do it. What are the other two parties doing? We will leave the ball in their court. Let us see what happens.

Mr DEPUTY SPEAKER: I acknowledge the presence in the gallery of school leaders from Wavell State High School, Earnshaw State College and Nudgee College, all in the electorate of Nudgee.

Rickertt Road, Upgrade

 **Mr BROWN** (Capalaba—ALP) (12.33 pm): It is a pleasure to speak after the member for Buderim. I remind him of the simple fact that his leader actually wants to sell SBS and the ABC, two great publicly owned institutions!

Another day in parliament; another LNP broken promise. A number of times in this place I have spoken on the issue of Rickertt Road. I remind members that the RACQ has adjudged Rickertt Road the fourth worst road in Queensland. If the top three highways are removed from the list, Rickertt Road is the worst road in Queensland.

I did not think I would have to speak about this road again, because during the last federal election campaign the LNP promised to fix it. There were banners all over the schools. Andrew Laming was out there promising everyone he would fix the road. I took him at face value, but how wrong I was. At the time the project was announced the *Redland City Bulletin*, in an article titled '\$5m election sweetener for Rickertt Rd', dated 20 June 2016, reported—

Bowman MP Andrew Laming has promised to stump up \$5million to upgrade the intersection at the junction of the two roads—referring to Green Camp Road and Rickertt Road—

known as the state's fourth worst.

...

Mr Laming said the federal money would be added to \$15million promised by the Brisbane City Council.

He said the money would be spent on extending the dual carriageway past the intersection and to coordinate traffic signals along both roads.

"This upgrade will mean there will be four-lanes all the way through to Brisbane which is a massive improvement for Redland commuters," he said.

...

"There will be duplicated upgraded intersections from this point all the way through to Brisbane."

I was reported in the same article, which continued—

Capalaba MP Don Brown said he asked Brisbane City Council in March for a briefing on funding for the roads and had not received an answer.

"The only thing I've heard about Green Camp and Rickertt roads are two election promises but no detail has been given," he said.

"My concern is that this is just adding another set of lights to an already congested situation.

Unless there are four lanes from Green Camp and Rickertt roads all the way to Manly Road, I feel this won't fix the problem."

I table that article for the benefit of the House.

Tabled paper: Article from the *Redland City Bulletin*, dated 20 June 2016, titled '\$5m election sweetener for Rickertt Rd' [\[450\]](#).

Two years on I did get the briefing from Brisbane City Council in a cross-boundary connectivity meeting hosted by both Redland City Council and Brisbane City Council and attended by the member for Bowman, Andrew Laming, and the member for Cleveland. They detailed projects that were in the pipeline and underway. Documentation for the meeting lists a project description of 'Upgrading Tilley & Green Camp Road intersection'. I said, yes, there is an intersection and they agreed. The design cost was shown to be \$1.3 million, with an estimated cost added on of \$13.5 million. There is the \$15 million for the extra set of lights. If we look over the page what do we see? We see a description 'Upgrade Green Camp Road from Manly Road to Rickertt Road—4 lanes'. The estimated cost was unavailable. The project status was listed as 'planning stage'. The lead time for delivery was listed as 'long term'. I table that document for the benefit of the House.


Tabled paper: Document, undated, table titled 'Cross Boundary Connectivity—Technical Working Group' listing various road projects in Capalaba, Cleveland, Ormiston, Wellington Point, Birkdale and Thorneside [\[451\]](#).

I implore the Liberal-National Brisbane City Council and the Liberal-National federal government, which promised in the article I tabled earlier to four-lane this road all the way to Brisbane, to keep their promise and not break it, which they have in the detail provided. They should follow through on what they said to the voters of Bowman and Bonner they would do—that is, deliver four lanes from the start of the intersection of Rickertt Road up to Manly Road on Green Camp Road. It is what they said before the election they would do. They should not betray the trust of Redlands voters and deliver what they said they were going to deliver—that is, four lanes.

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

LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Office of the Information Commissioner, Report


 **Mr PEGG** (Stretton—ALP) (12.38 pm): As chair of the Legal Affairs and Community Safety Committee I lay upon the table of the House a report of the Office of the Information Commissioner titled *Desktop audits 2016-17: website compliance with right to information and information privacy—hospital and health services*.

Tabled paper: Office of the Information Commissioner: Report No. 5 of 2016-17—Desktop Audits 2016-17: Website Compliance with Right to Information and Information Privacy—Hospital and Health Services [\[452\]](#).

The committee chair is required to table these reports under the Right to Information Act 2009 and the Information Privacy Act 2009. I commend the report to the House.

PUBLIC HEALTH (INFECTION CONTROL) AMENDMENT BILL

Introduction

 **Hon. CR DICK** (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (12.38 pm): I present a bill for an act to amend the Public Health Act 2005 for particular purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Public Health (Infection Control) Amendment Bill [\[453\]](#).

Tabled paper: Public Health (Infection Control) Amendment Bill, explanatory notes [\[454\]](#).

A recent incident involving substandard infection control practices at a Brisbane dental clinic has revealed a need to strengthen the infection control framework for healthcare facilities under the Public Health Act. A healthcare facility is any place where a health service which involves an invasive procedure is performed. These are procedures which might expose a person to blood or other bodily fluids and are known as declared health services under the act. The healthcare facilities can include mobile and temporary premises as well as associated support services. Public hospitals, dental clinics, acupuncture facilities, blood banks, midwifery services, retrieval services and places where vaccinations are provided are all examples of healthcare facilities.

Because of the inherent risk of patients and staff at these facilities coming into contact with infectious bloodborne diseases such as hepatitis and HIV, the act already requires people involved in performing declared health services to take reasonable precautions and care to minimise infection risks. The act also requires the operators of healthcare facilities to develop, implement and regularly review

detailed plans showing how infection risks at those facilities are minimised. These plans are known under the act as infection control management plans. However, the act does not empower Queensland Health to properly monitor infection control practices at healthcare facilities, investigate complaints about substandard practices, enforce compliance with the statutory framework or take proportionate steps to require noncompliant practices to be rectified.

An investigation into a Brisbane dental clinic revealed a pattern of substandard infection control practices in breach of the act, including inadequate staff training and sterilisation procedures. However, the only compliance and enforcement option available to Queensland Health in this circumstance was to seek the cooperation of the Brisbane City Council to issue a public health order, temporarily closing the clinic until appropriate remedial measures had been implemented. For this reason the bill makes several key amendments to the Public Health Act to strengthen the statutory infection control framework. These amendments will minimise the chance of infection risks arising by supporting healthcare facilities to improve their infection control practices and will enable timely, proportionate action to be taken to reduce and remove risks which have arisen. This involves amending the framework to enable more comprehensive guidance to be provided to healthcare facilities about how to minimise infection risks.

The bill strengthens the regulation-making head of power in the act under which the training, competence and practice standards which healthcare facilities must attain will be prescribed. The bill also enhances Queensland Health's ability to monitor compliance with the framework and investigate possible breaches. Authorised persons will be empowered to direct the operator of a facility to provide or amend their infection control management plan, supported by penalties for noncompliance. Authorised persons will also be able to enter healthcare facilities without notice, if necessary, to control an imminent infection risk. Entry will still be subject to the existing limitations under the act and a warrant from a magistrate will still be required to seize evidence or take intrusive steps to address a risk once inside a facility.

Finally, the bill strengthens the power of Queensland Health to enforce compliance with the infection control framework. Where deficient practices capable of being remedied are identified through complaints or compliance activities, the bill empowers authorised persons to issue an improvement notice. An improvement notice requires the operator of the facility to take appropriate remedial action. In more serious situations where the practices at a facility put staff or patients at actual risk of harm, the bill empowers the chief executive to take the more drastic step of issuing a directions notice. A directions notice requires a facility to temporarily cease providing particular declared health services while appropriate remedial action is undertaken. In recognition of the serious impact a directions notice could have on the otherwise lawful business of an affected healthcare facility, the bill limits delegation of this power to senior executives of the department only. Further, the chief executive will need to obtain a court order to extend the effect of a notice beyond 60 days.

The bill creates a range of penalties for breach of their existing statutory obligations by operators of healthcare facilities and others involved in the provision of declared health services. For example, failure to take reasonable precautions and care to prevent infection risks is now an offence punishable by a maximum penalty of \$121,900 for individuals. The bill also provides it is a serious offence for the operator of a healthcare facility to breach an improvement notice issued by an authorised person or a directions notice issued by the chief executive unless the operator has a reasonable excuse. Given the deliberate nature of the offence of breaching a directions notice and the fact this offence involves continuing to provide a declared health service despite knowing of the particular infection risks it is causing, breaching a directions notice carries a high maximum penalty of \$365,700 for individuals.

The bill provides a proportionate, targeted and urgent response to an unacceptable risk of patients and staff of healthcare facilities being exposed to infectious bloodborne diseases. This involves strengthening the infection control framework, enhancing the ability of Queensland Health to monitor and investigate the infection control practices of healthcare facilities and enforce compliance where deficient practices are identified. Importantly, a key focus of this bill is on minimising emergent infection risks, not just responding to incidents after they have occurred. That is why the bill provides for authorised persons to require operators of healthcare facilities to amend deficient infection control management plans or to remedy defects in their infection control practices. Prescribing training, competency and practice standards under the act will further support this intent by supporting owners and operators of healthcare facilities to understand their statutory obligations. I commend the bill to the House.

First Reading

Hon. CR DICK (Woodridge—ALP) (Minister for Health and Minister for Ambulance Services) (12.46 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, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Mr DEPUTY SPEAKER (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Before I call the next speaker, I want to acknowledge in the gallery school leaders from Albany Hills State School, Albany Creek State School, Eatons Hill State School and Everton Park State School in the electorate of Everton.

TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL**Message from Acting Governor**

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (12.46 pm): I present a message from Her Excellency the Acting Governor.

Mr DEPUTY SPEAKER (Mr Crawford): The message from Her Excellency recommends the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill. The contents of this message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

TRANSPORT AND OTHER LEGISLATION (PERSONALISED TRANSPORT REFORM) AMENDMENT BILL 2017

Constitution of Queensland 2001, section 68

I, CATHERINE HOLMES, Acting Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the Acts mentioned in schedule 1 for particular purposes


(sgd)

ACTING GOVERNOR

Date: 21 March 2017

Tabled paper: Message, dated 21 March 2017, from her Excellency the Acting Governor, recommending the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill [\[455\]](#).

Introduction

 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (12.47 pm): I present a bill for an act to amend the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995 and the acts mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Public Works and Utilities Committee to consider the bill.

Tabled paper: Transport and Other Legislation (Personalised Transport Reform) Amendment Bill [\[456\]](#).

Tabled paper: Transport and Other Legislation (Personalised Transport Reform) Amendment Bill, explanatory notes [\[457\]](#).

I present a bill for an act to amend the Transport Operations (Passenger Transport) Act 1994 and other acts to deliver the second stage of the Palaszczuk government's personalised transport reform program. Taxis and limousines have provided personalised transport services for Queensland

residents, visitors and businesses for many years. In doing so, this industry has made and continues to make an important contribution to the Queensland community. Like many established industries, recent technological innovation has created new opportunities for the provision of taxi and limousine services, particularly through the emergence of app based booking platforms. This new technology enables customers to quickly and easily compare the services offered by different providers. Comparisons of this type were unthinkable until quite recently and the public has embraced these developments.

The reality though is that any technological development poses critical questions of the established regulatory frameworks that govern their respective industry. Through the personalised transport reforms contained in this bill and proposed subordinate legislation, the government is finding a new regulatory balance for the personalised transport industry that takes into account all industry participants. The overarching objective of these reforms is to provide a fairer playing field across the whole personalised transport industry, making necessary structural adjustments to allow existing taxi and limousine businesses to adapt to the changing market while also accommodating new and emerging industry participants to provide customers with greater choice and encourage innovation and growth in the market. At a time of significant structural change, it is more important than ever to get the policy and regulatory settings right to allow this sector to adjust and develop for the benefit of Queenslanders.

The journey of this bill is well known. In October 2015, the government commissioned an independent task force to investigate opportunities for the reform of personalised transport services in Queensland. The task force delivered its report to the government in July last year. The government supported most of the task force recommendations and on 11 August last year released a five-year strategic plan to implement statewide reform of the personalised transport industry.

The first stage of the reform program involved immediate regulation amendments in September last year that allowed ride-booking services to operate in Queensland within the current regulatory framework. These amendments also removed nearly 80 requirements on the existing taxi and limousine industry but, most importantly, ensured safety requirements, such as vehicle inspections and driver authorisation, were maintained and extended to all personalised transport services. To accompany the first-stage reforms, a \$100 million industry adjustment assistance package was created to help the existing taxi and limousine industry through the period of structural adjustment.

I am pleased to report that over \$57 million of the \$60 million in transitional assistance payments has been distributed to existing taxi and limousine licence holders. This will soon be followed by the distribution of a \$26.7 million industry hardship fund to eligible taxi and limousine licence holders and operators from next month, subject to a regulation amendment being made. The assistance package also includes business advisory support and fee waivers for the existing industry and a \$20 payment to drivers of wheelchair-accessible taxi services for taxi subsidy scheme members to incentivise the provision of these services.

The second stage of the reforms will provide a new, fairer regulatory framework for all personalised transport services through the amendments contained in this bill and supporting regulations. The bill delivers for Queenslanders on four fronts: it strengthens safety standards for the whole personalised transport industry; it provides customers with greater choice and flexibility; it encourages innovation and improved customer services through reduced red tape; and it clearly defines obligations and ensures accountability of all parties involved in providing personalised transport services.

Safety is always the top priority for the government and the bill focuses on the safety of personalised transport services, creating consistent safety standards across the industry. Specifically, the bill introduces a primary safety duty on all parties involved in providing these services, with significant penalties of up to \$3.5 million, or five years imprisonment, for noncompliance. These provisions have been modelled on safety duties under the Heavy Vehicle National Law and Queensland work health and safety legislation. All parties in the chain will also have a shared responsibility to manage driver fatigue to further enhance safety.

Under the bill, all drivers will be required to have a zero blood alcohol concentration when using a vehicle to provide a personalised transport service or any other public passenger service. This will apply not only while the passenger is in the vehicle but also, for example, while the driver is logged on to a booking platform waiting for a booking or on the way to pick up the passenger.

Following passage of the bill, regulation amendments will also be progressed to require security cameras in personalised transport vehicles where the passenger is anonymous or where payment is made in cash or during the journey. The need for cameras in these circumstances has been identified due to the higher risk of assault, theft and fare evasion. Less prescriptive camera requirements will also make camera systems more affordable.

Regulation changes will also require booked hire vehicles to have an annual certificate of inspection rather than a safety certificate to ensure uniform inspection standards across all personalised transport vehicles. Booked hire vehicles will need to obtain a new class of compulsory third-party insurance that takes into account the commercial use of the vehicle. All personalised transport drivers will be required to be trained, including in disability awareness and anti-discrimination. All drivers will also continue to be required to hold driver authorisation.

This bill delivers greater choice and flexibility for customers within a fairer playing field by introducing a new licensing framework for booked hire services with an annual licence. The purpose of the new licence is to ensure that the persons providing services are suitable and accountable and that the vehicles used are safe. Existing taxi and limousine licences will be preserved and a new licensing framework will be introduced for taxi licences. No new taxi licences will be issued until next year at the earliest to allow time for the market to stabilise. Taxis will retain exclusive access to the rank and hail market.

The retention of limousine licences is a departure from the previously announced government position and is a result of listening to the industry. Limousines will retain their L-plates and their ability to use special purpose lanes and serve alcohol. This policy change will be welcomed—and has been—by the limousine industry. Special-purpose limousines, which are annual licences, will be phased out over the next three years given that the new booked hire service licence will effectively take their place.

The bill will allow for subsidised fares for people with a disability under the taxi subsidy scheme to be extended to booked hire vehicles in the longer term if this is considered appropriate. In the short term, taxis only will continue to provide these subsidised services as taxis are required to comply with Commonwealth disability standards for accessible transport.

To support industry innovation and the reduction of red tape, the bill removes the requirements for service contracts with taxi booking companies in recognition that the new booking entity authorisation regime will replace service contracts. The regulation of bailment agreements between taxi operators and drivers will also be removed as this is a workplace relations matter regulated under other legislation. The requirement to hold operator accreditation will also be removed for all personalised transport operators under proposed regulation changes following the passage of the bill. However, any safety duties associated with operator accreditation will be maintained through the chain of responsibility and specific requirements such as vehicle maintenance.

The bill delivers industry accountability by establishing the new industry chain of responsibility to ensure each responsible party involved in providing personalised transport services takes reasonable steps to prevent the commission of an offence and minimise risk in relation to their activities. This includes booking entities that arrange bookings, licence holders, operators who provide services and drivers.

The bill will also introduce a new requirement for those who provide booking services, including sole operators, to hold booking entity authorisation. Foreign booking entities will be required to appoint a local nominee to ensure there is a presence in Australia and that the new laws can be enforced against such entities. Significant financial and non-financial penalties will be imposed under the bill for the provision of unauthorised personalised transport services to act as an effective deterrent. This includes significantly higher penalties of up to \$350,000 for repeat offenders and driver licence suspension for drivers of unauthorised services. Audit powers will be established to investigate compliance and relevant parties will be required to provide service related data.

I am confident this bill strikes the right balance and provides the appropriate regulatory framework for the new environment that personalised transport providers are operating in. The government will vigorously enforce this legislation, with compliance and enforcement activity targeted towards ensuring the safe provision of personalised transport services and protecting the rank and hail market for taxis. Those who show blatant disregard for the laws will be met with swift action and harsh penalties. To ensure enforcement is addressed in a fiscally responsible way, it is intended to draw on the experience of existing departmental front-line compliance resources and recruit additional resources to reflect the significant compliance effort that will be required.

This bill is the result of a measured, consultative approach and it delivers an agile, modern and simplified regulatory framework. This next stage of reform demonstrates that we have listened to the views of stakeholders, including through the Personalised Transport Industry Reference Group and have addressed, as best we can, many of the challenges they face. The reforms in this bill are practical, equitable and enforceable and strive to support a robust and evolving industry into the future. The outcome will be a regulatory framework that promotes safe and accessible services, greater customer choice, innovation and accountability across the industry.

Finally, I want to briefly address the truncated time frames imposed on this government by the opposition as a result of an amendment to the Passenger Transport Act passed at the end of last year. To comply with this amendment, I was required to table in parliament by 9 March this year a draft bill and subordinate legislation in response to some aspects of the stage 2 reforms, including the new booked hire service licence framework. This government has gone above and beyond this requirement by tabling the complete bill for all stage 2 reforms on 9 March. The bill has been delivered over two months ahead of schedule without compromising on quality. The phased commencement of the bill is proposed from mid-2017 to allow time for implementation. This is particularly important to allow industry participants to prepare for the new framework and adjust business models to ensure they comply with the new requirements. I commend the bill to the House.

First Reading

Hon. MC BAILEY (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (1.00 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 Public Works and Utilities Committee

Mr DEPUTY SPEAKER (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Public Works and Utilities Committee.

Sitting suspended from 1.00 pm to 2.30 pm.

CRIMINAL LAW AMENDMENT BILL

Resumed from 30 November 2016 (see p. 4700).

Second Reading

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (2.30 pm): I move—

That the bill be now read a second time.

On 30 November 2016 the Criminal Law Amendment Bill 2016 was introduced into the Queensland parliament. Parliament referred the bill to the Legal Affairs and Community Safety Committee for consideration and requested the committee to report on its consideration of the bill by Tuesday, 21 February 2017. The committee tabled report No. 47 on 21 February and made one recommendation: that the Criminal Law Amendment Bill 2016 be passed. I thank the Legal Affairs and Community Safety Committee for its consideration of the bill.

The bill before the House delivers on an important promise to the people of Queensland, and particularly to the LGBTI community, to remove what has been referred to by some as the gay panic defence. An amendment to section 304 of the Criminal Code will ensure that a person who commits murder cannot rely on an unwanted sexual advance as the basis for the partial defence of provocation other than in circumstances of an exceptional character. When successfully applied, the partial defence of provocation reduces criminal responsibility for an offence from murder to manslaughter. This has the effect of avoiding the mandatory sentence of life imprisonment which applies to a person convicted of murder.

While section 304 itself has always been cast in gender-neutral and equal terms, it has been established by common law that in some circumstances an unwanted homosexual advance could form the basis for applying the partial defence. This is unacceptable. This does not reflect modern societal views about criminal responsibility and about the expectation to exercise self-control. An unwanted sexual advance, even one that involves minor touching, cannot be enough, other than in circumstances of an exceptional character, to reduce criminal responsibility for killing a person with murderous intent.

The bill amends section 304 of the Criminal Code to exclude the partial defence if based on an unwanted sexual advance. The amendment is framed in gender-neutral terms and will apply equally to any unwanted sexual advance, whether homosexual or heterosexual. An unwanted sexual advance to a person is defined in the bill to mean a sexual advance that is unwanted to the person, meaning the accused, and if it does involve touching the touching must only be minor. Guidance in the interpretation of minor touching is provided by the inclusion of examples in the bill and must always be considered in all of the relevant circumstances of the particular case. The reality is that the varied and unique circumstances that could possibly arise in these cases cannot be anticipated by the legislature. The amendment recognises this by including a proviso to allow for circumstances of an exceptional character. This provides a safeguard against unintended and unanticipated injustice. Each of the existing provisos in section 304 are amended by the bill to similarly require circumstances of an exceptional character. Accordingly, the bill removes the words 'of a most extreme and' which currently appears in the existing provisos under section 304. This is in response to a recommendation made by the 2011 expert committee tasked with considering the section 304 defence in the context of an unwanted homosexual advance. To omit these additional words will ensure consistency throughout the section, remove any ambiguity in the requirements of the proviso, but it is not considered to lower the threshold required. In terms of interpreting the proviso—that is, what is meant by that phrase 'circumstances of an exceptional character'—I note that in its report the committee acknowledged the concerns identified by some stakeholders regarding the lack of definition of the term and, in particular, thank the Queensland Law Society for its contribution to the examination of this issue.

In its report the committee recorded that the LGBTI Legal Service recognised the concern raised by the Queensland Law Society in relation to the absence of a definition of circumstances of an exceptional character. However, the LGBTI Legal Service considered that the judiciary is very capable of interpreting the intent of these amendments and applying them in the spirit of the bill.

The committee also agreed that the amendments to section 304 under the bill should be reviewed in five years time to establish whether they have operated as intended. The non-government members of the committee also suggested that it would be beneficial for further consultation with the Queensland Law Society and the Bar Association to take place in relation to the terminology of circumstances of an exceptional character with a view to perhaps providing examples in the bill. I want to assure the members of this House that during the development of these amendments and prior to the introduction of the bill, the legal stakeholders, such as the Bar Association of Queensland, the Director of Public Prosecutions, the public defenders of Legal Aid Queensland, the Queensland Law Society, the Aboriginal and Torres Strait Islander Legal Service and the Lesbian Gay Bisexual Trans Intersex Legal Service were consulted on a proposed draft of the amendments to section 304 of the Criminal Code.

Additionally, the matters referred to by the Queensland Law Society during the committee's consideration of the bill have also been further examined. However, as has been the case with the existing provisos under section 304 which already draw on this concept of circumstances of exceptional character, what will fall within the ambit of the exception will be a matter for the trial judge determined on a case-by-case basis. It is impossible for the legislature to identify the infinite circumstances that may arise in a homicide case. It is not intended to define the phrase 'circumstances of an exceptional character' or to amend the bill in this regard. I note that the opposition have circulated amendments and I am currently giving consideration to those amendments. I acknowledge that the opposition see that it is important to ensure that we do not have unintended consequences when we are drafting legislation and that it is important that we listen to stakeholders' views in this regard.

The concern is that to define such a phrase may limit its scope which may ultimately lead to unjust outcomes. This is particularly so given the broad range of examples that may, depending upon the circumstances of the particular case, constitute circumstances of an exceptional character in the particular context. To be very clear, an unwanted homosexual advance is not of itself to be considered a circumstance of an exceptional character. This very clear policy position is also reiterated in the explanatory notes to the bill. Without in any way limiting what might be considered circumstances of an exceptional character, the bill also makes it clear that when considering the proviso regard may be had

to any history of sexual conduct or of violence between the person and the person who is unlawfully killed that is relevant in all the circumstances. I note that amendments have been circulated, as I said, that go to issues raised by the Queensland Law Society at the committee and I will give further consideration to these matters. Equality before the law is a fundamental principle of human rights. The amendment to section 304 will ensure that this provision operates equally for all members of our community.

Turning now to the various other amendments to Queensland's criminal and related laws in the bill, I will outline the more significant amendments. The bill amends the Criminal Code section 236 to increase the maximum penalty for the offence of misconduct with regard to corpses from two years to five years imprisonment where a person improperly or indecently interferes with or offers any indignity to a body or human remains. The offence is reclassified from a misdemeanour to a crime and amendment to the Penalties and Sentences Act 1992 will add the offence to the serious violent offence regime. These amendments reflect the community's repugnance of improper dealing with human remains and recognise that such offending conduct can cause significant distress for the family and loved ones of a deceased person. The increase in maximum penalty also recognises the significant adverse forensic consequences that can flow from the offending by concealing or corrupting evidence of a more serious crime. It is not uncommon for this offence to be charged in conjunction with a related homicide offence.

The addition of the offence to the serious violent offence regime will also ensure that, in those circumstances where the court is sentencing an offender for the offence of misconduct with a corpse and a related manslaughter offence and imposing a cumulative term of imprisonment for the misconduct with a corpse, the combined sentence of imprisonment can be considered for the purpose of the serious violence offence regime. This means that, if the combined sentence of imprisonment is greater than 10 years, the offender must automatically be required to serve 80 per cent of their sentence in prison before becoming eligible to apply for parole.

An amendment to section 89 of the Criminal Code creates an exception to the offence for public officers who acquire or hold a private interest made on account of their employment, having first disclosed to and obtained the authorisation of the chief executive of the relevant department. A number of amendments will be made to the Criminal Proceeds Confiscation Act 2002—most notably, amendments to sections 52, 60, 93ZT, 93ZZH, 143 and 171—to ensure that all contraventions of restraining and forfeiture orders made under the act are prohibited, whether intentional or otherwise. The offences will be recast to address a number of issues raised by the Court of Criminal Appeal in the decision of *State of Queensland v Bank of Queensland and Brett Raymond Stevens*. The recast sections do not include intent as an element or set out the circumstances in which dealings and contravention of an order will be void at law, and state that contravention of an order can be prosecuted as a contempt of court offence under another act.

Further, the maximum penalties for contraventions under these sections are increased from 350 penalty units to 2,500 penalties units for a financial institution and 1,000 penalty units for all other persons or the value of the property subject of the offence, whichever is greater. The increased penalties are intended to motivate timely compliance with orders in the modern financial reality where large sums of money can be moved very quickly by electronic means. An existing defence is retained in the recast sections to provide for a person who had no notice or reason to suspect the property was restrained or forfeited.

The bill also extends the existing provisions in section 249 that allow financial institutions to voluntarily provide information to investigators that they believe is relevant to an investigation of criminal activity or to assist in the enforcement of the Criminal Proceeds Confiscation Act by clarifying that information can be provided to officers of the Crime and Corruption Commission about a matter for which an order may be made under the serious drug offender confiscation order scheme in part 2A of the Criminal Proceeds Confiscation Act. This bill will also make the following minor amendments to improve the operation and delivery of Queensland's criminal related laws. Amendments to the Bail Act 1980 will clarify provisions relating to cash bail and police powers to grant bail to avoid inconsistency in interpretation.

A general power of delegation will be inserted into the Director of Public Prosecutions Act 1984 to allow the Director of Public Prosecutions to delegate functions and powers to an appropriately qualified person. This power will provide a range of options to facilitate prosecutions in Queensland. This might include allowing the temporary appointment of a prosecutor from outside of the Office of the DPP in a situation where there may be perceived bias or to allow the prosecution of state charges to be conducted by the Commonwealth DPP in circumstances where a defendant has both state and


Commonwealth charges before the Magistrates Court. Amendments to the Drugs Misuse Act 1986 modernise the requirement for drug analysts' evidentiary certificates, reflecting changes in technology and laboratory practices in recent decades.

The protections afforded to vulnerable witnesses by provisions in the Evidence Act 1977 allowing for evidence to be prerecorded will be clarified by amendments making it clear that the public is to be excluded while the prerecorded evidence of an affected child witness or special witness is being played during a trial, as well as while the recording is being made. Other minor and technical amendments will be made to the Evidence Act, including to provide for the appropriate management and destruction of certain recordings and to clarify the process for requiring a DNA analyst who has provided a noncontentious DNA evidentiary certificate to give evidence.

The bill amends the Jury Act 1995 to allow for increased use of technology by our courts, including to provide the option to communicate with prospective jurors electronically. Amendments to the Justices Act 1886 and other legislation will allow for joinder of summary trials, bulk arraignments for legally represented defendants and the admission of alleged facts in the Magistrates Court in certain circumstances. The bill will also extend the existing registry committal process to defendants who are remanded in custody. The bill further provides a process to lawfully return an offender who fails to sign a recognisance order to court and allows for the appropriate disposal of records of legal proceedings in the Magistrates Court under an authority by the State Archivist, as well as making various other technical amendments.

This bill will deliver on another election commitment, particularly in relation to section 304 and killing on provocation. As I have stated already, I am aware that the opposition has circulated amendments. I appreciate that the opposition is interested in trying to avoid unintended consequences, which I hope we would seek to do in any bills that come before this parliament, and also in listening to stakeholders' views in that regard. I will take those amendments into account during the debate that will progress on this bill.

Madam DEPUTY SPEAKER (Ms Farmer): Before I call the member for Mansfield, I acknowledge in the gallery the school leaders, principal and deputy principal from North Lakes State College in the electorate of Murrumba.

 **Mr WALKER** (Mansfield—LNP) (2.45 pm): I rise to address the Criminal Law Amendment Bill that was introduced by the Attorney-General late last year. The bill seeks to ensure that a person who commits murder cannot rely on an unwanted sexual advance as a basis for the partial defence of provocation, which, if successful, reduces the charge from murder to manslaughter. This has been referred to more broadly as the gay panic defence. The bill also makes a number of miscellaneous criminal law amendments to a number of acts, which seek to improve the administration of justice. Many of those provisions are from a 2014 LNP bill that lapsed when the parliament was dissolved at the state election. From the outset I state that we will not be opposing the bill, but we will raise some reservations that were raised by submitters to the parliamentary committee as part of the extensive review of this bill. I thank the Legal Affairs and Community Safety Committee for their very careful deliberations on this bill and the report that has been subsequently tabled.

I will speak about the gay panic defence first and then about the miscellaneous provisions in the bill. In 2015, the LNP publicly announced that we would give in-principle support to the removal of the so-called gay panic defence, noting that we would obviously review the detail of any legislation brought before the parliament. Of course, that was an important qualification. We thought that that attention to detail was necessary given that this is obviously a parliament in which the numbers are tight, so no legislation is ever certain of passage, but we wanted to show that we supported the concerns raised by members of the LGBTI community who felt that the law discriminated against them.

I should point out that there is nothing in the Criminal Code that refers to a 'gay panic defence'. What we are dealing with is section 304 and what is called the partial defence of provocation. The provocation in question cannot be based on words alone and refers to acts in the heat of passion caused by sudden provocation and before there is time for the person's passion to cool. As the Gay & Lesbian Rights Lobby outlined in their submission to the committee—

The 'homosexual advance defence' is a common-law formulation that operates within the partial defence of provocation established by the Code. It effectively functions as a partial defence in murder cases where an unwelcome sexual advance from someone of the same-sex is established. It is important to note that acts constituting 'provocation' need not have immediately preceded an act where grievous bodily harm was inflicted on the deceased.

The successful use of the homosexual advance defence in criminal trials, including in the case of *R v Meardink and Pearce* in QLD, effectively renders non-violent sexual advances by someone of the same-sex as necessarily provocative for the 'ordinary person', and thereby represents an extremely homophobic creature of the common law.

Concerns similar to those have been raised by many in the community and there have been previous attempts to address this case law anomaly in recent years. Specifically, in 2008 the Queensland Law Reform Commission produced a 542-page report that made recommendations in relation to section 304 of the code and the inclusion of an extreme and exceptional character provision.

In 2011 then Labor attorney-general Paul Lucas moved to include the changes to section 304 that merely words alone cannot enliven the partial defence of provocation. However, there are still concerns that section 304 of the Criminal Code and the common law are discriminatory, which is why we support the policy rationale that action needs to be taken.

I want to raise concerns though that the provisions as drafted may have unintended consequences—for example, on the safety of a young woman trying to protect herself from unwanted sexual advances. In their submission to the committee, the Queensland Law Society stated—

The Society commends the policy rationale and the specific amendment of section 304 (killing on provocation) provision to remove an unwanted sexual advance defence as it relates to provocation. It is recognised that this amendment is specifically intended to remove the “non-violent homosexual advance” provocation defence in common law. The use of the defence of provocation in this manner is not supported as it is prejudicial and discriminatory to lesbian, gay, bisexual, trans, and/or intersex individuals.

However, the Society is concerned that clause 10, as currently worded, will not give effect to this policy intention.

We are also concerned that the present drafting of the removal of the ‘unwanted sexual advance’ defence could potentially affect circumstances other than those comprising a ‘gay panic’ defence. For example, it would be concerning if this defence were not open to a defendant where the victim had sexually assaulted or raped the defendant, or where the victim had sexually abused the defendant as a child. In circumstances such as those, there is support for an argument of “unwanted sexual advance” being used to support a provocation defence for murder.

It appears the legislation goes some way to addressing this concern by including subsection (3A), or “circumstances of an exceptional character” as an exception to this amendment. However, we are concerned that circumstances of an exceptional character not being specifically defined, albeit clarified in a fashion by proposed subsection (6A).

If this amendment is made, it may have unintended consequences in some circumstances. Take for example where a person is propositioned for sexual intercourse, including a touching, against their will and this person has a background of having been sexually abused as a child or previously raped. Under the amendment this person would not be permitted to demonstrate to a Court, or more importantly a jury, that they had lost their self-control and responded lethally to the provocative act. This could potentially lead a Court to that previous sexual assault by the victim might not be an “exceptional circumstance”, which does not appear to be the intention of the legislation.

Non-government members of the committee noted these concerns in the report on this legislation and recommended further targeted consultation between the Attorney-General and the Queensland Law Society and Bar Association over the concerns raised and possible solutions, whilst still achieving the policy rationale. To support the concerns of the Queensland Law Society, I foreshadow that I will be moving amendments to improve and clarify the policy rationale behind clause 10 of the bill and ensure that the so-called gay panic defence is excluded in any section 304 code defence—that is, the partial defence of provocation. The committee report states—

... in 2012, Mr Jerrard, a retired Queensland Court of Appeal judge, examined the sentencing remarks of a number of Queensland cases heard between April 2005 and October 2011 to ascertain how the HAD—

homosexual advance defence—

has been used in Queensland. Mr Jerrard submitted a report to the Queensland Attorney-General relating to the use of HAD which identified two Queensland cases where the defence had been raised (the “2011 Expert Committee Report”). It is relevant to note that both of these cases, being *R v Meerdink and Pearce* and *R v Peterson and Smith*, were decided prior to the 2011 amendments ...

In relation to the 2010 Queensland case of *R v Meerdink and Pearce*, Mr Jerrard concluded that the two defendants were found not guilty of murder, but guilty of manslaughter, because they lacked the necessary intent (which is a prerequisite element of the charge of murder), so the defense of provocation was not relied upon by the court in convicting or sentencing the offenders.

However, Mr Jerrard noted that in the 2011 Queensland case of *R v Peterson and Smith*, evidence of a homosexual advance by the deceased towards the accused ‘unequivocally’ resulted in murder being reduced to manslaughter.

Here we are in 2017 and this issue is still of concern to the legal and broader community. We will be supporting the amendments moved by the government to address this issue once and for all, and for the sake of everyone being equal before the law we sincerely hope that the issue is rectified.

We do, however, put on record the concerns of the Queensland Law Society, particularly that there may be unintended consequences from the drafting of these changes. For the sake of community safety and to ensure that this issue does not need to be revisited, we hope that that is not the case but we have seen Labor try to fix this issue twice before and both times they have failed. Maybe it is a case of third time lucky. We certainly hope so.

There are also a plethora of other criminal law amendments that are introduced as part of this bill—many of which were part of the Justice and Other Legislation Amendment Bill 2014, introduced by the LNP but that lapsed when the parliament was dissolved. These include the following. There are amendments to the Bail Act to encourage greater discretion with regard to police bail where a person cannot be taken promptly to a court and clarify the process on forfeiture of cash bail. There are amendments to the Criminal Code to increase the penalty for the offence of misconduct with regard to corpses from two years imprisonment to five years imprisonment, as that provision was outlined in the 2014 LNP bill.

There are further amendments to the Criminal Code to create an exception to section 89—public officers interested in contracts—for public officers who acquire or hold a private interest made on account of their employment, having first disclosed to and obtained the authorisation of the chief executive of the relevant department.

There are amendments to the Criminal Proceeds Confiscations Act 2002 to ensure all contraventions of restraining orders and forfeiture orders made under the Criminal Proceeds Confiscations Act 2002 are prohibited and appropriately sanctioned. There are further amendments to the same act to allow for the voluntary provision of information by financial institutions to the Crime and Corruption Commission with respect to the serious drug offender confiscation order scheme and to clarify the original intention with respect to section 93ZZB—the making of a serious drug offender confiscation order—which is done through the Supreme Court.

There are amendments to the Director of Public Prosecutions Act 1984 to enable the director to delegate their functions and powers to an appropriately qualified person. There are amendments to the Drugs Misuse Act 1986 to update the evidentiary provision providing for a drug analyst's certificate to reflect current scientific and operational practices of analysis and remove any uncertainty about the admissibility of certificates issued under the section. That is the same provision that was outlined in the 2014 LNP bill.

There are amendments to the Evidence Act 1977 to: ensure that in proceedings other than committal hearings, unless a court orders otherwise, a party intending to rely on a properly disclosed evidentiary certificate is only required to call the analyst who signed it if another party gives the requisite notice—that again replicates the LNP's 2014 provision; permit a court to order that the usable soundtrack of a video recording, prerecorded evidence, may be played at a proceeding in certain circumstances; exclude the public from a courtroom while the prerecorded evidence of an affected child witness or special witness is being played; allow for the destruction of certain recordings held by courts in accordance with relevant practice directions; and make technical amendments to provisions relating to the prerecording of evidence to reflect contemporary court practices.

There are amendments to the Jury Act 1995 to modernise a court's ability to use technology in jury selection processes. There are a number of amendments to the Justices Act 1886. They include: to insert an authority to allow a magistrate to order the joinder of trials; to allow for admissions of fact in summary trials for simple offences or breaches of duty; to allow for registry committals for legally represented defendants who are remanded in custody—that replicates the LNP's 2014 bill; and to enable a defendant to enter a plea in bulk in a Magistrates Court—also copying the provisions of the LNP's 2014 bill.


There are amendments to the Penalties and Sentences Act 1992: to add the offence in section 236(b), misconduct with regard to corpses, of the Criminal Code to the serious violent offences schedule; to allow the Police Commissioner to issue a presentence custody certificate in certain circumstances—again, this is the same as the LNP's 2014 bill; and to provide a mechanism to return offenders sentenced to a recognisance order who fail to properly enter into the recognisance back to the court and allow for their resentencing in the court's discretion.

There are amendments to the Recording of Evidence Act 1962 to permit the destruction of recordings of Magistrates Court proceedings that are authorised by the archivist—again, the same provision as the 2014 LNP bill. There are minor amendments to the Telecommunications Interception Act 2009 regarding the process of record keeping. Madam Deputy Speaker, you will see that many of those provisions were included in the 2014 LNP bill. They say that imitation is the sincerest form of flattery, so we are pleased to see the government catch up to those provisions and to bring them forward to improve the administration of justice in Queensland.

The bill covers a wide range of criminal law in Queensland. We are glad that we are able to support the government in these matters. Many of my colleagues from this side of the chamber have just returned from Cairns from a party conference there over the weekend. Our attendance in that city

brought to us again the necessity to look carefully at the operation of criminal law in Queensland. In Cairns in the last year serious offences were on the rise: assault, up 7.4 per cent; robbery, up 18.3 per cent; unlawful entry, up 15.1 per cent; and car theft, up an incredible 45 per cent. That compares with the last year of the LNP's time in government where assaults fell seven per cent, robbery fell 18.8 per cent, unlawful entry fell 3.9 per cent and car theft fell 25.2 per cent.

The point I want to make is that, while we are able to agree on these measures, there is still a wide gulf between the government and ourselves on matters dealing with crime. We remain concerned at the government's backsliding on matters of juvenile justice and criminal gangs. The gulf between us is wide on that and we would like to see that gulf narrow. It is affecting the people of Queensland. It is important that, as far as we can, we continue to support strong legislation in this chamber that ensures in the area of criminal law that Queenslanders remain safe in their homes and in their communities. This is what this side of the House will do. The LNP will not be opposing the bill. I commend the LNP amendments that will be moved in the House.

 **Ms BOYD** (Pine Rivers—ALP) (3.01 pm): I rise today to support the Criminal Law Amendment Bill 2016. From the outset I want to pay my regards to the chair, the member for Ferny Grove, Mark Furner, and acknowledge that this was indeed the last bill that the member for Ferny Grove put through in his capacity as chair before receiving his promotion to the Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships. He has done a resounding job as the chair of the Legal Affairs and Community Safety Committee in the 55th Parliament. I think it is very fitting that a bill such as this was one of the final bills that he oversaw in his role as the committee chair.

Today I particularly want to talk about the clause around the gay panic defence that is contained in this bill and the work that has occurred through the committee process and, in particular, the voices that committee members heard through the committee process as well. The gay panic defence is 'essentially a defence strategy in murder cases, based on common law, whereby evidence of an unwelcome sexual advance made by the purportedly gay victim towards the accused is led in support of establishing the defence of provocation'. The case law precedent, which forms part of the common law, allows people accused of murder to claim that they were provoked to kill by an unwanted homosexual advance, thereby reducing criminal responsibility of the crime to manslaughter.

By way of background, the current version of section 304 reflects amendments made in 2011 which included that the onus now rests with the defence to establish provocation, whereas previously the prosecution was required to disprove the defence if raised, and the defence of provocation can no longer be based on words alone unless they are of an 'extreme and exceptional character'. The Criminal Code does not contain a specific defence for homicides that are provoked by unwanted homosexual advances. Rather, the defence has been developed by judges in case law.

We heard a lot from submitters around clause 10 of the bill relating to non-violent sexual advances being used to establish provocation as a partial defence to murder. This results in the killer or killers avoiding mandatory life sentences for murder. We know it commonly as the gay panic defence throughout our communities. Although section 304 of the Criminal Code does not refer to any specific sexual orientation or gender, the courts have allowed it to be established if the perpetrator felt that their victim, who happened to be the same gender as them, was making a sexual advance. Legislation that contains either actual or perceived discrimination can be seen to give permission for some in society to give lesser value to a particular subgroup involved.

We heard through the committee proceedings about the high violence rate throughout the LGBTI community here in Queensland. A number of submitters referred to these statistics as evidence around why we needed reform in this space. They reported around the disproportionately high rates of violence to the LGBTI community. Mr Stephen Page pointed out some statistics in his submission. He stated—

In their ground breaking research *Speaking out, stopping homophobic and transphobic abuse in Queensland (2010)* Dr Alan Berman and Shirleene Robinson paint a disturbing picture of abuse towards LGBTI people in Queensland. The most common form of abuse was, not surprisingly, verbal abuse which affected 73% of 796 respondents in their life time. Five hundred and ten respondents or 47% experienced harassment including spitting and offensive gestures. Four hundred and fifty two respondents or 41 % experienced threats of physical violence in a life time. Two hundred and fifty four respondents or 23% were subjected to physical attack or assault without a weapon (including being punched, kicked or beaten).

During the public hearing the LGBTIQ Action Group elaborated further, saying—

Legislation that contains either actual or perceived discrimination can be seen to give permission for some in society to give lesser value to a particular subgroup involved. In this case, a perpetrator can think, 'It's only a gay person who I killed, so it doesn't matter as much, because the law allows me the chance of a lesser sentence for killing a gay person.' As a community, we must speak up and say that we value all citizens equally and that discrimination is not acceptable. We must ensure that our law is not used to target vulnerable groups.

The Anti-Discrimination Commission in Queensland also commended the bill on the basis of the removal of the potentially discriminatory nature through section 304, stating—

Queensland's criminal laws should reflect the human rights principles of equality before the law and freedom from discrimination, as well as the purposes and intent of the Anti-Discrimination Act 1991.

The committee heard about the work that has been done in the last decade. It came after a particularly tragic incident in a Queensland churchyard in Maryborough. We heard from Catholic priest Father Paul Kelly about the petition that he ran in the community which received over 290,000 signatures. The petition was titled 'Stop allowing "gay panic" as an excuse for murder in Australia'. The committee heard from the LGBTI community that there is a notion of hierarchy in the value of life in this country. It is unbelievable in this day and age that this is so. The defence as it exists continues to marginalise the LGBTI community and makes members feel as though their lives do not carry the same value as others. This is a social issue as much as it is a legal issue.

Mr Phil Browne, who is the Convenor of the Brisbane LGBTIQ Action Group, was asked during the committee proceedings whether there has been a scenario where provocation would come into play. He told of his experience of going to an event that he referred to as a gay dance where people waited outside the dance to deliberately attack people. On one occasion he said that people were waiting outside the dance with blocks of two by four hitting people over the head as they left the venue. He talked of what happened to him on leaving the hall. He said—

... it was outside a remote hall that had a well-known gay dance there every so often. This group of thugs had made it their mission to stake out that hall waiting for people. It was premeditated. The important factor here is that I was leaving the dance alone. It was two in the morning. There was nobody around; there were no witnesses. We also feel quite vulnerable knowing—there are potentially no witnesses to some of these killings—that people could potentially lie. If they are able to convince a judge and/or jury that what they are presenting sounds credible and believable and reasonable beyond doubt then they could well get away ... with murder. LGBTI people do feel very vulnerable while this still exists.

Mr Potts, the immediate past president of the Queensland Law Society, spoke about his personal experience in being a lead lawyer in a case called *Sebo* that was used by the Law Reform Commission to substantially change some laws in this area. He spoke of his personal experience with the difficulties within the legislation and his desire to ensure that laws are fit for purpose here in Queensland. He told the committee—

I want to make it absolutely plain from the outset that we—
the QLS—

unequivocally and strongly oppose what is known as the gay panic defence. This has no place in the law of Queensland. We do not support policy or legislation that has a discriminatory or prejudicial effect on any individual, in this particular case members of our LGBTIQ community.

He went on to talk about our role as the parliament and what we ought to do in terms of considering to legislate out or make more difficult the effects of discrimination and the results of discrimination.

We heard also from Mr Stephen Page, who is a solicitor and an accredited specialist in family law. It is his view that the law should not discriminate; that the law should be equal for all people; and that it is one of the fundamentals of our democracy. When he was asked what change in this space would mean for the LGBTIQ community, Mr Page said that he thought it would send a very powerful message from parliament that, whilst making sure the law is fair and the law is tough on crime, people cannot claim falsely that someone has come on to them unless they go through the checklist of what are exceptional circumstances. He stated—

I think it would be a very powerful message ... to particularly gay men in this state that they are being cared for, that they are worthy, that they are being treated equally.

Mr Page also penned an article that was published in the *Brisbane Times* recently. This is particularly poignant in terms of the conversation that we are having about a society that is fair and just and that does not marginalise individuals. The title of his article is 'We hold hands, they point fingers and throw stares'. His article states—

Valentine's Day is a chance to celebrate and express love, but many people are still subjected to abuse for doing so.

It was supposed to be a celebration, but one word might have ruined everything.

"Faggots."

On the five-minute walk home from dinner, through Brisbane's Fortitude Valley, a complete stranger yelled it at us. We weren't doing anything, except walking. Usually we would hold hands. It was too hot to hold hands that night. So we just walked.

We ignored the caller, and just kept walking. I was not going to let such hate rain on my anniversary, celebrating 30 years as a solicitor.

One might think a place like Fortitude Valley, a supposed gay bubble, is safe from this abuse. Not so. Too often, we have been called “faggots” or much worse, for holding hands in public, or just walking, or just being us.

Usually, once or twice a week, when we are walking holding hands, someone walking the other way will stare at us. Sometimes it is the look of discomfort of seeing two grown men holding hands. But more commonly it is the death stare: The stare that we don't deserve to be alive because what we are doing is unnatural; that we are perverts. Often those staring at us are a man or a woman holding hands with their partner. The hypocrisy seems to escape them. Often we will smile back at them, a reaction they don't expect.

Just after Christmas, we caught the tram on the Gold Coast. It was the middle of the day. There were security cameras everywhere. Nevertheless, a young man got on, saw us, and made a reference to his views about our perceived sexuality. He did it with menace. It was scary. Mitch and I are not shrinking violets, but this guy was trouble. My reaction was to avert my eyes, to avoid trouble. Mitch's was to notice that this thug had a bow leg. So, if he attacked us, Mitch would go for the bow leg in order to protect us. Finally he got off. We each breathed a sigh of relief.


And if you think this is an aberration, a uniquely Queensland problem, it's not. It might seem counter-intuitive, but when we have been to Sydney and Melbourne (Melbourne being the worst of the three cities), we have copped lots of this homophobic abuse.

Even in New York, we notice most gay couples will not hold hands out of fear. When we walked in Central Park, we saw another gay couple. On seeing us, they tentatively reached out, then held hands. They had become revolutionaries in their own minds. Their fear of abuse or assault was overcome, and they were able to express their love for each other.

The couple gave us a big smile each as they walked past.

Stephen was a submitter to the committee. He and his partner, Mitch, were married in 2015 in a US ceremony. This article, which was published on 13 February this year, is part of a series called ‘My Shoes’ where readers are invited to share their personal experiences.

One of the things that we heard resoundingly through this process was that stakeholders wanted change in this space. For a long time they have been advocating for change in this space. They told us they saw this change as one that was fair, one that was just and one that ensured our laws were fit for purpose. Our laws should not marginalise members of our community, particularly not vulnerable members of our community. There is no place for behaviour such as that which Stephen wrote about here in Queensland. I think it is incumbent on us in this place to legislate out or make more difficult the effects of discrimination throughout Queensland. This legislation does just that. It has been a long time coming. It was only a Labor government in Queensland that would deliver on this. I commend the bill to the House.

 **Mr CRANDON** (Coomera—LNP) (3.18 pm): I rise to make a very short contribution to the Criminal Law Amendment Bill 2016. First of all, let me thank the committee members and, in particular, the chair at the time, the member for Ferny Grove, for the bipartisan way of dealing with this matter—until just a moment ago anyway—and the secretariat for the work they put in to assist the committee in their deliberations.


The bill amends 11 pieces of legislation including the Bail Act, the Criminal Code, the Criminal Proceeds Confiscation Act, the Director of Public Prosecutions Act, the Drugs Misuse Act and the Telecommunications Interception Act among others. It is quite broad and quite far reaching. I note the consultation on the bill by the government with the Aboriginal and Torres Strait Islander Legal Service, the Bar Association of Queensland, the Director of Public Prosecutions, Legal Aid Queensland, LGBTI Legal Service—or Lesbian Gay Bisexual Trans Intersex Legal Service Inc.—and the Queensland Law Society.

On the other hand, the committee spent quite a considerable amount of time poring over various submissions. A total of nine submissions were provided to us including those from individuals, as has already been mentioned. They included solicitor Stephen Page as well as organisations right across the spectrum. Protect All Children Today, or PACT, was one of those. There was also the Brisbane LGBTIQ Action Group, the Anti-Discrimination Commission of Queensland, Australian Christian Lobby and the Queensland Law Society once again made a submission for our consideration among others. We also had several witnesses at the public hearing including Mr Thomas Clark, Director of Law Reform; Mr Phil Browne, the convenor of Brisbane LGBTIQ Action Group, Mr Bill Potts and Ms Binny De Saram from the Queensland Law Society and once again Mr Stephen Page as well as the Australian Christian Lobby.

The current government and also the previous government commenced on this road to reform in 2014 in a bipartisan way, as I mentioned, up until a few moments ago when the previous speaker decided she would bring it back into Labor's camp and not acknowledge at all any of the work that was done by the previous LNP government on a bipartisan basis in this House back in 2014. We just have to live with that sort of thing from time to time.

The reality is that the only issue that we were unable to come to total agreement on as a committee was around that issue of clause 10, and that has been spoken about by all contributors so far. However, we did agree as a committee that clause 10 of the bill should be reviewed in five years to establish whether clause 10 has operated as intended. As has been alluded to by the member for Mansfield, the non-government members also believed it would be beneficial for the Attorney-General to further consult with the QLS and the Bar Association in relation to the terminology of 'circumstances of exceptional character' with a view to perhaps providing some examples in the bill. In fact, we did ask the QLS as a committee if they would provide us with some examples and some assistance in that regard, and they were good enough to provide that material to the committee.


I am going to close on that note. It is incumbent on this House to bring this bill to a swift conclusion on a bipartisan basis. I commend the member for Mansfield for advising the House that he will be moving amendments in relation to clause 10 during consideration in detail.

 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (3.23 pm): I will not talk for long on this topic because I do not have to. It is not complicated. Every single day that this gay panic defence exists is another day a killer could walk away without a murder sentence. Every day that this law is still on the books is another day we say to our LGBTIQ community that their lives are not worth as much as heterosexual lives. It is absurd, it is disgusting and it is homophobic. Unwanted sexual attention does not warrant murder. Ask any woman whether she has been approached by a man or men when it is clear that she did not want them to and it is highly likely she will say yes. However, it is highly unlikely that she has killed them for it. This defence says a man can kill another man for hitting on him and avoid a murder charge.

This is not some archaic and unused law; it still has teeth. Wayne Ruks' body was found by a parishioner going to mass on 4 July 2008. The two men accused of his murder claimed Mr Ruks made a homosexual advance on them when they were sitting on a bench in a Maryborough churchyard. The two men admitted to tackling him and then kicking and punching him for several minutes while he was on the ground. He died from internal bleeding. Those men got lenient manslaughter sentences instead of murder. They did not even have to prove that Mr Ruks was gay and, in fact, admitted that he never touched them. The idea that this man just might have been gay—might—and was in the vicinity of two straight men carried enough weight for them to be sentenced for manslaughter instead of murder.

This injustice did not go unnoticed and I want to thank Father Paul Kelly. It was his little church in Maryborough where this occurred and he has been campaigning to have this rule abolished ever since. Today over 290,000 people have signed his change.org petition. Thousands of people have been involved in the campaign to have this unjust rule removed from our books by signing Father Kelly's petition, campaigning, participating in the consultation process and engaging with the community and the media. Today we can show them that they have been heard. Today here in this parliament we can honour Father Kelly's efforts and those of his parishioners and hundreds of thousands of supporters. They should not have had to go to those lengths. If this bill passes it will be a great victory for people power and for the power of online organising platforms like change.org.

On a personal note, I want to congratulate my friends Nathan and Karen on their efforts on this campaign. They should be very proud of their success here today. We are acting on a recommendation from an expert committee tasked with reviewing the issue by the previous Bligh Labor government. The LNP turned its back and failed to act on these recommendations while it was in power. It is the Palaszczuk government that is standing up for LGBTIQ Queenslanders—doing what is right and what is just. There is no such thing as gay panic; it is just another term for hate. I urge all members to support the bill.

 **Mr KRAUSE** (Beaudesert—LNP) (3.27 pm): As the member for Mansfield has pointed out, the opposition will not be opposing the bill, but we do have some amendments to move during the consideration in detail stage. Firstly, I will speak about the process that the Legal Affairs and Community Safety Committee undertook in the review of this bill. We received just a small number of submissions but had some quite substantial submissions from different parties. In relation to the amendments that we will be supporting during the consideration in detail stage, I want to express my disappointment that the government members of the committee and the government during the committee phase were unable to support the principles that we will be putting forward through the amendments, and that is a sensible suggestion from the Queensland Law Society to include examples of the application of the changed provisions. It was really unfathomable why the new chair and other members would not accept

that. I hope they will have a change of heart when we get to that stage in this debate and actually support common-sense amendments from the Queensland Law Society. That was noted in the committee's report when it said—

... it would be beneficial for the Attorney-General to further consult with the QLS and the Bar Association in relation to the terminology of 'circumstances of exceptional character' with a view to perhaps providing examples in the Bill.

That is important because the concept of circumstances of exceptional character is the key to ensuring that there is actually a defence of provocation available in some cases where it is justified based on what has occurred in a particular situation.

That brings me to one of the significant concerns raised by the Australian Christian Lobby which is that the amendments proposed in this bill may have the unintended consequence of disadvantaging females in society who experience unwanted sexual advances and then, because of circumstances, are charged with murder. They were very concerned that the amendments could have the unintended consequence of excluding the defence of provocation in that scenario. I believe that the amendment proposed by the member for Mansfield will go some way to address that concern. It is a very valid concern, and in our deliberations here we always need to be concerned that the amendments we make do not have unintended consequences. I will just read a small extract from the submission of the Australian Christian Lobby, which states—

ACL is concerned that the proposed change arbitrarily excludes all 'unwanted sexual advances' of a non-violent nature from the court's consideration of circumstances that might be understood to contribute to 'provocation'. Section 304 does not relate exclusively to the cases of homosexual advances. The effect of these changes on the entire Queensland community must therefore be considered carefully. The proposed changes may result in unforeseen and disproportionately adverse consequences for many accused of murder in Queensland.

The QLS had a similar concern and noted that there may be unintended consequences. I will read a short extract from their submission—

Take for example where a person is propositioned for sexual intercourse, including a touching, against their will and this person has a background of having been sexually abused as a child or previously raped. Under the amendment this person would not be permitted to demonstrate to a Court, or more importantly a jury, that they had lost their self-control and responded lethally to the provocative act. This could potentially lead a Court to [conclude] that previous sexual assault by the victim might not be an 'exceptional circumstance', which does not appear to be the intention of the legislation.

In their contributions here today members opposite have obviously been very keen to recognise that the changes being made are significant—

Mr DEPUTY SPEAKER (Mr Elmes): One moment, member for Beaudesert; I am sorry to interrupt you. I can see that the delegation is just leaving and it would be remiss of me if I did not acknowledge in the gallery today Vice-Chairman Mr Huang Xianyao and the delegation from Guangdong in the People's Republic of China. My apologies for a very poor attempt at pronunciation. I am sorry, member for Beaudesert; please continue.

Mr KRAUSE: To our friends in the gallery I say ni hao.

Members opposite were very keen to lend their support to this bill and then claim credit for it, but in doing so they need to be very careful that there are no unintended consequences for other parts of the population who may be affected. To the government I say please accept the recommendations of the QLS, make these common-sense amendments and then we can all give our wholehearted support to this bill.


Ms FARMER (Bulimba—ALP) (3.34 pm): I rise to speak in support of the Criminal Law Amendment Bill 2016. While there are many noteworthy amendments contained within this bill, I wish only to speak to that which relates to the amendment known as the 'gay panic' defence. Just as I have spoken on every bill and action that has come to this House since the Palaszczuk Labor government came to power—the civil partnerships legislation, same-sex adoption, standardising the age of consent and the referral to the Queensland Law Reform Commission of the question of expunging convictions for homosexual activity—which one by one have attempted to right wrongs and address inequalities and indignities suffered by the members of our LGBTI community in Queensland, I wish to speak in support of this bill as well. Of course the amendment that I am speaking about is section 304, the partial defence of provocation in the Criminal Code, which ensures that a person who commits murder cannot rely on an unwanted sexual advance other than in exceptional circumstances as a basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter. The context of that is the offence of murder carries mandatory life imprisonment whereas the offence of manslaughter carries a maximum penalty of life imprisonment.

This bill fulfils an election commitment of the Palaszczuk Labor government and closes off some other unfinished business of the Bligh Labor government. In 2011 that government established an expert committee which was chaired by the Hon. John Jerrard and was tasked with reviewing section 304 regarding its application to an unwanted homosexual advance. The chair recommended the amendment that we are now considering, with the committee's report recording his part reasoning of the goal of having a Criminal Code which does not condone or encourage violence against the lesbian, gay, bisexual, trans and intersex community. Although the Bligh Labor government announced its intention to give effect to this recommendation it was not progressed under the LNP government. That is probably not surprising when you look at what that government did with the civil partnerships legislation—they revoked it fairly soon after they came into government, which I think sent a strong message to the LGBTI community. Unfortunately, Queenslanders came to know that that sense of spite and meanness was characteristic of most of their actions. Six years after that committee made its recommendations we are now here today.

With this bill Queensland will be in line with most other states on this issue. In fact, South Australia will be the only state still to progress the matter. The member for Mount Coot-tha referred to the petition which was started by Father Paul Kelly in Maryborough to stop allowing gay panic as an excuse for murder in Australia. The fact that approximately 290,000 people signed this petition says a lot about how Queenslanders and people in Australia feel about this issue. I know that when I first told people in my local community about this bill being introduced they were astounded that this law existed in Queensland. I know that when this bill passes today—and I acknowledge the support that has been promised by those opposite—when I tell those people who did not know that this is what we are doing here they will again be incredulous, as will the majority of Queenslanders, that in a society that most of us believe is good and generous and tolerant we should have a law in place like this. It basically says to an LGBTI person that who you are is so disgusting that it gives me a reason to flout one of the fundamental principles of our society; that it transcends the need for self-control; that it allows us to say to the family of a deceased person that who their loved one was was so disgusting that it warranted their death. The fact that this is still allowed in Queensland today is unthinkable. It is unthinkable that we should say this reaction should be expected, and it is certainly unthinkable that it should be excused.

This reform ends an unacceptable inequity which is enshrined in our law and sends a message that we condemn violence, especially where it is motivated by intolerance. Today is Harmony Day, and many of us have spoken about Harmony Day today. In a world where some of our world leaders—in fact, some of our leaders in Australia—are promoting intolerance and encouraging people to bring out the worst in themselves, a bill like this is so important. It says to all Queenslanders that we encourage respect for all people in our state. It sends a strong message to members of the LGBTI community, but it sends a message about the sort of Queensland that we want to be.

I thank the committee for their hard work on this incredibly important issue and the Attorney-General, who has been very brave in bringing a range of reforms forward for the LGBTI community. I commend the bill to the House.

 **Mrs STUCKEY** (Currumbin—LNP) (3.39 pm): I rise to speak on the Criminal Law Amendment Bill, introduced into the parliament and referred to the Legal Affairs and Community Safety Committee, of which I am a member, on 30 November last year by the Attorney-General. The committee was given until 21 February this year to consider the proposed amendments and report back to parliament. Nine submissions were received in response to the inquiry, and a public hearing was held on 25 January 2017. Before I go any further, I would like to thank everybody who took the time to make a submission regarding this bill and those who presented at the hearing as witnesses. I would also like to place on record my appreciation of the secretariat staff and fellow committee members.

The objective of this bill is to 'ensure that a person who commits murder cannot rely on an unwanted sexual advance as a basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter'. In addition, this bill proposes a number of miscellaneous amendments under the criminal law banner. Key amendments include increasing the penalty for the offence of misconduct with regard to corpses from two years imprisonment to five years imprisonment under section 236(b) of the Criminal Code. Further amendments to the Criminal Code include creating an exception to section 89 for public officers who acquire or hold a private interest made on account of their employment, having first disclosed to, and obtained the authorisation of, the chief executive of the relevant department.

Amendments have also been made to the Criminal Proceeds Confiscation Act to ensure that all contraventions of restraining and forfeiture orders made under the CPCA are prohibited and appropriately sanctioned. A number of amendments have also been made to the Evidence Act including to permit a court to order that the useable soundtrack of a video recording may be played at a proceeding in certain circumstances and also to exclude the public from a courtroom while the prerecorded evidence of an affected child witness or special witness is being played.

Without a doubt, the amendment which raised the most robust debate during the hearing and from submitters is to section 304 of the Criminal Code, 'Killing on provocation'. This is not the first time this particular section of the Criminal Code has been put forward for discussion. Following recommendations from the Queensland Law Reform Commission, section 304 was amended to address its perceived bias and flaws. However, the amendments, which included reversing the onus of proof to a defendant, did not allay concerns that the partial defence of provocation could be relied upon by those who have killed in response to an unwanted homosexual advance.

To give some background to this bill we go back to 2011, when an expert committee chaired by Justice John Jerrard was formed in November of that year. This committee was tasked with looking into non-violent sexual advances as grounds for establishing provocation and made further recommendations including an amendment to exclude an unwanted sexual advance from the ambit of the partial defence other than in circumstances of an exceptional character. The 2011 committee was given access to 110 manslaughter cases. During the departmental briefing on 25 January I asked—

How many murders or manslaughters since—

the study referred to by the 2011 expert committee—

have claimed provocation as a defence?

The response was—

The Department is unable to provide detailed data on the application of the partial defence of provocation in Queensland since the study referred to by the 2011 Expert Committee. To obtain the data that was referenced by the Expert Committee, an extensive manual audit of trials for the offences of murder and manslaughter was undertaken. A similar manual audit has not occurred since that time and to undertake a similar review would take considerable time and resources, and is not possible to achieve in the time available in the context of this Bill.

I am certainly not blaming the department, but I was very disappointed at the lack of collection of data since the expert committee wound up. There was no data since 2011 available to the committee to show how many murders or manslaughters have claimed provocation as a defence for the past six years. Unfortunately, this is a recurring theme. So much legislation being put forward by this government is not supported by recent data or statistics. Nor does there seem much of an appetite or a desire to gather it.

Given the Palaszczuk government has undertaken more than 150 reviews since its election in 2015, I would have thought it would be collecting important data, too. Perhaps it is just too lazy to ask the departments for it. After all, it has had two years in government, so previous speakers should reflect inwardly perhaps before pointing fingers. The response I received from the Minister for Main Roads in reply to a question on notice about closures of the Tugun bypass tunnel which cost motorists and their families time and money validates this very concept. The minister replied that it would 'be neither practicable or reasonable to divert resources within TMR to identify and list all of the information requested'. I only asked for dates and reasons for closures, as taxpayers have a right to know, but the minister thought otherwise—as, it seems, does this government.

Granted, there are some difficulties procuring jury deliberations—as there should be—but it does seem odd that more recent statistics are not available as we debate this bill, which is primarily about preventing the use of provocation as a defence in murder cases as a result of unwanted sexual advances. However, it is the view of the LNP that some of the amendments contained in this bill are a step in the right direction towards ensuring all Queenslanders, regardless of age, race, gender or sexuality, are viewed as equal within our society. Mr Phil Browne of the Brisbane LGBTIQ Action Group reiterated these views in the public hearing, stating—

As a community, we must speak up and say that we value all citizens equally and that discrimination is not acceptable.

I could not agree more and want to remind all honourable members that there are hundreds of thousands of people with a disability who deserve our respect, and just as many elderly and infirm who deserve our respect. There is the overweight, the underweight and everything in between. Let us not single out any group of people as being more deserving of respect than another.

Whilst this bill does focus on unwanted sexual advances and the outlawing of what is commonly called murder using the gay panic defence, any unwanted sexual advance should be taken seriously. At the public hearing Mr Browne explained—

A Queensland churchyard in Maryborough was the site of a man's violent death in 2008. According to Catholic priest Father Paul Kelly, during the trial the circumstances surrounding the bashing in his churchyard referred to issues described as 'gay panic'. This prompted Father Kelly to begin a petition titled 'Stop allowing "gay panic" as an excuse for murder in Australia'. Over 290,000 people have supported Father Kelly's petition.

The Queensland Law Society and the Bar Association of Queensland raised concerns regarding the use of vague definitions within this bill such as 'minor touching' and 'exceptional character'. The QLS submission highlighted—

... the present drafting of the removal of the 'unwanted sexual advance' defence could potentially affect circumstances other than those comprising a 'gay panic' defence. For example, it would be concerning if this defence were not open to a defendant where the victim had sexually assaulted or raped the defendant, or where the victim had sexually abused the defendant as a child. In circumstances such as those, there is support for an argument of 'unwanted sexual advance' being used to support a provocation defence for murder.

Although subsection (3A) addresses some of the QLS's concerns, it still notes its reservation if this amendment is made as it may have unintended consequences in some circumstances. During the departmental briefing staff were asked to comment on the Queensland Law Society views about the lack of specific definition around 'exceptional character'. Their response was—

... the department has considered and is continuing to consider—

I say again—

... the department has considered and is continuing to consider the submission of the Queensland Law Society in that regard. In terms of the concepts that have been defined, it is a deliberate drafting decision and policy decision to not specifically define the concept of circumstances of an exceptional character.

...

Other key concepts, however, have been defined. The concept of an unwanted sexual advance is defined. The concept of sexual advance will retain its ordinary meaning, but 'unwanted sexual advance' has been defined by the legislation. The concept of a minor touching has not been defined; however, legislative examples have been provided to assist in giving some context to what that term may mean.

This comment really puzzled me. Does it mean that the department was directed to leave the definition of 'exceptional character' open? How can the department be continuing to consider the QLS submission when it seems that the Attorney has made it clear that its request is falling on deaf ears?

Non-government committee members believe that it would be beneficial for the Attorney-General to further consult with the QLS and the Bar Association in relation to the terminology of 'circumstances of exceptional character' with a view to perhaps providing examples of the view. I understand the shadow Attorney-General will be moving amendments at the appropriate time. The Queensland Law Society provided the following example of a situation that might constitute an exceptional circumstance. It is as follows—

Such an example might include where the person has historically subjected the accused to child sexual abuse and then the unwanted sexual advance caused the accused to suffer flashbacks and lose their control.

Comments were made that, as a result of a lack of definitions, we will be relying solely on a judge's determination of what constitutes exceptional character. A *Courier-Mail* report claimed in December 2016 that, of '3,302 people sentenced for rape, attempted rape, armed robbery, unarmed robbery and serious assault since 2012-13, only one person was handed the maximum sentence'. It is not therefore surprising to read that public confidence in sentencing is not high.

There was public outcry over the insufficient sentence handed down to Ariik Mayot on 6 March in the Brisbane Supreme Court, prompting the opposition shadow Attorney, the honourable member for Mansfield, to write to the Attorney-General asking her to appeal it. The charge for one-punch killing carries a maximum sentence of life behind bars, but Mayot's sentence was described as manifestly inadequate, not meeting or reflecting community expectations and standards. Whilst this case did not involve sexual advances, it was nonetheless another example of publicly perceived soft sentencing that did not fit the severity of the crime and did not send a message to others that this type of senseless behaviour is not welcome in our community. Mr Bill Potts, the immediate past president of the Queensland Law Society, when asked about the definition of 'exceptional circumstance' said—

Why I have a problem with exceptional circumstances is this: when you look at it, there is no mention of homosexuality and there is no mention of gender. This is a provision that is aimed at that very significant ill, but it is drafted in such a way that it catches many things.

He used the examples of perpetrators who themselves had been victims and therefore may be incited to react in situations many of us would not. Mrs Wendy Francis, the Queensland State Director of the Australian Christian Lobby, expressed concerns of her organisation, saying—

The proposed changes will potentially compromise the defence of provocation for women with the requirement that the provocation be a serious indictable offence. This will make any defence of women who respond violently to sexual advances much more difficult to achieve and very restrictive.

What this bill will achieve is to preclude actions which would constitute sexual assault from provocation.


We are surrounded on almost a daily basis with media reports of violence towards women in particular, be it of a sexual nature or assault, with a horrific number resulting in death. We are also reminded frequently of the escalating and terrifying use—or should I use ‘abuse’—of potent drugs like crystal methamphetamine, ice. As a society we should be condemning these actions and joining together in a show of solidarity at every opportunity that these behaviours will not be tolerated. We cannot drop our resolve for a moment and we need not only every government agency working closely together; we need the general public to maintain the rage, so to speak, with a zero tolerance towards assaults and violence of this nature. Mr Thomas Clark, the Director of Law Reform at LGBTI Legal Service, said—

Our recommendation is that the bill be revisited after a period of four or five years with special consideration made to any cases arising in that time to determine if it is operating as intended.

The committee report on this bill stated—

The committee agrees that the proposals in Clause 10 of the Bill should be reviewed in five years to establish whether they have operated as intended.

I should hope that, in this instance when it comes to showing responsible governance by reviewing the effectiveness of a new piece of legislation as opposed to conducting 150 reviews to simply buy time rather than taking meaningful action, this review-loving Labor government does follow through and review these amendments in five years as a means of strengthening our justice system and to fully consider the concerns raised in the hearings and submissions.

 **Mr MADDEN** (Ipswich West—ALP) (3.53 pm): I rise to speak in support of the Criminal Law Amendment Bill 2016. As the Attorney-General said in her first reading speech on 30 November 2016, the bill comprises an array of criminal law related amendments to acts within her portfolio. Perhaps most notably it includes amendments to the Criminal Code to ensure that a person who commits murder cannot rely on an unwanted sexual advance, other than in exceptional circumstances, as a basis for the partial defence of provocation, otherwise known as the gay panic defence. This bill also fulfils our government’s pre-election commitment to make such amendment and acknowledges the importance attached to this reform.

In its report No. 47 of the 55th Parliament, the Legal Affairs and Community Safety Committee made only one recommendation concerning this bill, and that recommendation was that the bill be passed. The gay panic defence arises out of section 304, ‘Killing on provocation’, of the Criminal Code that provides the partial defence of provocation which, if successfully raised, reduces the criminal responsibility of the accused from murder to manslaughter. The significance of this is that the offence of murder carries mandatory life imprisonment whereas the offence of manslaughter carries a maximum penalty of life imprisonment. The gay panic defence is essentially a defence strategy in murder cases based on common law whereby evidence of an unwelcome sexual advance made by a purportedly gay victim towards the accused is led in support of establishing the defence of provocation.

The Criminal Code does not contain a specific defence for homicides that are provoked by unwanted homosexual advances. Rather, the defence has been developed by judges in case law, otherwise known as common law. It is an archaic defence and I am pleased to support its revocation. The explanatory notes for the bill indicate that those organisations which were consulted in draft amendments to section 304 of the Criminal Code included the Aboriginal and Torres Strait Islander Legal Service, the Bar Association of Queensland, the Director of Public Prosecutions, Legal Aid Queensland, the Lesbian Gay Bisexual Trans Intersex Legal Service Incorporated and the Queensland Law Society.


This bill deals with a wide range of other amendments to Queensland criminal laws unrelated to the gay panic defence. The laws with regard to interfering with a corpse are to be amended with the related penalty increased from two years to five years imprisonment. This offence will also be added to the list of offences in the violent offence regime. As such, where the offence is combined with another offence or offences where the combined term of imprisonment is 10 years or more, the defendant will

be required to serve a minimum of 80 per cent of the imprisonment imposed. The bill will clarify that Public Service officers can be appropriately authorised to provide services in their private capacity. The bill also deals with the confiscation of illegally obtained proceeds of crime that is a key strategy for disrupting criminal activity. The bill also includes amendments to improve the operation of criminal law related practices and procedures. These include the joinder of trials, with the amendment to allow trials for a number of different people for offences arising from substantially the same set of facts to be heard at the same time. The bill also allows certain facts to be agreed by parties in a trial without needing to call witnesses to have those facts placed before the court.

Another significant amendment will allow legally represented defendants to enter a single plea to a number of charges at the same time in the Magistrates Court. The bill also makes a number of amendments to the Evidence Act 1977, including extending the ability of the court to exclude the public from a courtroom while prerecorded evidence of an affected child witness or special witness is being played. The Evidence Act will also be amended to limit the circumstances in which a DNA analyst is required to give evidence about an analyst's certificate. The amendment acknowledges that an analysis or examination may not be made by an analyst on every occasion but could be supported by automated processes or laboratory technicians.

As the Attorney-General stated in her first reading speech, the modernisation of courts' use of technology in the jury selection process will be accommodated by amendments to the Jury Act 1995 and, for example, by allowing certain notices and summonses to be given electronically. The Bail Act 1980 will be amended to clarify the process of the forfeiture of cash bail and to encourage police to exercise their discretion regarding bail when a person cannot be taken promptly before a court. As well, the Penalties and Sentences Act 1992 will be amended to provide a mechanism to return offenders sentenced to a recognisance order who fail to properly enter into the recognisance back to the court to allow for their resentencing at the court's discretion.

In closing, I would like to thank the Legal Affairs and Community Safety Committee, the committee secretariat and the submitters. This bill will enhance the administration of justice in Queensland. As such, I commend the bill to the House.

 **Mr McARDLE** (Caloundra—LNP) (4.00 pm): I rise to make a contribution to the debate on the bill before the House. I will start by commending the members of the committee for the report they put before the House. I wish to discuss only the contents of the report in relation to section 304 of the Criminal Code—the provocation defence that, if successful, reduces the charge of murder to manslaughter.

The current law allows a defence to be raised in circumstances that 'causes death in the heat of passion caused by sudden provocation, and before there is time for the person's passion to cool'. Section 304(1) excludes the use of the defence if 'the sudden provocation is based on words alone, other than in circumstances of a most extreme and exceptional character'. The bill before the House amends the code to exclude the defence 'other than in circumstances of a most extreme and exceptional character' if the sudden provocation is based on an unwanted sexual advance to the person.

A number of issues were raised by submitters. The Australian Christian Lobby in its submission was concerned about the phrase 'unwanted sexual advance' and made the following comment—

ACL is concerned that the proposed change arbitrarily excludes all 'unwanted sexual advances' of a non-violent nature from the court's consideration of circumstances that might be understood to contribute to 'provocation'.

On page 12 of the committee's report there is an example given by the Queensland Law Society of the unintended consequences of the proposed changes, particularly in regard to the phrase 'unwanted sexual advances'. The Queensland Law Society refers to the situation of an accused person who has been sexually abused as a child, or been raped, and not being able to rely upon the defence. Further, at page 15 of the committee's report, the Queensland Law Society questions the fact that the phrase 'circumstances of an exceptional character' and 'minor touching' are not sufficiently defined.


In terms of clause 10, the Queensland Law Society in its submission stated the following—

Furthermore, the lack of definition of 'circumstances of an exceptional character' might actually lead to a Court allowing in a 'unwanted sexual advance' defence to provocation by attempting to argue that a homosexual advance is an exceptional circumstance, which is entirely contrary to the intention of the legislation and would contravene the drafter's intention.

We are also concerned about subsection 9(b) stating that an unwanted sexual advance involves only minor touching. This might potentially allow someone to run a 'unwanted sexual advance' argument in circumstances where there is more than minor touching but less than sexual assault. Furthermore, 'minor touching' is not defined in the legislation and it is unclear whether repeated touching would be considered minor.

In its submission, the society proposed that the bill be amended by adding an additional subparagraph to section 6A of section 304 to assist in defining what are 'circumstances of an exceptional character'. In their report, the committee members acknowledge the concern of the Queensland Law Society. The non-government members of the committee went further and saw the benefit in the Attorney-General consulting further the Queensland Law Society and Bar Association to provide examples for the bill.

The clear concern of the Queensland Law Society and, indeed, the Australian Christian Lobby was that the provisions in the bill raised questions of intended or unforeseen consequences. The shadow Attorney-General took the comments in the committee report further and proposed to provide guidance to a court when considering the terms 'circumstances of an exceptional character' and 'minor touching'. These amendments do not direct the court as to what it shall take into account; rather, they state what a court may take into account, leaving to the court the final call. More importantly, the amendments leave it open to the court to consider the facts of a particular case. The amendments serve as a guide and, to some extent, alleviate the questions raised by the various submitters to the committee, as referred to in the report. I both commend the bill and the proposed amendments.

 **Mr BOOTHMAN** (Albert—LNP) (4.04 pm): I, too, rise to make a short contribution to the debate on the Criminal Law Amendment Bill 2016. Firstly, I would like to thank the committee members for their deliberations on the bill and compiling this report. As the shadow Attorney-General has stated, the LNP will not be opposing the bill. Many of the merits of the bill arise from the lapsed Justice and Other Legislation Amendment Bill 2014, which set out to improve the operation and delivery of Queensland's criminal law.

I have listened to many of the contributions to this debate, so I will make my contribution very short. This bill makes amendments to 11 acts. I thank those nine individuals and entities who made submissions to the committee on the bill. As I said, this bill stems from the bill that was introduced by the previous LNP government in 2014. It removes any reliance on unwanted sexual advance as a defence of provocation. If that defence were successfully raised, the charge of murder would be reduced to a charge of manslaughter. This defence is commonly referred to as the gay panic defence.


As we all know, the crime of murder carries a mandatory sentence of life imprisonment while the crime of manslaughter carries a maximum penalty of life imprisonment. Certainly, on a regular basis I hear from people in my community that the penalties imposed on those individuals who take other people's lives or infringe on another person's rights are too soft. In that regard, the community's expectation is not being upheld.

I again want to highlight the concerns of the Queensland Law Society in regard to clause 10 of the bill, which the shadow Attorney-General also raised, in that it may have unintended consequences that may diminish the legal defence of a woman who is defending herself from unwanted sexual advances that may lead to the accidental killing of the alleged attacker. In its submission to the committee the Queensland Law Society stated—

If this amendment is made, it may have unintended consequences in some circumstances. Take for example where a person is propositioned for sexual intercourse, including a touching, against their will and this person has a background of having been sexually abused as a child or previously raped. Under the amendment this person would not be permitted to a Court, or more importantly a jury, that they had lost their self-control and responded lethally to the provocative act.

The amendments that the shadow Attorney-General will move are very well thought out and I hope that the Attorney-General accepts them.

The member for Currumbin in her contribution referred to the lack of data that has been collected. I find it incredible that we do not keep information about the 110 murder cases in which provocation was claimed as a defence.

 **Mr PEGG** (Stretton—ALP) (4.10 pm): I rise to speak on the Criminal Law Amendment Bill 2016. I would like to start by thanking the Attorney-General for introducing the bill and the Legal Affairs and Community Safety Committee for its consideration of this bill. After careful consideration the committee has recommended that this bill be passed.

This bill has been introduced most notably to ensure that a person who commits murder cannot rely on an unwanted sexual advance as a basis for the partial defence of provocation which reduces murder to manslaughter. The offence of murder carries mandatory life imprisonment whereas the offence of manslaughter carries a maximum penalty of life imprisonment. This government came into the election promising that we would fix this and we are now delivering on this promise.

The bill also makes a number of miscellaneous criminal law related amendments arising from the lapsed Justice and Other Legislation Amendment Bill 2014 and from stakeholder consultation to improve the operation and delivery of Queensland's criminal and related laws. The bill amends section 304 of the Criminal Code, 'Killing on provocation', to exclude an unwanted sexual advance, other than in circumstances of an exceptional character, from the ambit of the partial defence. This defence, known as the homosexual advance defence or gay panic defence, is a situation where the defendant claims to have been provoked to murder by a homosexual advance by the deceased. The Criminal Code does not contain a specific defence for murders that are provoked by unwanted homosexual advances, but it has been developed by judges through case law. The case law precedent, which forms part of the common law, allows people accused of murder to claim they were provoked to kill by an unwanted homosexual advance and thereby reducing criminal responsibility of the crime to manslaughter.

I recall the homosexual advance defence was an issue that came up when I was a fourth-year law student back in 2001. It made no sense and did not have any academic support back in 2001 and it certainly does not have any justification or support now, 16 years later. I am very happy to see that in Queensland we are finally having law reform in this particular area. The homosexual advance defence is both discriminatory and prejudicial and needs urgent change. It is imperative that this is amended and I acknowledge the importance of this change to the LGBTI community, along with many other Queenslanders who have voiced their criticism of this partial defence. The introduction of this bill is consistent with the rest of Australia, as all other states apart from Queensland and South Australia have either abolished the defence of provocation entirely or enacted a specific exception to the homosexual advance defence.


The bill also makes additional amendments to the Criminal Code in relation to section 89 and misconduct regarding corpses. The bill proposes to create an exception to section 89 of the Criminal Code, 'Public officers interested in contracts', for public officers who acquire or hold a private interest made on account of their employment, having first disclosed to and obtained the authorisation of the chief executive of the relevant department. The amendment will address ambiguity as to whether section 89 in its current form prevents departments from authorising Public Service officers to provide services in their private capacity which is often necessary in rural and remote areas.

The bill proposes to increase the penalty for the offence of misconduct with regard to corpses in section 236(b) of the Criminal Code from two years imprisonment to five years imprisonment. The bill also amends an array of miscellaneous general criminal law related reforms. This includes amendments to the Bail Act to encourage police to exercise their discretion with regard to bail where a person cannot be taken promptly before the court and to clarify the process on forfeiture of cash bail to ensure consistency.

The bill makes a number of amendments to the Evidence Act 1977, including extending the ability of the court to exclude the public from a courtroom while the prerecorded evidence of an affected child witness or special witness is being played. This will provide further protection for these most vulnerable witnesses. Amendments will also allow, in certain circumstances, a court to use a soundtrack obtained from a video recording when the video cannot be played. This provides a practical alternative to having to recall the witness. The Evidence Act will also be amended to limit the circumstances in which a DNA analyst is required to give evidence about an analyst's certificate.

The bill also amends the Drugs Misuse Act to update the evidentiary provision providing for a drug analyst's certificate to reflect current scientific and operational practices of analysis. It will also amend the Jury Act to modernise the court's ability to use technology in jury selection processes. This bill also contains amendments to ensure that all contraventions of restraining and forfeiture orders made under the Criminal Proceeds Confiscation Act 2002 are prohibited whether intentional or otherwise. The amendments in the bill achieve this and increase maximum penalties for contraventions of restraining or forfeiture orders from the existing 350 penalty units to 2,500 penalty units for a financial institution or 1,000 penalty units for all other persons. Other amendments include to the Recording of Evidence Act, the Justices Act and the Penalties and Sentences Act.

I want to once again thank the Legal Affairs and Community Safety Committee for its consideration of the bill, the former chair, the member for Ferny Grove, for his contribution and all those who lodged written submissions on this bill and participated in the committee's briefing and hearing. This set of laws will deliver a safer Queensland based on the principles of equality and justice. It will ensure that a person who commits murder cannot rely on an unwanted sexual advance as a basis for the partial defence of provocation. The safety of Queenslanders is of utmost importance to the Palaszczuk government and I commend the bill to the House.

 **Mr MOLHOEK** (Southport—LNP) (4.15 pm): I rise to speak in respect of the Criminal Law Amendment Bill 2016. I note at the commencement of my address that the LNP does not oppose the changes in the bill. We note that there are a number of criminal law amendments that emanate from a previous LNP bill in 2014 that lapsed when the parliament was dissolved. We have also previously given in-principle support for the removal of the so-called gay panic defence in 2015 and we also recognise that there are many members of the LGBTI community who are concerned about legal precedents that have been applied in the use of section 304 of the Criminal Code for unwelcome sexual advances from someone of the same sex and we are happy to alleviate those concerns.

It is important that any legal changes made in this regard have no unintended consequences on community safety, particularly for young women defending themselves from unwanted sexual advances. It seems to me that in discussing this legislation there is one very important principle that has been addressed by all of the speakers prior to me and it certainly comes through from the committee report and that is the need for no discrimination. I wholeheartedly support that principle. I am concerned that over the years there has been a lot of new language that has been introduced to water down the tone or the allegation of a particular offence.

A few months ago I was privileged to sit with some of the senior officers from the Gold Coast policing region, particularly from the Southport domestic violence support group. They talked about some of the successes that they are having in terms of dealing with perpetrators of domestic violence. They spoke about the significant change of attitude and approach by police services in how crime is referred to. For some reason over the years if we call an assault against a family member, whether it be male or female or the kids, domestic violence somehow that is okay, but it is, in fact, assault. As police from the Gold Coast police region have started to deal with it and refer to it more directly for what it is—assault—they have found that there has been greater success in actually getting the message across in talking with perpetrators, in talking with families and dealing with prosecutions through the domestic violence court.

Many years ago the board of Bravehearts identified the same issue. I have mentioned previously that for many years I have been on the board of Bravehearts. The term child abuse almost makes it sound like it is some trivial offence when child abuse, particularly child sexual abuse, is, in fact, rape and it is, in fact, assault. Therefore, I am pleased that today we are here in the House dealing with what has been openly described as discrimination. We need to call it what it is.

I turn to some of the concerns that the LNP government raised. Earlier we heard from the shadow Attorney-General about the many reforms that the LNP government brought in to a range of laws and practices in Queensland during our short time in government. We were very serious about addressing the issues of serious crime. We took very seriously the concerns that were being raised by child safety advocates around the need to lock up repeat offenders in cases of child sexual abuse, that is, paedophiles. I believe that, as a government, we very strongly said that crime is crime, rape is rape, child abuse is assault and child sexual abuse is rape. Therefore, I am pleased that today we are dealing with an anomaly in the law. We are dealing with a very common-sense issue that is really about ensuring there is no discrimination. That is why today I am comfortable to stand and speak in support of these changes. Regardless of your views, your race, religion or ethnicity, your sexual preferences, your culture, your gender or your nation of origin, some things do not change. As I mentioned earlier, this morning we heard at length from the shadow Attorney-General about some significant changes. That is why today I am happy to rise to speak in general support of the changes that are being proposed by this legislation.

I draw the attention of the House to the Legal Affairs and Community Safety Committee report on this bill, which stated that the gay panic defence of provocation has been abolished in every other state or territory except for Queensland and South Australia. I look forward to this opportunity to bring our state into line with almost every other state and territory in the nation.

I was disturbed to read information supplied by Mr Steven Page, who presented some poignant statistics: the most common form of assault was, not surprisingly, verbal abuse, which affected 73 per cent or 796 respondents in their lifetime; 510 respondents or 47 per cent experienced harassment, including spitting and offensive gestures; 452 respondents or 41 per cent experienced threats of physical violence in their lifetime; and 254 respondents or 23 per cent were subjected to physical attack or assault without a weapon, including being punched, kicked or beaten. All of those statistics are utterly unacceptable. While those statistics came from a survey of a few years ago, nonetheless I find it abhorrent that any person would experience such treatment in a modern society. As a result, it is little wonder that the subject of this bill has come before the House many times before this. Certainly it is time to address these matters.

In his submission to the committee, Mr Alistair Lawrie commented that—

Even if a small minority of people remain firmly intolerant of homosexuality, that does not mean there should be a 'special' law to reduce the culpability of such a person where they are confronted by an unwanted homosexual sexual advance. To retain such a provision is unjust and discriminatory, and is a mark against any legal system which aspires to fairness.

I agree with that statement made by Mr Lawrie. I firmly believe that discrimination of any type, be it based on sexuality, age, gender or any other matter, has no place in our laws. That is why I support this proposed legislation. For the most part, I am satisfied with the review conducted by the committee and believe that their recommendation has come in the best interests of equality principles and requires all people to be held to the same standard by the law.

However, a concern was raised by the ACL and the Queensland Law Society, and referenced in the committee report. The ACL stated—

Women experience higher levels of sexual harassment from heterosexual men than heterosexual men experience from homosexual men.


Consequently, the ACL is concerned that the proposed changes to section 304 would result in the legitimisation of unwanted sexual advances of a non-violent nature, which will have significant implications for women. In a letter to the committee, the department stated –

The amendment is deliberately framed in gender neutral language. That is, the partial defence cannot be based on an unwanted heterosexual or homosexual advance, other than in circumstances of an exceptional character. This is consistent with equality principles that require all people to be held to the same standard by the law.

Whilst I am a believer in equality, I am not satisfied with the range of unintended consequences that could arise from a lack of consideration of the removal of the partial defence of provocation, particularly in circumstances where the perpetrator was a victim of sexual abuse. The Queensland Law Society noted that—

If this amendment is made, it may have unintended consequences in some circumstances. Take for example where a person is propositioned for sexual intercourse, including a touching, against their will and this person has a background of having been sexually abused as a child or previously raped.

It is important that any legal changes made have little to no unintended consequences on community safety, particularly for young women defending themselves from unwanted sexual advances who must be taken seriously. I look forward to the proposed amendments to be moved by the member for Mansfield during further debate on this bill.

 **Mr BROWN** (Capalaba—ALP) (4.25 pm): This afternoon I rise to speak in support of the bill. I thank my colleagues on the Legal Affairs and Community Safety Committee for recommending that the bill be passed. I also thank those who took the time to submit and give evidence in person. It was moving evidence that I took to heart. It greatly helped the deliberations of our committee and will aid the passage of this bill.

As most speakers today have done, I will confine my comments to the main objective of the bill, which is to provide that a person who commits murder cannot rely on an unwanted sexual advance other than in circumstances of exceptional character as the basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter. This is another election commitment of the Palaszczuk government to the LGBTIQ community. I am very thankful that I have been able to rise and speak in contributions to many of bills that have kept the election commitments that we made during the election campaign.

During the public hearings, I asked the director of law reform for the LGBTI Legal Service, Mr Clark, about the need to legislate. Mr Clark stated—

It has been decided: *Lindsay v The Queen*. It is our interpretation of that case that the High Court affirmed the use of gay panic as a factor of provocation in South Australia. That filters down to Queensland as well.

I asked—

During the South Australian process of looking into these reforms they relied on that case in not going ahead with legislation in 2014. You are saying that has now been decided by the High Court and reforms like this need to come in in legislation?

Mr Clark replied—


As an overview, that decision affirmed the original decision of Green, which gave rise to this defence. South Australia did not go ahead with those reforms in 2014 and they are considering them again now. To answer your question, the importance of this legislation is to fix the limits of the High Court in provocation.

I am glad we are doing just that.

I now move on to some of the concerns that were raised by the ACL and, in particular, its concerns around legitimising unwanted sexual advances of a non-violent nature, which, as they said, could have a significant impact on women. From the briefings that we heard from the department and other submitters, I am confident that we have addressed those concerns in this legislation. That is backed up by the evidence from the department, which stated—

That submitter has correctly identified that, because we do use gender-neutral language, it will apply equally to women who may find themselves charged with murder, but the amendments and the existing provision make it clear that, having regard to whether or not there are circumstances of an exceptional character, the court is entitled to look at whether or not there is a history of violence between the accused and the deceased and whether or not there is a history of sexual contact between the two. If, for example, you have a situation where you have a female—simply because you have raised that gender—who acts on the sudden, because history has shown for that person minor touching often precipitates much more severe abuse and in those circumstances they acted on the sudden, before there was time for the passion to cool, that is evidence that the court will be able to take into account in deciding whether or not to leave the partial defence to the jury but also for the jury in deciding whether or not the accused has made out that defence to the necessary standard.

I again congratulate the Palaszczuk government, and in particular the Attorney-General, for delivering much needed reform in the area of equality and fairness for the LGBTIQ community. I support the passage of the bill through the House.

 **Mr MINNIKIN** (Chatsworth—LNP) (4.30 pm): I rise to contribute to the debate on the Criminal Law Amendment Bill 2016. The Criminal Law Amendment Bill 2016, which we are debating this afternoon, reintroduces a number of changes that the LNP introduced under the Justice and Other Legislation Amendment Bill 2014. In addition to these changes, however, this bill will also aim to ensure that a person who commits murder cannot rely on an unwanted sexual advance as a basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter, commonly referred to as the gay panic defence.

I note that the gay panic defence or the defence of provocation has been abolished in every Australian state or territory except, as previous speakers have alluded to, in this great state and South Australia. In fact, in most jurisdictions the defence has been abolished in either one of two ways: by abolishing the defence of provocation entirely; or by enacting a specific exception to the gay panic defence in circumstances where a non-violent sexual advance is the only provocative conduct alleged by the defendant.

I am a proud advocate for the LGBTI community. I proudly support the Australian Transgender Support Association Queensland Inc. through printing their newsletter and providing donations to their various events. Two of their state executive members reside in my Chatsworth electorate. I am very proud of their advocacy work.

I am also proud to be part of a political party, the LNP, which is in support of alleviating those concerns for this very community. We all bleed the same blood. We all bruise the same way. How appropriate is it that we are debating this important bill on World Harmony Day. Advanced citizenship requires that we value the sanctity and dignity of everyone regardless of their colour, creed, religious beliefs and sexual orientation.

Although the LGBTI community has come a long way in relation to equality and equity, there are still challenges and prejudices that need to be overcome, not by all but by some members of society. It is through my association with advocates and members of the LGBTI community that I am all too aware of the concerns that this community has with the legal precedents that have been applied in the use of section 304 of the Criminal Code for unwelcome sexual advances from someone of the same sex.

While the LNP supports this change in principle, we do have some concerns which have been outlined by some of the previous speakers and indeed raised by the Queensland Law Society. That is clause 10 of the current bill may have unintended consequences that may diminish the legal defence for women defending themselves against unwanted sexual advances should they accidentally murder their alleged attacker.

The Queensland Law Society has stated that they are concerned that the present drafting of the removal of the unwanted sexual advance defence could potentially affect circumstances other than those comprising a gay panic defence. They are concerned about this defence being unavailable to a defendant who had been sexually assaulted or raped at some point by the victim.

The Queensland Law Society believes that, in these circumstances, there is support for an argument of unwanted sexual advance being used to support a provocation defence for murder. While subsection 3A, or circumstances of an exceptional character, goes some way to addressing this


concern, the Queensland Law Society remains concerned that the circumstances of an exceptional character are not specifically defined, albeit clarified in a fashion by proposed subsection 6A. The Queensland Law Society has gone on to say—

If this amendment is made, it may have unintended consequences in some circumstances. Take for example where a person is propositioned for sexual intercourse, including a touching, against their will and this person has a background of having been sexually abused as a child or previously raped.

It went on further to state—

Under the amendment this person would not be permitted to demonstrate to a Court, or more importantly a jury, that they had lost their self-control and responded lethally to the provocative act. This could potentially lead a Court to that previous sexual assault by the victim might not be an “exceptional circumstance”, which does not appear to be the intention of the legislation.

The LNP understand that the aim of this amendment is specifically to remove the non-violent homosexual advance provocation defence in common law. The use of the defence of provocation in this manner is prejudicial and discriminatory to lesbian, gay, bisexual, transsexual and/or intersex persons. While it is important we see this amendment pass, it is equally important that any legal changes made should work towards mitigating the possibility of any unintended consequences for the safety of local communities and, in particular, young women defending themselves from unwanted sexual advances. It is for this reason the LNP will move amendments to give effect to the concerns raised by the Queensland Law Society. I am extremely proud to be contributing to the debate on this bill today.

 **Hon. M FURNER** (Ferny Grove—ALP) (Minister for Local Government and Minister for Aboriginal and Torres Strait Islander Partnerships) (4.36 pm): I rise to support this bill before the chamber this afternoon. I do so on the basis that the committee recommended that the bill be passed. I firstly start by thanking the committee members of the Legal Affairs and Community Safety Committee—the committee I previously chaired. I certainly commend the actions and contributions of the current chair, the member for Stretton, and also the secretariat in compiling this excellent report. I think it demonstrates bipartisanship in delivering an outcome as shown through the debate on this bill this afternoon and the committee report.

The bill will provide that a person who commits murder cannot rely on an unwanted sexual advance, other than in circumstances of an exceptional character, as a basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter. This amendment implements a commitment made during the 2015 state general election campaign to amend the law and address community criticism that section 304 of the Criminal Code could be relied upon by a man who killed in response to an unwanted homosexual advance from the deceased. The amendment to section 304 of the Criminal Code is framed in gender neutral terms to ensure it can be applied to unwanted sexual advances, whether homosexual or heterosexual. The committee heard examples of that, whether it be through submissions or from witnesses who appeared before it.

Section 304 of the Criminal Code is amended by the bill to exclude the partial defence of provocation if based on any unwanted sexual advance. Unwanted sexual advance may include touching but must be minor. The bill defines ‘unwanted sexual advance’ to mean a sexual advance that is unwanted by the person accused and if it involves touching it is only minor touching. The key point of the bill is that it is really an historical change to the state’s criminal laws. The Palaszczuk government acknowledges just how important this reform is for not only the LGBTI community but also the community of Queensland more broadly.

This reform ends an unacceptable inequity enshrined in our law. It is a reform that recognises the importance that we as a society place on condemning violence, especially where it is motivated by intolerance and demonstrates a lack of self-control. I will go to the committee report for a couple of examples of the evidence that was provided to it when I was chair. I will go to the submission of Stephen Page, who indicated some alarming statistics. He stated—

Five hundred and ten respondents or 47% experienced harassment including spitting and offensive gestures. Four hundred and fifty two respondents or 41% experienced threats of physical violence in a life time. Two hundred and fifty four respondents or 23% were subjected to physical attack or assault without a weapon (including being punched, kicked or beaten).


That is surely not a good pass as an example of what happens to people in our society. There is no doubt the Palaszczuk government has moved concisely and effectively to make sure that those types of actions are put behind us and that in the future we will provide equal representation and respect for people in our community, regardless of their nature. During the public hearing, Mr Phil Browne from the LGBTIQ Action Group noted the transgender community, saying—

... noting that in recent years around the world there has been a marked increase in the killing of individuals who are specifically targeted solely because they are transgender.

Furthermore, the LGBTIQ Action Group indicated to the committee—

Legislation that contains either actual or perceived discrimination can be seen to give permission for some in society to give lesser value to a particular subgroup involved. In this case, a perpetrator can think, 'It's only a gay person who I killed, so it doesn't matter as much ...

They are alarming statistics. They give us good reason why we as a government need to make these changes to this particular piece of legislation. I am so proud to be part of a government that is stepping up to make these changes to our society. I commend the bill to the House.

 **Mr DICKSON** (Buderim—PHON) (4.41 pm): I rise to speak to the Criminal Law Amendment Bill. I understand that in part the bill seeks to ensure that a person who commits murder cannot rely on an unwanted sexual advance as a basis for the partial defence of provocation which, if successfully raised, reduces murder to manslaughter. The offence of murder carries mandatory life imprisonment, whereas the offence of manslaughter carries a maximum penalty of life imprisonment. In Queensland, however, the actual number of years which constitutes mandatory life imprisonment is indeed a debate for another day.

Section 304 of the Criminal Code, 'Killing on provocation', provides the partial defence of provocation which, if successfully raised, reduces the criminal responsibility of the accused from murder to manslaughter. After a review in April 2011, section 304 was amended to exclude 'words alone' as it applied at the time to a sexual proposition unaccompanied by physical contact. The partial defence of provocation continued to be publicly criticised on the basis that it could be relied upon by a man who has killed in response to an unwanted homosexual advance from a person he has killed.

Some months later in November 2011, a committee was tasked with reviewing section 304 regarding its application to an unwanted homosexual advance. In the end, the committee was equally divided about an amendment to section 304 on this matter. The chair of the committee recommended an amendment to exclude unwanted sexual advance from the ambit of the partial defence, other than in circumstances of an exceptional character.

The chair's part reasoning of 'the goal of having a Criminal Code which does not condone or encourage violence against the lesbian, gay, bisexual, trans, intersex (LGBTI) community' was persuasive in giving his support to the amendment. Ultimately, the change of government in 2012 did not see the recommendation progress further.

Today this bill seeks to amend section 304 of the Criminal Code, 'Killing on provocation', to exclude an unwanted sexual advance, other than in circumstances of an exceptional character, from the ambit of the partial defence. As reflected in another bill currently before the House, there is a high prevalence of sexual violence in Australia, with more than one in five women having experienced sexual violence. A person's private, psychological and physical boundaries are invaded during a sexual assault and the harm inflicted on an individual can have long-term impacts.

With respect to this bill, I have questions regarding the term 'exceptional character' and the fact that it does not appear to be defined specifically but merely that in the new subsection (6A) regard may be had to any history of sexual conduct, or of violence, between the defendant and the victim. More importantly, and I quote directly from the explanatory notes—


The amendment provides that the partial defence is excluded if the sudden provocation is based on an unwanted sexual advance, other than in circumstances of an exceptional character. As to what circumstances fall within the exception is a matter for the trial judge with an assessment conducted on a case-by-case basis.

With the high prevalence of sexual violence in Australia and the associated concern across the community about sexual violence, I am not sure the decision as to what circumstances fall within the 'exception' should be left solely to a single judge who does not have any strict guidelines to follow. It is just too important in this current climate. In that regard, I believe that, where a person is charged with murder arising from an incident where they have killed a person, the onus should be on the defence to alert the prosecution at the earliest convenience of their intent to raise the partial defence of provocation based on an unwanted sexual advance to the person charged. In those circumstances, there should be a pre-trial hearing before three judges who will closely examine all circumstances, with particular regard to 'exceptional character' and determine as to whether a defence in such circumstances can be justified. That way there will be either a unanimous or a two-to-one majority decision re 'exceptional character'.

This bill also seeks to amend the Recording of Evidence Act 1962. Subclause (2) amends subsection (6)(b)(ii) to provide that, subject to other subsections in section 11A set out in section 11A(6), a record of a legal proceeding in a Magistrates Court can be disposed of before a transcription has

been made if the record can be disposed of under an authority given by an archivist under section 26 of the Public Records Act 2002. On my initial reading of this, my first thoughts were, 'Why would anyone would want to destroy a recording of a court proceeding before it was transcribed?'

Upon looking at the Recording of Evidence Act, I note that section 11A(6)(b)(ii) states that a record on a master recording, other than a record that may be destroyed under subsection (3), may be destroyed at any time before such a transcription has been made 'if the record is of a hearing ex parte by a Magistrates Court of a simple offence or breach of duty or is of some other prescribed class of legal proceeding in respect of a simple offence or breach of duty'. Ex parte means, of course, that the defendant was not present during the proceedings. While that seems all very logical and appears to refer to less serious matters before the court, I believe that we should be very cautious about destroying recordings of proceedings before transcription where the defendant was not present in court at the time.

 **Hon. JA TRAD** (South Brisbane—ALP) (Deputy Premier, Minister for Transport and Minister for Infrastructure and Planning) (4.47 pm): It gives me great pleasure to stand and make a contribution on the Criminal Law Amendment Bill 2016. This bill seeks to address an historic anomaly, an historic discrimination, in our statute books—that is, the defence of gay panic for the charge of murder. I have been a friend and an ally of the gay and lesbian community in Queensland and Sydney for many, many years. I am proud to be called a friend and an ally.


Ms Grace: Me, too.

Ms TRAD: I take that interjection from the member for Brisbane Central—she is as well.

In this day and age of modern technology I think it is something of an historical anomaly that the provocation of an unwanted sexual advance, which has been seen to be used almost exclusively when it comes to male homosexual advance on another male, be used to defend the act of murder so that defendants can be charged with the lower charge of manslaughter. This has been a wrong that has been articulated to me by members of my local gay and lesbian community on a number of occasions. That is why they were extremely pleased that the Palaszczuk Labor government when in opposition in 2015 committed to addressing this historic wrong. That is why I am incredibly pleased to be here today to contribute to this bill.

I want to share a story that was relayed to me by a friend of mine John Ebert, who is a constituent and has been a long-term member of the gay community here in Queensland. John has been around for many years and he is in a long-term, loving relationship. When I had a conversation with him recently about this bill being debated today he relayed a story about a neighbour of his, Graham. Graham used to live in East Brisbane, which is part of my electorate. Graham was very well known in the local community. He visited the Shafston Hotel often and was seen drinking there. One night Graham was having drinks with another fellow and they decided to leave the pub together and go back to Graham's place. Graham was found dead the next morning. The man who went home with him put up the defence of gay panic, that he was provoked because of a gay advance by Graham. To many people in the pub that night it was very clear that Graham and his male companion were getting along very, very well and that they left the Shafston together very willingly, so it was quite a shock to the local community that Graham was found dead the next morning. The man in question was charged with Graham's murder. The charge was reduced to manslaughter and he served a minor sentence in relation to Graham's death.

I think it is pretty discriminatory and outrageous. I think it is pretty discriminatory for someone to use an unwanted sexual advance to gain a lower sentence, particularly when we have seen the application of this law as it has been applied here in Queensland. I know that many women in this chamber and many women outside this chamber experience unwanted sexual advances every single day of the week. It is not part of their response to respond with violence, to respond in a murderous fashion. As I said, this provision has been used almost exclusively to defend gay deaths. It is time that this provision be amended so that gay men can enjoy their sexuality and enjoy expressing their affection for people within their community in a way that does not lead to murder and violence. I commend the bill to the House.

 **Mr ELMES** (Noosa—LNP) (4.53 pm): I rise this afternoon to speak about the proposed Criminal Law Amendment Bill 2016 and how essential it is for this and indeed all legislation to reflect current community standards and expectations, remove prejudice and discrimination, and include watertight provisions for police and the judiciary to enforce and uphold the law and to make the people—all people—in our community safe as they move around doing their business and having some fun and relaxation wherever it is that they may go.

I welcome the Criminal Law Amendment Bill 2016 and the reassurance that it will give to many members of the LGBTI community who live in my electorate of Noosa. This bill builds upon laws previously introduced by the LNP known as the gay panic laws, laws which spoke to homophobia and removed the claim of unwanted sexual advance as a defence for murder.

Domestic violence is another important area of law that will be debated in the parliament this week. While I will speak directly to those bills, I caution that victims of domestic violence and child sexual abuse must be adequately protected by this bill. As pointed out by the Queensland Law Society in response to this bill, should a victim of these violent crimes accidentally kill their perpetrator, a defence of unwanted sexual advance ending in murder must be considered. It is imperative for the Attorney-General and Minister for Justice, the Hon. Yvette D'Ath, to specify exclusions to this effect in this bill. As I said, the victims of domestic and family violence must also be protected by this particular piece of legislation.


Criminal law and this bill go a lot further than what most in the House have been talking about today. Criminal law and its effects on communities are also at the heart of this legislation at a time when many are fearful. The need to feel safe in our homes and on our streets has never been more important. Even on the world stage this fear plays out in the push for stronger border controls and tighter immigration policies from all corners of the globe. Right down to small country towns there are people who fear for their safety and their future.

In crude terms, governments look to the latest crime statistics as the barometer of how safe a community is and guides how law enforcement resources are allocated. These figures do not always accurately reflect how safe a community feels. Unfortunately, by the time the crimes have been committed and the stats are collated, the government has already missed the opportunity to ensure the community is safe. Under Labor, crime increased by six per cent across the state. Assaults increased by 12 per cent; car thefts by 10 per cent; and robberies by three per cent. In contrast, when the LNP were in government, reported crime decreased by 12 per cent. The results of an electorate-wide survey I conducted in 2015 revealed the following: 77 per cent of people who live in the Noosa electorate supported tougher measures on criminal motorcycle gangs; 95 per cent supported tougher measures to deal with domestic violence; 84 per cent of survey participants thought that current sentencing standards do not reflect community standards; and so it went on.

As I have said, there are many factors that contribute to the creation of healthy and safe communities—factors that are present before lawlessness takes hold, factors that should sound alarm bells. These include the condition of the local economy, employment, business growth and the provision of adequate infrastructure. These are the cornerstones of healthy and safe communities, the status of which provides the telltale signs of how a community is tracking.

In my electorate of Noosa, mum-and-dad businesses are under threat. Youth unemployment continues to be a great concern. Homelessness and drug and alcohol induced crime are all too prevalent. The two local Police Beats we have in the electorate are understaffed. However, the main thrust of what people have been speaking about today in terms of protection—adequate protection, long overdue protection—for the LGBTI community is something that all members in this House have come together today to support. It is very important that we send out the message that we support the protection of people in this community.

I would like to thank the committee, who spent a lot of time and effort going through the various submissions, and the nine people who made submissions to the committee that have enabled this legislation to come before the House today. I commend the bill to the House.

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (4.58 pm): I rise to support this bill. The bill contains, as we know, a number of important proposed reforms not the least of which are changes to the so-called gay panic defence. Specifically, it provides that a person who commits murder cannot rely on an unwanted sexual advance other than in circumstances of an exceptional character as a basis for the partial defence of provocation. Currently, this defence, if successfully raised, reduces a charge of murder to manslaughter. I believe that using it in the circumstances where someone from the LGBTIQ community is murdered as a result of some advance that may or may not have occurred and that is used as a defence to reduce a murder charge to manslaughter represented a grave injustice and that urgent reform is required. I commend the Attorney-General for bringing this legislation forward.

I know that a lot of members of the LGBTIQ community have been waiting for this to occur. It was just simply wrong that people could use a legitimate provision in the Criminal Code in a situation described as a gay panic defence. I know that a lot of us have waited for these laws to change, and it

is wonderful that I am able to speak in support of these changes and vote in support of them this afternoon. The amendment that I support is, as we know, consistent with the recommendations made by the chair of an expert committee tasked with reviewing the issue by the previous Labor government. I urge all those in this House to support this important and historic proposed reform.

I also want to make special mention of a wonderful group of girls I met earlier this month who gave me one of those ‘that’s made my day’ moments and who have played an important role in this historic reform agenda. These year 10 and 11 students from Brisbane Girls Grammar School in my electorate of Brisbane Central—and long may it remain Brisbane Central—are outstanding young women. I am pleased to say that their efforts were recognised when they took out the Queensland state title in the national Opti-MINDS competition. What a great result! I received a petition from them and I want to read the petition into *Hansard*. It is addressed to me and it states—

We are writing to show our support for the bill against the Homosexual Advance Defence.

We are a group of girls, in Grade Ten and Eleven, who are very passionate about equality for the LGBT+ community, and recently we have taken notice of the bill that has been presented to parliament with the purpose of abolishing the Homosexual Advance Defence.

In response to this bill we have been collecting signatures on a petition to support the removal of the ‘Gay Panic’ defence.


We presented this petition at the national Opti-MINDS competition and received widespread support from both the Queensland representatives as well as the national competition participants. We then brought this petition to our school, Brisbane Girls Grammar School, whose students were also incredibly enthusiastic about the cause. We received over one hundred signatures within 40 minutes, in one day alone.

Attached are scans of our petition to exhibit the widespread acclamation that the abolishment bill has in the younger community and with the new generation. We strongly urge you to vote this bill forward.

I acknowledge those students and say that that is exactly what I will do this afternoon: vote in favour of this bill. I want to thank these outstanding young women for standing up for their principles and for the rights of the LGBTIQ community. I would love to name the six young women from Brisbane Girls Grammar School but I am conscious that this may not be appropriate, particularly without parental permission. They know who they are; I met with them recently at the school. I wholeheartedly thank them for making my day. What a great bunch of young women they are. They are passionate about this issue, passionate about equality and passionate about doing something in the community. I will say it once again: it was one of those moments that makes your day as a member of parliament. I think all of the members in this House would understand those moments. They have taken on this issue and made it their own. They even won a national competition with regard to this issue. It sets a great example to their fellow students and the whole Queensland community. Congratulations to them on their efforts, and I once again wholeheartedly thank them for their efforts in relation to this cause.


Thousands more Queenslanders out there have campaigned to end the gay panic defence, and I particularly want to say thank you to my very dear good friends Stephen Page and Phil Browne, who made submissions to the committee. They are wonderful advocates in the community. I join with the Deputy Premier in saying that we have been supporters of the LGBTIQ community, as are many on this side of the House—and I am sure those opposite—in relation to equality for this community. I want to acknowledge the efforts of everyone who has worked over many years to bring about fundamental legislative changes to bring about greater equality. All I want to say is bring on the equal marriage bill! Just bring it on. Let us vote in favour of it at a federal level and let us end this inequality in relation to marriage.

I once again want to acknowledge the work of the Attorney-General and the committee. It is great work. This is an historic day, and it is one bill that I am very proud to be able to vote in favour of. I will be supporting this bill and voting in favour of it. I commend the bill to the House.


 **Hon. MC BAILEY** (Yeerongpilly—ALP) (Minister for Main Roads, Road Safety and Ports and Minister for Energy, Biofuels and Water Supply) (5.06 pm): I could not go without adding to the debate on the scrapping of the gay panic law in Queensland. This is an archaic law. It is a law that not only offends all LGBTI members of our community but all fair-minded Queenslanders. It is an archaic law that is a licence to violence. Quite frankly, it is overdue to be scrapped and I am proud to be a member of the government that is moving to do so. I thank the Attorney-General for her leadership in this regard. I thank all members who are voting to scrap this discriminatory law which should be put into the dustbin of history, and I am very happy to be one of those who helped kick it there because it is an affront.

It is a law that has often been misused to justify violence and worse, as has been laid out by other speakers here, including the Deputy Premier, and it is an affront to the fair-mindedness and human rights of everyone in our community. I am thankful that we are finally getting to the point where

we can scrap it, and we have a lot of support across the community to do so. It is a matter of equal rights, and in some ways it is hard to believe that it is 2017. This law has taken so long to scrap, but we are there and that is a good thing. It is a very important measure in terms of people's physical and mental health in our communities that people should be fully accepted for who they are and embraced. I might also add that it is an absolute affront to any fair-minded person that violence should be acceptable in terms of any human dynamics in that regard. Any fair-minded person can surely deal with any of those sorts of situations like anyone else in our community. It is 2017—not 1817—and I am proud that this law is going. It is overdue. It is about a fair go, and that is a very core Australian value. I could not not speak on this matter because it is a fundamental issue of human rights. It is a proud day for this parliament, and I thank all members who are supporting the scrapping of this archaic and discriminatory law.

 **Mr SORENSEN** (Hervey Bay—LNP) (5.09 pm): I would like to speak on the Criminal Law Amendment Bill. First of all I would like to thank Father Paul Kelly for campaigning for about eight or nine years now to get this before the parliament. He has worked his butt off to get it here. I tell you what, for somebody to go out there and get a petition with 290,000 signatures proves that this guy was determined to get this legislation up.

After listening to this debate today, I wonder whether this legislation would be before the House if it were not for Father Paul Kelly. Father Paul Kelly was the parish priest in Maryborough. We had some discussions about this law when that gentleman was murdered in Maryborough. If that guy is sitting up in heaven today and looking down, he can know that he died for a reason: to have this law passed so that all people are equal. I think it is very important that all people are treated equally. I thank Father Paul Kelly for everything he did, because he was the one who persisted to get this law changed. I congratulate him. Good on you, Father Kelly. You did it.

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.10 pm), in reply: I thank honourable members for their contributions to the debate of the Criminal Law Amendment Bill 2016. I particularly thank the member for Hervey Bay for mentioning Father Paul Kelly. I will have a little more to say about that shortly.

The bill makes a variety of amendments, including minor and technical amendments, to Queensland's criminal laws to support the continuing effective operation of our criminal justice system. The penalty for the offence of misconduct with regard to corpses is increased and the offence is added to the schedule of serious violent offences to properly reflect the criminality of the offending and the consequences to loved ones as well as to investigations that can flow from this crime.

I know that much of the focus of this bill has been on the gay panic defence—and rightly so—but I want to emphasise the significance of the amendment in relation to this particular offence and the penalty. Changing this from a misdemeanour to a serious offence, which means 80 per cent of a sentence of imprisonment of 10 years or more must be served, shows the significance of this matter. Where someone's life is taken, someone interfering with or moving the body causes significant distress to family members. It also potentially interferes with very important evidence in determining whether in fact it was manslaughter or murder. The provision relating to misconduct with a corpse is extremely important. That interference can sometimes mean those bodies are not found immediately or at all. This can result in further distress for the family. I emphasise that I am proud of this provision in the Criminal Law Amendment Bill. It is certainly needed. I hope it will lead to some peace of mind for families going forward.

An important exception is included to the offence in section 89 of the Criminal Code to ensure, where appropriate and with proper authorisation, our public officers can provide services in a personal capacity. This is often necessary in rural and remote communities, where access to service providers can be more limited.

A number of amendments to the Criminal Proceeds Confiscation Act will support the objective of that act to remove the financial gain and increase the financial loss associated with illegal activity. This includes ensuring that all contraventions of court issued forfeiture and restraining orders are prohibited and supported by an appropriate deterrent penalty and by extending the provisions to allow financial institutions to provide information to officers of the Crime and Corruption Commission about a matter for which a serious drug offender confiscation order could be made.

The bill implements an important reform to the partial defence of provocation in section 304 of the Criminal Code—a defence that operates to reduce a person's criminal responsibility from murder to manslaughter if successfully raised and then accepted by the jury. The amendment gives effect to the recommendations of the chair of the 2011 expert committee tasked by the former Labor government to consider the operation of section 304 in the context of an unwanted homosexual advance.

As I said in my second reading speech, this amendment delivers on an important promise we made to the people of Queensland, and particularly to the LGBTI community, that this government would remove what has been referred to by some as the gay panic defence. The amendment to section 304 under this bill makes it clear that an unwanted sexual advance alone is not enough to support a defence of provocation to murder, other than in circumstances of an exceptional character. What circumstances are exceptional in each case simply cannot be predicted. Our judges of the Supreme Court are best placed to consider all of the many and varied factors that may be relevant in each case to determine whether they may amount to circumstances of an exceptional character. This was also the view of the LGBTI legal services.

The amendments to be moved during consideration in detail propose to include a number of factors that may be considered by the court in determining if a circumstance of an exceptional character exists and, further, whether a sexual advance involves only minor touching. It is the government's position that clause 10 as it is drafted leaves the greatest latitude to the court to consider on a case-by-case basis what is or is not a circumstance of exceptional character. Providing this breadth is the best approach to insuring against potential injustice.

Clause 10 of the bill has been modelled on the findings of the chair of the expert committee. That report did not propose to define the concept of 'circumstance of exceptional character'. Further, the chair of the expert committee expressed his view that a person suffering post-traumatic stress disorder as a result of abuse suffered as a child should fairly be permitted to argue before the judge that, in their case, the circumstances potentially fall within those of exceptional character. In such cases it will be a matter for that judge to determine if the partial defence should be fairly left to the jury. The court has the experience and expertise and is well placed to make an assessment on a case-by-case basis as to whether or not the circumstances in the matter before them give rise to the proviso. It would be a matter for the jury to decide, having regard to everything placed before them, whether that circumstance exists.

I also note that the framing of clause 10 in this regard adopts a consistent approach to this very concept under existing section 304. The inclusion of further parameters on what may be circumstances of an exceptional character has the potential to fix the concept or limit the scope of what may otherwise be considered to be circumstances of an exceptional character.

The issue regarding minor touching was raised before the committee and was addressed and explicitly referenced in the explanatory notes. The amendment provides some context to what may be minor touching by including legislative examples. The non-exhaustive examples make it clear that the consideration as to whether the conduct listed is minor touching depends on all of the relevant circumstances. Relevant circumstances are not limited to what might be generally expected—such as force or pressure used, position where the person was touched, duration, mechanism of touching, whether accompanied by words of aggressive future intent—but also broader matters such as the history between the parties and the geographical place and the time the offending occurred.

Without limiting the circumstances of an exceptional character to which consideration may be had, new subsection (6A) makes it clear that regard may be had to any history of sexual conduct, or of violence, between the person and the person who is unlawfully killed that is relevant in all the circumstances. This replicates existing section 304(6), which permits recourse to the history of violence between the parties in relation to subsections (2) and (3). This may be particularly relevant to women in the context of a history of violence with a partner.

At the end of the day, an accused person cannot kill another with murderous intent simply on the basis of words alone or because the deceased made an unwanted sexual advance towards them and rely on that conduct by the deceased to ground a partial defence of provocation, other than in circumstances of an exceptional character. To be very clear, an unwanted homosexual advance is not of itself to be considered a circumstance of an exceptional character.

We believe that what has been outlined in the amendment could potentially see a narrowing or reading down of what this amendment seeks to achieve. We also have concerns in relation to the level of consultation. As I said in my second reading speech, this provision has been consulted on widely across the legal profession and also has gone through a parliamentary committee process. I appreciate and acknowledge that the opposition has noted from the explanatory notes that the QLS was consulted in relation to the development of the proposed amendment; however, I am unsure how broad the consultation has gone beyond the QLS. Considering the views of the LGBTI legal services and others in the parliamentary committee process and also the consultation with the government in drafting this, I do not believe it is appropriate to consider potentially narrowing or trying to further define the terms. I take the views of those stakeholders who believe that is best left to the courts to consider.

The last point I want to make is that the member for Hervey Bay specifically talked about Father Paul Kelly and I also reiterate his contribution and his significant lobbying over many years for this. I was very proud to stand with Father Kelly on the day that we announced that we would be introducing this bill and he is very pleased to see that we are debating this and—from what I can see, further amendment or not—importantly passing this very important reform. It is important to note that I appreciate that the opposition is putting forward an amendment, but I am grateful that the provision is being supported and that this bill is being supported. I do disagree with the amendment, but I do welcome the fact that the substantive elements of this amendment bill are supported by the opposition as well as the government of the day, as they should be.

In conclusion, I once again want to thank all honourable members for their contributions during the debate. I want to thank the committee and its secretariat and all stakeholders who made submissions in relation to this bill for their ongoing contribution to the important parliamentary committee process. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Consideration in Detail

Clauses 1 to 9, as read, agreed to.

Clause 10—



Mr WALKER (5.21 pm): I move the following amendment—

1 Clause 10 (Amendment of s 304 (Killing on provocation))

Page 12, lines 19 to 30 and page 13, lines 1 to 8—

omit, insert—

- (6A) For proof of circumstances of an exceptional character mentioned in subsection (3A), regard may be had to the following—
 - (a) any history of violence, or of sexual conduct, between the person and the person who is unlawfully killed;
 - (b) whether the person has been subjected to current or historic sexual abuse;
 - (c) the environment in which the unlawful killing took place, including, for example, whether it took place at an isolated location.
- (9) For this section, an **unwanted sexual advance**, to a person is a sexual advance that—
 - (a) is unwanted by the person; and
 - (b) if the sexual advance involves touching the person—involves only minor touching.

Examples of what may be minor touching depending on all the relevant circumstances—

patting, pinching, grabbing or brushing against the person, even if the touching is an offence against section 352(1)(a) or another provision of this Code or another Act
- (10) For subsection (9)(b), in deciding whether a sexual advance to a person involves only minor touching, regard may be had to the following—
 - (a) whether the touching is repetitive;
 - (b) whether the touching consists of a combination of acts of touching;
 - (c) where on the person's body the person is touched.

I table the explanatory notes to my amendment.

Tabled paper: Criminal Law Amendment Bill 2016, explanatory notes to Mr Ian Walker's amendments [\[458\]](#).

This matter has been referred to quite a few times during the debate, and it is the lack of certainty in clause 10 with respect to what exceptional circumstances are in the bill as drafted. The Law Society had concerns about this—I read into the record the Law Society's concerns during my contribution to the second reading debate—and the committee itself had concerns. All members noted the concern about the uncertainty and the non-government members recommended that the Attorney-General speak further to the Law Society to try and sort out these issues. That did not happen, but we did so and we believe that the amendment that has been moved does clarify some of the examples which would be useful and helpful within the legislation when the court comes to consider these exceptional circumstances.

This has been one of the perennial issues that has dogged legislation such as this. It is not that there has not been a will to do something about this for some time, but the detail of doing it has always been a problem. The opposition moves this amendment to take up the concerns of both the Law Society

and the committee with respect to the uncertainty that the present drafting has. We believe it improves the legislation and we would seek the support of all members of the House to the amendment we are proposing.

Mrs D'ATH: As indicated, the government will be voting against this amendment. I will always welcome the views of the Queensland Law Society and take those views into account, as we should, as an important stakeholder, but there are many other stakeholders in this discussion. As I said in my second reading speech, we consulted with the Bar Association of Queensland, the Queensland Law Society, the Office of the Director of Public Prosecutions, Legal Aid Queensland and the LGBTI Legal Service, amongst others. We believe that it is important to take in the views of all of those stakeholders in relation to the drafting of the bill—we have done so—and the views expressed in the parliamentary committee.

I appreciate that from time to time where there is concern about unintended consequences our job is to do what we can to overcome those unintended consequences and that is a very important role that we play in this chamber, but we also need to make sure that we do not, by trying to define certain circumstances in legislation, end up creating a situation that will see the undermining of what our intention is to achieve with this provision, and I believe that is possible in the way that this has been drafted and the examples that have been given.

I specifically take on board the views of the LGBTI Legal Service in this debate. It would be inappropriate for me to not take the views of the LGBTI Legal Service, which directly spoke to the QLS's concerns, and the LGBTI Legal Service itself said that it believed the courts were best placed to determine what are circumstances of an exceptional character in this regard. I am also mindful there is an error in the numbering in this provision and I would need to speak to the opposition if this amendment gets up because it will need a further amendment to rectify that. We will be opposing this amendment for the reasons that I outlined.

Division: Question put—That the amendment be agreed to.

AYES, 42:

LNP, 40—Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Elmes, Emerson, Frecklington, Hart, Janetzki, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seeney, Simpson, Smith, Sorensen, Springborg, Stevens, Stuckey, Walker, Watts, Weir.

KAP, 1—Knuth.

PHON, 1—Dickson.

NOES, 43:

ALP, 41—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, Miller, Palaszczuk, Pearce, Pease, Pegg, Pitt, Power, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.

INDEPENDENT, 2—Gordon, Pyne.

Pair: O'Rourke, Barton.

Resolved in the negative.


Non-government amendment (Mr Walker) negatived.

Clause 10, as read, agreed to.

Clauses 11 to 75, as read, agreed to.

Schedule, as read, agreed to.

Third Reading

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.33 pm): I move—


That the bill be now read a third time.

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

Motion agreed to.

Bill read a third time.

Long Title


 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (5.34 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.

LEAVE TO MOVE MOTION

 **Mr KATTER** (Mount Isa—KAP) (5.35 pm): I seek leave to move a motion without notice.

Division: Question put—That leave be granted.

NOES, 81:

ALP, 41—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, Miller, Palaszczuk, Pearce, Pease, Pegg, Pitt, Power, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.

LNP, 40—Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Elmes, Emerson, Frecklington, Hart, Janetzki, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seene, Simpson, Smith, Sorensen, Springborg, Stevens, Stuckey, Walker, Watts, Weir.

AYES, 5:

KAP, 2—Katter, Knuth.

PHON, 1—Dickson.

INDEPENDENT, 2—Gordon, Pyne.

Pair: O'Rourke, Barton.


Resolved in the negative.

FARM BUSINESS DEBT MEDIATION BILL

RURAL AND REGIONAL ADJUSTMENT (DEVELOPMENT ASSISTANCE) AMENDMENT BILL

Farm Business Debt Mediation Bill resumed from 30 August 2016 (see p. 3127) and Rural and Regional Adjustment (Development Assistance) Amendment Bill resumed from 26 May 2016 (see p. 2160).

Second Reading (Cognate Debate)

 **Hon. WS BYRNE** (Rockhampton—ALP) (Minister for Agriculture and Fisheries and Minister for Rural Economic Development) (5.41 pm): I move—

That the Farm Business Debt Mediation Bill be now read a second time.

It is with pleasure that I rise to speak on the Farm Business Debt Mediation Bill. I thank the committee for its deliberation on both bills that were put to it for consideration. The bill will primarily establish the Farm Business Debt Mediation Act to provide a process for the efficient and equitable resolution of farm debt disputes and replace QRAA with the new Queensland Rural and Industry Development Authority, QRIDA, with expanded functions under the Rural and Regional Adjustment Act 1994. This bill also makes unrelated but important amendments to the Biological Control Act 1987, the Biosecurity Act 2014 and the Drugs Misuse Act 1986. The bill seeks to address the disparity in the lack of power that farmers have indicated exists between themselves and mortgagees in the rural credit sector and recognises that mediation in the resolution of farm debt disputes is a necessary and valuable process.

Agriculture is an essential part of the Queensland economy. In 2015-16 the total value of Queensland's primary industry commodities was estimated to be a record \$17.3 billion. However, Queensland's agricultural sector is vulnerable to dynamic external pressures such as climate and market forces, global financial events and changes in credit policies. Queensland is one of the most capable, innovative and productive food and fibre sectors in the world. The sector is moving into a phase of major opportunity and uncertainty.

While the opportunities ahead for Queensland agriculture are significant, there will also be challenges and likely even greater volatility in global markets. Appropriate and well-ordered arrangements between farm businesses and their financiers are imperative. This bill implements a legislated mediation process between farmers and mortgagees. The bill also replaces QRAA with the Queensland Rural and Industry Development Authority. This is the government delivering on the statutory components announced in the \$77.9 billion rural assistance and drought package which delivers drought assistance, financial counselling, mental health and community programs in drought-declared areas.

The Queensland government is committed to assisting rural producers and communities across the state affected by debt and unprecedented drought conditions. With approximately 87.47 per cent of the state drought declared, the additional funding in the 2016-17 budget was provided at a crucial time for rural and regional Queensland. We made a commitment to support the continuation of existing drought relief arrangements until 2018 at the last election and the rural assistance and drought package stands by that promise to support rural and regional Queensland.

The drought assistance package component is a total of \$41.9 million which is delivered across several departments. The drought assistance package includes the Drought Relief Assistance Scheme which is Queensland's main drought assistance program. It provides freight subsidies for the transport of water and fodder to livestock in drought-affected areas and rebates for emergency water infrastructure for animal welfare purposes.

The whole-of-government drought assistance package also includes land rent rebates, water licence waivers, a community assistance package, drought relief for electricity charges and funding towards the Royal Flying Doctor's Drought Wellbeing Service. In addition, the Queensland government has provided a co-contribution to the Australian government's Rural Financial Counselling Service to fund rural financial counsellors in Queensland, including additional drought services based in South-West Queensland.

The Queensland government has also initiated a drought and climate adaptation program which will provide for improved seasonal forecasts and decision support tools. The work of this program will improve quality and relevance of forecasts at a regional level and develop innovative delivery systems to advise producers on integrating weather, seasonal and climatic change forecasts, as well as remote sensing technologies, into their management systems. DAF has also developed a Western Queensland grazing systems version of its successful Best Management Practice program as part of the drought and climate adaptation program. The BMP program will improve producers' financial literacy and climate risk management with a particular focus on drought preparedness.

Alongside the drought assistance package is a \$36 million Rural Assistance Package, which is aimed at reducing financial stress and improving financial sustainability to assist the rural sector service debt. Over four years, from 2016 to 2020, the Rural Assistance Package provides funding of \$8.039 million for QRAA, \$3 million for farm management grants, \$2 million for an Office of Rural Affairs, \$1 million for the development and administration of the farm business debt mediation legislation, a \$3.7 million increase to the living away from home allowance for schoolchildren, a \$7 million extension of the family farm transfer duty concession, \$6.99 million for pest and weed management, \$1.05 million for a yellow crazy ant management agreement with the federal government, and \$3.039 million for yellow crazy ant management grants.

On top of all this, and this is something that I am particularly proud of, the additional family farm transfer duty exemption has been extended to transactions with monetary consideration between generations of family, not just an exemption for gifted properties. This government has recognised that debt and intergenerational planning are significant issues for this sector and have acted in a timely and responsible manner to ensure the success of Queensland's future farmers. These exemptions are the first step to enabling Queensland farming families to plan their future and bring forward succession planning earlier than would otherwise have been planned. This new provision commenced on 1 July 2016 and in December 2016 the Treasurer extended this exemption to include water assets.

These measures, combined with the changes to the Primary Industry Productivity Enhancement Scheme, which is delivered via QRAA, will have a significant impact on the ability of Queensland farmers to plan farm succession. The government has more than doubled loan limits in the PIPES Sustainability Program from \$600,000 to \$1.3 million and the First Start Loan Program loan limits have been increased from \$600,000 to \$2 million. These loan increases provide farmers with more flexibility to further develop the productivity of their enterprises.

Two legislative components of the Rural Assistance Package will be delivered in this bill. The bill provides for a legislative farm business debt mediation process and the creation of the new Rural and Industry Development Authority. Another new initiative in the Rural Assistance Package is the establishment of the Office of Rural Affairs within the Department of Agriculture and Fisheries. This office will be essential to my role as the Minister for Agriculture and Fisheries and Minister for Rural Economic Development.

Also included in the Rural Assistance Package is further funding and support towards the Queensland feral pest initiative, which supports weed and pest animal management projects across Queensland. This included the announcement of an additional \$5 million for wild dog fencing to help stem the decline in sheep numbers in Western Queensland. To support this investment, in May 2016 the Premier and Minister for the Arts announced the appointment of two wild dog fencing commissioners, Vaughan Johnson and Mark O'Brien, who have been overseeing the spending. Due to this investment, there has already been a resurgence in sheep production in Western Queensland, with the Queensland sheep and lamb market set to have a strong year in 2017.

This growth has been supported through the Queensland government's commitment to protect the sheep industry from wild dogs, as well as offering training at our Queensland agricultural training colleges. The Queensland agricultural training colleges have been redeveloped in partnership with Australian Wool Innovation Ltd to increase training opportunities for new entrants into courses such as shearing, wool classing, animal rearing and management and nutrition.

The forced sale of farm assets is not always a straightforward process. The inherent climate and market risks associated with farming, along with the business also being a family home in most cases, means that normal approaches to foreclosures do not always work. There are voluntary protocols for farm business debt mediation under the existing Queensland Farm Finance Strategy. However, not all lenders are signatories and not all farmers are satisfied that the voluntary mediation processes produce equitable outcomes. The objective of the farm business debt mediation legislation is to provide a process for the efficient and equitable resolution of farm business debt matters or disputes prior to any action being taken by a creditor in respect to a farm mortgage.

The federal government is working with state and territory governments, the National Farmers' Federation and the Australian Bankers' Association to establish guidelines for a nationally consistent approach to farm debt mediation. While reaching an outcome on national guidelines may be some way off, it is expected that the Queensland legislation will be consistent with and support the national approach. The legislation makes it compulsory for all providers of rural loans that are secured by a farm mortgage or part of a farm mortgage to offer farmers mediation before they initiate enforcement action to recover unpaid farm loans. Farmers have an option to decline the offered mediation. The legislation also allows farmers to initiate mediation with their lender. However, lenders are not required to participate. The legislation does not stop farmers from informally negotiating with their lenders to resolve disputes and undertake an orderly sale of farm, land or other assets to settle their debts, if that has been agreed by the parties involved and is considered an appropriate course of action in the circumstances.

The bill will amend the Rural and Regional Adjustment Act 1994 to replace QRAA with the Queensland Rural and Industry Development Authority. QRAA was established as a statutory authority in 1994 and assumed the major activities of the former Queensland Industry Development Corporation's government schemes division. QRAA is a specialist administrator of government financial assistance programs including loans, grants, rebates and subsidies. QRAA's approval rates are higher and its bad debt levels lower than its predecessors. QRAA administers the Queensland government's Primary Industry Productivity Enhancement Scheme and, when required, supports the delivery of natural disaster relief and recovery arrangements, assistance for primary producers, small businesses and not-for-profit organisations. QRAA has positioned itself as a leader in the delivery of government loans and grants. It operates schemes of assistance for the Australian government in Queensland, including drought concessional loans and debt restructuring loans, and also schemes of assistance in other jurisdictions, such as the Northern Territory.

Recently, QRAA supported Fisheries Queensland by implementing a voluntary buy-back and two payment schemes to assist commercial fishers impacted by the introduction of net-free zones in Central and Far North Queensland. It is also delivering the Industry Adjustment Assistance Package to assist the existing taxi and limousine service licence industry to transition to the more competitive market.

The bill continues QRAA as the Queensland Rural and Industry Development Authority from 1 July 2017, encompassing all of QRAA's current functions. The bill will provide the authority an expanded role, including undertaking policy research and providing advice regarding the financial performance of

Queensland's rural and regional sector, especially primary producers, small businesses, community and other components of the state's economy, as well. The bill requires the new authority to partner with commercial lenders and financial advisers to deliver its functions. The bill will allow the authority to administer a broader range of assistance schemes compared to QRAA. It will be able to build its own effectiveness by providing government agencies that want to use its services with an option to use it to deliver assistance to communities across the state. The bill also clarifies that the Queensland Rural and Industry Development Authority will have the power to lend money under an approved scheme. The bill is an alternative way forward for QRAA than that proposed by the member for Mount Isa's Rural and Adjustment (Development Assistance) Amendment Bill 2016.


In addition to the changes to QRAA in this bill, the Queensland government has also made changes to the assistance that QRAA delivers. The Primary Industry Productivity Enhancement Scheme supports activities that improve productivity and profitability through economic and environmental sustainability. In October 2016, the maximum size of PIPES sustainability loans was increased from \$650,000 to \$1.3 million and the First Start loans offered were increased from a maximum of \$650,000 to \$2 million. PIPES is a significant investment by the Queensland government in rural Queensland and the agricultural sector.

Biosecurity accreditation systems enable Queensland producers to conduct activities and access markets from which they might otherwise be excluded by law or other requirements. Over the past decade, the Queensland government has listened to industry. Nursery and garden industries have developed a new approach to plant health assurance arrangements, which is a third-party accreditation scheme called BioSecure HACCP. This system has reached maturity, having been trialled over the past two years. Under BioSecure HACCP, the Nursery & Garden Industry Australia controls certification, accreditation of certifiers, auditing arrangements, training requirements, suspension, amendment and cancellation and the development of procedures that meet government quarantine requirements. Presently, certificates under the Biosecurity Act 2014 are accepted by interstate quarantine authorities as assurance that their phytosanitary requirements have been met.

Debate, on motion of Mr Byrne, adjourned.

COMMITTEE OF THE LEGISLATIVE ASSEMBLY

Portfolio Committees, Reporting Dates

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Leader of the House) (5.59 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, Communities, Disability Services and Domestic and Family Violence Prevention Committee report on the Public Health (Infection Control) Amendment Bill by 15 May 2017; and the Public Works and Utilities Committee report on the Transport and Other Legislation (Personalised Transport Reform) Amendment Bill by 15 May 2017.

MOTION

Queensland Labor Party, Mount Coot-tha Branch

 **Mr CRIPPS** (Hinchinbrook—LNP) (6.00 pm): I move—

That this House condemns the Mount Coot-tha Branch of the Queensland Labor Party for its statement against resources industry jobs for Central and North Queensland.

As much as I would like to take the environment minister, the member for Mount Coot-tha, to task about the public statements of Labor's Mount Coot-tha branch in terms of its position on Adani's Carmichael coal project, I cannot really do that because he has abandoned them and fled to Murrumba, terrified by the prospect of contesting an election against the member for Indooroopilly.

The LNP opposition has moved this motion to give those Labor MPs from North and Central Queensland an opportunity to fully understand the lengths the loony left, extreme green-hugging faction within their party will go to in order to stop the creation of new jobs in the resources industry in their own backyards. This motion will also give those Labor MPs in Central and North Queensland the opportunity to vote for those jobs and reject the scaremongering campaigns run by activist groups and supported by Labor Party branches in inner-city Brisbane.

Labor's Mount Coot-tha branch's Facebook site recently shared a post from an environmental activist group making allegations about Adani. Labor's Mount Coot-tha branch described Adani as disgraceful. This post has been shared by Labor's Mount Coot-tha branch only days after the Premier has returned to India to supposedly strengthen the relationship between that company and Queensland in terms of its investment in the Carmichael coalmine project and the associated rail and port infrastructure and the creation of thousands of jobs.

The Greens candidate for the seat of Maiwar, one Michael Berkman, subsequently shared the post by Labor's Mount Coot-tha branch and invited its members to join the Greens campaign for Maiwar to help fight Adani. Those posts no longer appear on the Facebook page of Labor's Mount Coot-tha branch. They were mysteriously deleted this morning after I gave notice of this motion. Fortunately, I have a copy here for the information of members. I table the screen shot of those posts for the information of the House.

Tabled paper: Extract, undated, from Mr Michael Berkman—The Greens' Facebook page, responding to post shared by Mount Coot-tha Labor about the Adani mine and the Great Barrier Reef [\[459\]](#).

For all of the words that come from the Palaszczuk government claiming that it is all about jobs, jobs, jobs, its actions since assuming office in February 2015 have been to do little but frustrate the progress of Adani's Carmichael coalmine project. It is worth reflecting on the fact that one of the first things that the Palaszczuk government did in early 2015 was intervene in the assessment process for the environmental impact statement for the expansion of the port at Abbot Point.


That expansion is critical for the successful delivery of the Carmichael coalmine project, given the significant increase in the volume of coal that will be exported through that port. That development means jobs for communities in North Queensland, particularly like the township of Bowen which has been screaming out for those opportunities for many years.

Labor's intervention significantly delayed the EIS process for the proposed expansion of the port at Abbot Point. It created unnecessary uncertainty and it added to the wider environment of risk created by the unrelenting public and legal campaigns waged by environmental activist groups against this project. This, of course, is the modus operandi of the extreme green activists—delay, frustrate, increase uncertainty and drive up costs for project applicants.

More recently, Queensland narrowly avoided the retrospective application of a completely duplicated underground water impact assessment and approvals process for Adani's Carmichael coalmine project in the Galilee Basin. Last year the environment minister sought to apply an additional retrospective underground water impact statement assessment process to the Adani project, potentially opening up the project to a fresh round of objections and legal challenges—another opportunity to delay, frustrate, increase uncertainty and drive up costs for the proponent.

Fortunately, there was widespread backlash from the community in Central and North Queensland from individual companies, industry groups, civic leaders and the general public and the Palaszczuk government backed down. There is absolutely no doubt that they would not have backed down if there was not that public backlash.

Parts of the Queensland ALP, like the Mount Coot-tha branch and their fellow travellers in the green activist movement, are running a campaign to sabotage the delivery of the Adani Carmichael coalmine project with baseless claims, distorted scaremongering, vexatious and frivolous lawfare and threats of civil disobedience. For that they ought to be condemned.

 **Mr STEWART** (Townsville—ALP) (6.05 pm): I rise to oppose the motion because when it comes to the resources sector in Queensland actions speak louder than words and the Palaszczuk government is forging ahead with projects and jobs for regional Queensland. The Labor Party is a party that welcomes debate and contributions from all. The Mount Coot-tha branch, in the great traditions of democracy and independent thought in Australia, is free to make any statement it pleases. What we know is that the Mount Coot-tha branch is concerned about the environmental impacts of mining, something that we should all be concerned about. The Palaszczuk government ensures a strong assessment process and conditions that underpin a sustainable resources sector in Queensland.

This is a trivial motion by a trivial opposition—an opposition that is more interested in looking for stunts and getting into the news cycle than dealing with the real substantive issues of the day like jobs. They condemn the Mount Coot-tha branch because they know they cannot condemn all the good work the Palaszczuk government is doing. Our actions speak much louder than the hollow words of any of those opposite. For instance, on 17 February the Minister for State Development announced the granting of coordinated project status to the proposed \$1 billion Olive Downs mine near Moranbah. This is a project that could create more than 500 construction jobs and 960 operational jobs, with the release of the draft terms of reference expected shortly.

Let me discuss the Carmichael mine. I am more than happy to put our record on the Carmichael mine up against those opposite any time. Under this government this project achieved 35 key approval milestones, including the granting of the all-important mining leases. It was the Palaszczuk government that granted the Carmichael mining leases. That is right, the Palaszczuk government granted mining leases not those opposite.


The Premier has only just returned from India where she discussed the progression of the Carmichael mine project with Adani. I met with the Premier in the weeks prior to her going to India to meet with Mr Adani. I met with the Premier again today where I made it very clear to her that Townsville is the only location where the workers hub should be based.

It is Townsville that has a long history of fly-in fly-out workers. It is Townsville that has the infrastructure and the aircraft networks that make it the perfect choice for the workers hub for Adani. Townsville is a city full of workers with extensive mining experience. Miners talk to me about the job opportunities that Adani will bring to them and to the city of Townsville. They can do the work and, more importantly, they want to work. I will do everything I possibly can to get them those jobs that Adani will bring.

Earlier this morning the Department of Environment and Heritage Protection granted an amended environmental approval in close collaboration with the Coordinator-General to enable continued mining at Resolute Mining's Sarsfield pit. This is a \$167 million expansion that will secure the future of the existing 280 workers and will potentially deliver an extra 100 jobs.

There are many additional projects and initiatives that the Palaszczuk government is working on to facilitate and deliver jobs to regional Queenslanders. These projects I just mentioned demonstrate that the Palaszczuk government is working hard to assist new applications, to grant new applications and to extend existing mining to deliver resource jobs for Queenslanders. This is in stark contrast to the Nicholls' opposition, which provides nothing but political opportunism, pointscoreing, gutter scouring and a policy vacuum. Every time a member of the opposition rises to speak to jobs their conscience twinges a little because they know they ran the most anti jobs government in Queensland, slashing front-line services and driving unemployment up in Queensland. If their conscience does not twinge, I think it is reflective of the heartless manner in which they conducted themselves while in government for which they are still yet to suitably apologise. When it comes to assisting the mining sector in Queensland, what distinguishes the LNP from the Palaszczuk government is this: we take action and all they do is talk.

Mr DEPUTY SPEAKER (Mr Millar): Before I call the member for Burdekin, I acknowledge in the public gallery the Venturers from the Sandgate Scout Group in the electorate of Sandgate.

 **Mr LAST** (Burdekin—LNP) (6.10 pm): I rise to speak in support of the motion as moved by my colleague the member for Hinchinbrook and at the same time condemn the Mount Coot-tha branch of the Queensland Labor Party for its statement against resource industry jobs for Central and North Queensland. Mr Deputy Speaker, if ever you needed evidence of the great divide that exists within the Labor Party in Queensland then you need look no further than the statement made by Michael Berkman from the Greens, a statement that makes clear that those opposite have a deep seated opposition to the resource sector in this state, a sector that contributed \$56 billion in 2515-16 to the Queensland economy.

When we talk about revenue opportunities for this state, there is no greater contributor than the resource sector, yet we continue to see those opposite, supported by their mates in the Greens, waging green warfare against our mining companies and industry bodies in the resource sector—a campaign that is putting at risk projects like the \$16 billion Adani Carmichael Mine project in Central Queensland, a project that has the potential to generate thousands of jobs and inject hundreds of millions of dollars into our economy. I note that the government is quick to put their hand out and accept the royalties generated from our mining companies—\$2.2 billion last year. Secretly they are plotting to get rid of the mining companies but at the same time putting their hand out for those royalties to help prop themselves up. It is nothing short of hypocritical.

The LNP's Royalties for Regions program in my region—Whitsunday and Mackay—has delivered projects such as the \$14 million Marian wastewater treatment plant, the \$9.3 million Bowen Developmental Road and the \$7.6 million Proserpine wastewater treatment plant. It clearly shows that the LNP are prepared to invest the royalties from the resource sector back into our rural and regional communities to deliver that critical infrastructure like water and wastewater plants, roads and bridges. You cannot have one message in Central and Northern Queensland and another message in the

south-east corner of the state. Queenslanders might be many things but they can smell a hatchet job a mile off, and this position by those opposite stinks. It stinks because it is putting at risk the much needed jobs that our rural and regional communities are craving.

Mr Deputy Speaker, if you want to see what the downturn in the mining industry did to some of our communities, you need look no further than communities such as Bowen, Collinsville and Glenden. I was in Glenden two weeks ago. There are 250 vacant homes in Glenden. Shops have closed, services are drying up and there is an air of despair in that community that is absolutely heartbreaking. Just up the road at Collinsville we have business owners who have been hanging on by a thread, hoping and praying that the resource sector is turning around because they have nothing left. They have exhausted their savings, they have shot their overdraft to pieces and they are now living on hope.


If we are to give our business owners in these communities and our citizens hope, if we are to give those people some light at the end of the tunnel, then we need to develop our resource sector because they are sick and tired of the mixed messages that are coming out of the Palaszczuk Labor government. We need to be opening up more mines to capitalise on our vast mineral wealth because our miners do it better than anywhere else in the world. We should be building a coal-fired baseload power station in North Queensland—

Mr Costigan: Collinsville is the place.

Mr LAST: I take the interjection from my colleague the member for Whitsunday: Collinsville is the place—and, together with water infrastructure, move North Queensland ahead. They are the central planks in the development of North Queensland. We heard today that Queensland now has the highest unemployment rate in Australia, yet here we have a government rallying against the very industry which has the potential to deliver tens of thousands of jobs in Central and Northern Queensland.

The comments from the Mount Coot-tha branch of the Queensland Labor Party simply highlight what we on this side of the House have known for some time, and that is that this Labor government is no friend of the resource industry and any rhetoric to the contrary should be seen for what it is—a complete and utter sham. There is no question that the Labor Party in Queensland have an obligation to explain to Queenslanders what their position is regarding the resource sector and their support or lack thereof of mining projects like the Adani Carmichael Mine. If the Premier were fair dinkum about supporting our miners, she would stand up in this place tonight and renounce the call by the Greens to fight Adani.

(Time expired)

 **Mr PEARCE** (Mirani—ALP) (6.15 pm): I rise to oppose the motion. I do not have to say too much but I am known as a person who speaks his mind in this place. I will start by saying that if the LNP in this state and the federal coalition opposed the employment policies of the mining companies we might have more families and miners living in the coal towns that the member for Burdekin was just talking about. Unless you get behind local people getting jobs, we are going to have the same outcome in these communities.

Mr Last interjected.

Mr PEARCE: Do not talk to me about it. I have been talking about it for years. You are just a new boy on the block.

Mr DEPUTY SPEAKER (Mr Millar): Member for Mirani, please speak through the chair.

Mr PEARCE: I respect the chair. I will do that. I would rather have workers living in the communities with their families than have FIFO and DIDO workforces.

Opposition members interjected.

Mr PEARCE: You guys should hang your heads in shame.

Mr DEPUTY SPEAKER: Order, members!

Mr PEARCE: I never heard anything—

Mr DEPUTY SPEAKER: Order, member for Mirani!

Mr PEARCE: Sorry, I cannot hear you up the back here.

Mr DEPUTY SPEAKER: I will speak louder. Please speak through the chair.

Mr PEARCE: Will do. I totally support the right of the Mount Coot-tha branch and its members to express their views about what is important to them and to their local members. Every member in this House has the right to express the views of their local constituents. In fact, it is their duty. It would be

good to see a lot more members doing that, particularly members from that side of the House. I can place on the record here today that my constituents in Mirani and their families in Central and North Queensland support resource industry jobs. Just in case no-one was sure about this, so do I and so does this government.

I would like to thank those opposite for the opportunity today in this chamber to list the runs this government has on the board when it comes to resource industry jobs in Central and North Queensland. Let us start with Isaac Plains. That is Stanmore Coal's operation that is creating 150 jobs just outside Moranbah. The good thing that is happening out there is that most of those people are from Moranbah and Mackay, with some from Emerald and other smaller regional towns. The next stage on the cards is underground operations which will add up to 100 extra workers. Here is a prescribed project that is being facilitated by the Coordinator-General in a state that values resource industry jobs. It should be up to an independent person to put in place conditions that benefit the local communities—

Opposition members interjected.

Mr PEARCE: Mr Deputy Speaker, I am having trouble hearing myself over the noise that is coming from the other side.

Mr DEPUTY SPEAKER: Yes, member for Mirani. I call on the opposition to allow the member for Mirani to speak so we can hear him.


Mr PEARCE: I travel nearly 700 kilometres to be here to have my say and I am sick of being run over by that mob sitting on the other side of the House.

Opposition members interjected.

Mr DEPUTY SPEAKER: Order, members! Member for Mirani, you have the call.

Mr PEARCE: Let us go further north, seeing as they brought it up. There is the Amrun project at Weipa. At the peak of construction this will provide work for 1,100 people, with an average construction workforce of 600 people over three years. Amrun mine will support the continued employment of 1,400 workers based in Weipa as well as a workforce at Yarwun and QAL refineries in Gladstone. While we are in the north, there is the north-west task force. Government has been working with industry and stakeholders on recommendations on what is needed to make sure the resources industry can survive and thrive in the north-west. Right now the Altona copper-gold project near Cloncurry is just waiting on Foreign Investment Review Board approval. Another mine equals more revenue to the state and more jobs. Just last week the project announced that all Chinese government approvals had been received for the joint venture partners. This project will generate 300 construction jobs and 280 direct ongoing production jobs for the far north.

This is a government that is committed to resource sector jobs. We are fulfilling our election commitment for a royalties freeze and we have the lowest payroll tax in the country. We are investing heavily in innovation. We have given explorers a 50 per cent reduction in the expenditure that they have to commit to in their mineral exploration permit. That is runs on the board from a team that I am proud to be a part of. It would be great for those communities in Central Queensland if some of those people opposite were a little bit more positive and stuck up for those workers—the workers in the communities and their families—who have suffered under their idiotic policies.

 **Mr EMERSON** (Indooroopilly—LNP) (6.20 pm): What an extraordinary performance by the member for Mirani! Let me remind him that the only people who have approved 100 per cent fly-in fly-out mines have been Labor. They are the ones who approved that. They are the only ones who have.


Today we saw the Treasurer reveal the five words that must put fear into the hearts of every Queenslanders looking for a job. They were five simple words, but they sum up how out of touch, how deluded and how hopeless this government really is. Today the member for Mulgrave told the parliament, 'Labor's economic plan is working.' That must scare every Queenslanders out there. Queensland's unemployment rate is now the highest in Australia at 6.7 per cent, but apparently Labor's economic plan is working. Queensland has had the worst job losses over the last month in Australia, but apparently Labor's economic plan is working. Queensland had the worst job losses over the last year, but apparently Labor's economic plan is working. This terrible trifecta—the highest unemployment rate, the most job losses in the last month and the most job losses in the last year—is all down to the economics plan of Labor. The sad reality is that, if it were not for the continued exodus of people out of the labour market, those numbers would be even higher. Those numbers would be even worse. People are not only losing their jobs but also losing hope under this hopeless government. Instead of leading the country in job creation and job security, under Labor we are coming dead last.

A total of 38,500 jobs disappeared in Queensland last year. That is a rate of 105 jobs each and every day. In fact, Queensland was the only state to go backwards in the last 12 months. More than 66,000 full-time jobs disappeared last year. We are also leading the nation when it comes to people giving up looking for work—all part of Labor's economic plan. Youth unemployment also continues to worsen. There are almost 15,000 fewer young Queenslanders with a job than when Labor was elected. The youth unemployment rate is now up to 14.8 per cent. Tell the kids out there who cannot find a job that Labor's economic plan is working.

Queensland is stagnating under Labor's economic plan and it is our regions that are feeling it the most. In Townsville the unemployment rate is the highest it has ever been, but the member for Townsville tells this House that Townsville has never had it so good. In Townsville the unemployment rate is the highest it has ever been at the same time the participation rate is the lowest it has ever been. It is getting incredibly hard for young people in the region to get a job, with youth unemployment increasing to over 20 per cent—all part of Labor's economic plan, all part of the plan by the member for Townsville

In the Mackay region more than 3,000 jobs have disappeared on Labor's watch. We have seen more than 14,000 jobs disappear from outback Queensland since the election of the Labor government. The youth unemployment rate in outback Queensland is now a staggering 36.6 per cent. In Cairns, one in four young people cannot get a job. We know the people of Queensland are desperately crying out for job creation projects. Projects like Adani have the potential to provide a huge boost to so many regions in Queensland that are doing it tough. The LNP understands the many jobs that the resource sector supports in Central and in North Queensland.

By contrast, the Labor Party is hopelessly divided. They say one thing in Townsville but another miles away in Toowong. They say one thing in Mackay but another miles away in Milton or even miles and miles away in Murrumba. The Adani project will be a massive boost to regional communities that have been hardest hit by Labor's devastation in jobs. Unfortunately, what we see here is the member for Murrumba—sorry, the member for Mount Coot-tha should condemn these comments, but so far he has not had the guts to participate in this debate. He has not turned up to participate in this debate. He should be out there condemning these comments. Instead, clearly he is supporting them. Labor should be ashamed of itself.

 **Hon. AJ LYNHAM** (Stafford—ALP) (Minister for State Development and Minister for Natural Resources and Mines) (6.26 pm): I rise to oppose the motion. Those opposite have brought up the Facebook posts by the Mount Coot-tha branch. Let us have a look at the list of motions for debate at the LNP State Council in Cairns last weekend. Let us just compare and contrast. I have had a close look at what the LNP membership view as the big issues and it is enlightening.

Honourable members interjected.

Mr DEPUTY SPEAKER (Mr Millar): Order! Members!

Dr LYNHAM: It is enlightening to look more at what is not included. In Cairns last week—

Honourable members interjected.

Mr SPEAKER: Pause the clock. Everyone will listen to the minister.

Dr LYNHAM: There was no mention at their conference of the \$21 billion Carmichael project that is going to generate thousands of jobs in Central and North Queensland. There is no mention at all of the tourism industry. They were in Cairns and there was not a mention of the tourism industry. There are 25,000 jobs in the Queensland industry, but they could not care less. It does not include any incentives, no support for our \$20 billion manufacturing sector—nothing. There are 170,000 workers, but those opposite could not give a rat's. Guess what it did include? Abolition of the luxury car tax! A huge issue! It is just the conversation they would want to have in the front bar of the Larrikin Hotel in Bowen.

Then there is restoring knights and dames; they want to restore knights and dames. Here we go. That is going to create a raft of jobs! I can see the people in regional Queensland knitting the ermine gowns for their robes. There will be a raft of jobs for the lords and ladies over there.

The contrast could not be clearer between those opposite and us. We have actions rather than words. The Leader of the Opposition wants to talk about the size of beers in Queensland. When it comes to Adani approvals, they are all froth and no beer. They have had their chance, but they failed to deliver. Is it because the member for Nanango—I have to keep bringing that up—is so conflicted? The 'knitting nanna' of Nanango struggled with one foot either side of the barbed wire fence on coal. The member for Nanango is not a massive fan of coal, as proven at any recent public debate up there. She hates coal. Is it because they are still lamenting how good it was back—

Mrs FRECKLINGTON: I rise to a point of order.

Mr SPEAKER: You find those comments offensive and you ask that they be withdrawn?

Mrs FRECKLINGTON: He is misleading the House.

Mr SPEAKER: Will you withdraw, Minister?

Mrs FRECKLINGTON: I find the comments offensive and ask the minister to withdraw.

Mr SPEAKER: Will you withdraw, Minister?

Dr LYNHAM: Mr Speaker, I withdraw. Those opposite are still reminiscing about how good it was back in their day when they were cutting front-line staff, increasing unemployment, selling our key assets and dropping the ball on the Adani project. Let us be clear: they waited 2½ years of their three years before they even declared it a prescribed project. There were only five approvals over there and 35 on this side to get that mine going. For all the backslapping, chest beating and trumpeting coming from those opposite, I had to do a double take when I realised that yes, there were only a measly five approvals.

Here are the facts: there are 35 approvals under this government. All primary and secondary approvals are now in place for Central and Northern Queensland to prosper. The Premier has just returned from India with the mayors of Northern and Central Queensland. That's not words: that's action. Those opposite are now lamenting the three wasted years they spent in government when they failed to progress approvals. They watched the member for Hinchinbrook play his fiddle as 20,000 jobs disappeared in the resources sector and they deserted the people of Central and Northern Queensland. They deserted what they thought were their own: the people in Northern and Central Queensland. Those people came back to us and they will stay with us!

Division: Question put—That the motion be agreed to.

AYES, 40:

LNP, 40—Bates, Bennett, Bleijie, Boothman, Costigan, Cramp, Crandon, Cripps, Davis, Elmes, Emerson, Frecklington, Hart, Janetzki, Krause, Langbroek, Last, Leahy, Mander, McArdle, McEachan, Millar, Minnikin, Molhoek, Nicholls, Perrett, Powell, Rickuss, Robinson, Rowan, Seeney, Simpson, Smith, Sorensen, Springborg, Stevens, Stuckey, Walker, Watts, Weir.

NOES, 41:

ALP, 41—Bailey, Boyd, Brown, Butcher, Byrne, Crawford, D'Ath, de Brenni, Dick, Donaldson, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lynham, Madden, Miles, Miller, Palaszczyk, Pearce, Pease, Pegg, Pitt, Power, Russo, Ryan, Saunders, Stewart, Trad, Whiting, Williams.


Pair: O'Rourke, Barton.

Resolved in the negative.


Sitting suspended from 6.36 pm to 7.40 pm.

MINISTERIAL STATEMENTS

Fitzroy Island, Helipad; Further Answer to Question


 **Hon. SJ MILES** (Mount Coot-tha—ALP) (Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef) (7.40 pm): The matter referred to by the member for Cairns in question time this morning regarding the development application for a helipad on Fitzroy Island is currently before the State Assessment and Referral Agency within the portfolio responsibilities of the Deputy Premier. However, I have made available environment department officers to brief the member for Cairns to the extent that our department is responsible.

Back to Work Program; Further Answer to Question

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (7.41 pm): I rise to update the House on a matter arising in question time this morning which was referred to the Premier but which comes under my portfolio. I can confirm to the member for Kawana that Townsville based company Strantics has not received any funding under the Back to Work program. I can also confirm that all Back to Work applications are assessed according to strict eligibility criteria. No promises are made by government to any company nor any funds paid out unless they meet these criteria.

There are robust checks and balances in place. Back to Work applications require a range of evidence to support any funding claim. We also have 16 Back to Work officers visiting workplaces in every region to ensure the program operates as intended. Ongoing audit, program monitoring and compliance processes are built into the program because we understand that strict accountability is required where public money is involved. I can assure all those opposite that accountability and best practice will always be integral to the Back to Work program.

Emergency Service Assistance, Delays; Further Answer to Question

 **Hon. MT RYAN** (Morayfield—ALP) (Minister for Police, Fire and Emergency Services and Minister for Corrective Services) (7.42 pm): I rise to make a ministerial statement. This morning the member for Currumbin asked the Premier a question without notice in relation to triple 0 calls. I can advise that I have raised this matter with the Queensland Police Commissioner, who has advised that on occasions mobile phone usage near the border is picked up by a telecommunications tower in New South Wales. The commissioner's advice is that when a Telstra operator receives a triple 0 call from a mobile phone user close to the border they will look at it and determine it is a New South Wales tower and the call will go to New South Wales police. When this happens, each state has protocols in place to send the information back to the receiving state as quickly as possible. I am advised that generally it takes less than a minute for this process to happen.

Further, the Queensland Police Service has advised that there are no known specific or recent incidents where there have been any delays. Should the member for Currumbin have any details of any specific incidents of concern, I encourage her to bring the matter to my attention and I will make arrangements for the Queensland Police Service to look into the matter.

I am also advised that landline calls to triple 0 services are not affected in that they are fixed-line calls and Telstra operators know the address from which these calls are coming. I take this opportunity to commend our triple 0 operators for the work they do. Their jobs are challenging and we owe them a great debt of gratitude for what they do.


FARM BUSINESS DEBT MEDIATION BILL

RURAL AND REGIONAL ADJUSTMENT (DEVELOPMENT ASSISTANCE) AMENDMENT BILL

Second Reading (Cognate Debate)

Rural and Regional Adjustment (Development Assistance) Amendment Bill resumed from p. 634 and Farm Business Debt Mediation Bill resumed from p. 634, on motion of Mr Byrne—

That the Farm Business Debt Mediation Bill be now read a second time.

 **Hon. WS BYRNE** (Rockhampton—ALP) (Minister for Agriculture and Fisheries and Minister for Rural Economic Development) (7.44 pm), continuing: Biosecurity certificates can also be used to give assurance where there are restrictions on movement of risk items within Queensland. Currently, biosecurity certificates can only be issued by accredited inspectors appointed under the Biosecurity Act 2014 or, alternatively, by certifiers accredited by the Department of Agriculture and Fisheries. At the moment, to become accredited a business or individual must demonstrate to the chief executive that they have the procedures to meet intrastate or interstate requirements. Their accreditation is subject to conditions, amendment, suspension and cancellation on grounds specified in legislation.

Industry-led accreditation arrangements are recognised as the future of biosecurity assurance systems by biosecurity authorities in all Australian jurisdictions. The bill provides for recognition of third-party accreditation systems and for a certificate issued in accordance with an approved third-party accreditation system to be a biosecurity certificate for the purposes of the Biosecurity Act 2014. This is a big step forward for Queensland biosecurity systems. Only some weeks ago the biosecurity manager for Nursery & Garden Industry Australia, Mr John McDonald, told the ABC that these amendments will allow third-party programs to operate efficiently and effectively and unencumbered and that the nursery and garden industry in Australia wanted to take the amendments to the other states and territories of Australia and say, 'Here is our model legislation.'

The bill includes amendments to the Drugs Misuse Act 1986 to enable the supply of seed by Queensland licensed industrial cannabis producers to proponents licensed under the federal government's newly established medicinal cannabis cultivation and research scheme. Currently, part 5B of Queensland's Drugs Misuse Act 1986 allows industrial cannabis to be grown for fibre, seed and the products derived from these. Industrial cannabis growers cannot, either directly or indirectly, produce anything for a person to administer, consume or smoke.

The amendments by the federal government to the Narcotic Drugs Act 1967 enable the production of medicinal cannabis under strictly controlled national licensing systems. The federal act sets out the requirements for a national licensing scheme, allowing for the controlled local cultivation and manufacture of cannabis for medicinal and scientific purposes. A local supply of medicinal cannabis will greatly assist the treatment of Australian patients, including those in Australia suffering from a range of medical conditions. The states and territories have no ability to legislate for the cultivation and manufacture of cannabis for medicinal use or related research. Licences must be obtained through the federal government.

In 2016 Queensland Health, supported by the Department of Agriculture and Fisheries, hosted a series of public round tables across the state to discuss the federal government's medicinal cannabis scheme. These meetings were held in Atherton, Bundaberg, Ipswich, Mackay, Nambour, Rockhampton, Toowoomba, Townsville and Cunnamulla. These meetings generated significant interest and strong attendances, including by a range of stakeholders in the community. Participants included horticultural growers looking to diversify their business, sugarcane growers evaluating its potential as a high-value rotational crop, entrepreneurs seeking an investment opportunity and existing industrial hemp industry members.

The issue of sourcing seed was consistently raised throughout these round tables. At the time, the federal government's policy on acquiring seed for medicinal cannabis cultivation was unclear. The Queensland government listened to this feedback and took this matter to the federal government, which is now allowing seed to be sourced from legal Australian sources under industrial cannabis growers licensed in Queensland under part 5B of the Drugs Misuse Act 1986. The feedback from stakeholders through the roundtable process was invaluable, ensuring that licit seed could be supplied from Queensland.

The Queensland industrial cannabis industry has developed valuable cannabis seed lines for which it holds plant breeder rights. These will enable the Queensland industrial cannabis industry to supply into the medicinal cannabis supply chain now that the federal government's medicinal cannabis scheme has commenced.

The amendments will also ensure that our Queensland industrial cannabis growers can fairly compete with growers in other jurisdictions in supplying seed to licensed medicinal cannabis growers and scientific researchers. This will create new opportunities for Queenslanders. The change will be mutually beneficial for licensed industrial cannabis growers and those Queensland businesses interested in being part of an emerging medicinal cannabis industry in Australia. The Department of Agriculture and Fisheries has seen a significant increase in inquiries and applications from people interested in production of industrial cannabis in Queensland. This is good news for the industry and regional communities. Although it is a niche industry, the hemp industry is likely to play a part in providing new opportunities for jobs and rural economic development.

The bill makes unrelated amendments to the Biological Control Act 1987 to provide more appropriately for the use of viruses as control agents. The Queensland Biological Control Act 1987 mirrors the federal government's Biological Control Act 1984 to ensure a nationally consistent approach to biological control. The federal Biological Control Act 1984 was recently amended to clarify that viruses are included as organisms in relevant definitions. The bill will amend Queensland's Biological Control Act 1987 to bring it back into line with the federal government act. This will provide for nationally consistent definitions that ensure that the protections from liability and injunctions provided by these acts apply to viruses and subviral agents. Viruses are known to be an effective agent for biological control. However, the classification of viruses as organisms and as living entities has been a matter of ongoing scientific debate and there are possible implications in relation to the application of the Biological Control Act 1987. The amendments are timely given the proposed release in 2017 of a new naturally occurring strain of the rabbit calicivirus, known as K5, and of the carp herpes virus for the control of common carp. Consequently, these amendments will commence on assent of the bill. I will speak more about the particular biological control agents in a moment to address the query raised by the committee. Most biological control agents are not a source of controversy and all biological control agents are subject to rigorous approvals and scientific testing under other legislation.

The bill was referred by the Legislative Assembly to the Finance and Administration Committee for review and the committee tabled its report on 28 November 2016. As I have already said, I thank the committee for its extensive and very detailed consideration of the bill. The degree to which the committee has scrutinised the bill is indicative of how important it considers the bill and its objectives to be. I also wish to thank all those who have made submissions to the committee on the bill. These contributions and insights into the impacts of farm debt issues have proved invaluable, increasing the government's awareness and knowledge of such issues. The committee made some 22 recommendations in total, the most important of which being that the Farm Business Debt Mediation Bill be passed. I thank the committee again for its support of that bill. I now table the government's response to the committee's report.

Tabled paper: Finance and Administration Committee Report No. 34, 55th Parliament, Farm Business Debt Mediation Bill 2016 and Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016, government response [\[460\]](#).

The government accepts in full the majority of the committee's recommendations. I propose to move amendments during consideration in detail to give effect to most of those committee recommendations. These include requiring a review of legislation after five years; moving provisions about choosing mediators from the bill into regulation; providing for mediation meetings to be held somewhere that is reasonably convenient for the farmer or conducted electronically where agreed by both parties; amending the definition of 'farm equipment' to include farm machinery; increasing the time a farmer has to request mediation to 20 days from when they receive the notice of intention to take enforcement action; allowing the mediator to supervise the preparation of the heads of agreement as well as prepare a heads of agreement themselves; and clarifying that a farmer can have more than one adviser attend mediation with them.

I will also propose amendments during consideration in detail which go further than the recommendations of the committee to clarify or improve certain aspects of the bill, and I will now explain some of those amendments. The bill provides in part that achieving satisfactory mediation for farm business debt is a ground for issuing an exemption certificate to allow a mortgagee to take enforcement action when a farmer has defaulted on a loan. The term 'satisfactory mediation' is defined as when the farmer and the mortgagee have entered into a heads of agreement or the mediation has proceeded as far as it reasonably can without a heads of agreement being entered into.

The committee examined under what circumstances it was reasonable that there should not need to be further mediation when there had previously been satisfactory mediation. Clause 11 provides that the proposed act will not apply where there has previously been satisfactory mediation resulting in a heads of agreement and now the farmer has defaulted on a contract that was entered into to give effect to the heads of agreement. I propose to move an amendment to clarify the intent of clause 11. The committee raised concerns that satisfactory mediation where, for example, there was no heads of agreement needing to be entered into is grounds for the grant of an exemption certificate. This follows the New South Wales Farm Debt Mediation Act, which essentially provides for an application to be made for an exemption certificate to be issued where a farmer goes into default. It would be the case even if the farmer was not in default at the time the mediation was held and the mediation was decades before. The government considers this could have an effect on deterring farmers from ever undertaking mediation with mortgagees until such time as they were in a default situation. It might have the unintended consequence of affecting constructive dialogue between farmers and mortgagees throughout the life of the mortgage.

The committee recommended that mediation entered into without being in default should not amount to a ground for an exemption certificate if this default occurred within three years of the mediation. I propose to move an amendment that the government thinks is even fairer. In order for a ground for issuing an exemption certificate to be established, satisfactory mediation will have to have occurred concerning matters related to the farmer's default irrespective of the time between mediation and the default. The bill provides for a cooling-off period where the heads of agreement is entered into by parties to mediation. The committee recommended that the bill be strengthened to provide that the heads of agreement entered into during mediation be binding. The government acknowledges that the parties may be disadvantaged in some circumstances if there is a delay in acting upon a heads of agreement due to the imposition of a cooling-off period provision. In order to avoid undermining a heads of agreement entered into during mediation, I propose to move an amendment during consideration in detail which will allow parties to waive all or part of the cooling-off period provided the parties agree and the farmer has had the opportunity to seek legal advice.

A submission to the committee on the Farm Business Debt Mediation Bill raised concerns with the absolute approach adopted with respect to confidentiality of information and the inadmissibility of matters or documents from mediation meetings for future civil, criminal or administrative proceedings.

As the bill is currently constructed, all documents requested of the mortgagees by farmers and vice versa under the provisions of the bill would be inadmissible in such further proceedings. This provision in the bill was drafted along the lines of a similar provision in the New South Wales Farm Debt Mediation Act. However, the government acknowledges this provision may prove problematic. The committee recommended that the bill be amended to extend its application to a document that was specifically created for the purpose of being given to a party under the provisions of the bill. The committee also recommended that the bill be amended to provide an exception where the proceedings related to the threat of future violence, concealing ongoing criminal activity or abuse of a child or vulnerable party. The government supports these recommendations and I will move amendments during consideration in detail to give effect to these.

The committee did not make a recommendation concerning admissibility of evidence in QCAT hearings. However, the government considers that, in order to facilitate meaningful review of certain circumstances while still protecting persons and their reputations, it is desirable to have the bill provide an exception to the inadmissibility provision. I will move amendments during consideration in detail to provide an exception to the inadmissibility of those matters that are heard in private by QCAT.

The bill provides for the internal review of decisions by the authority and an external review of decisions by QCAT. Submissions to the committee by both farmers' representatives and banking representatives made it clear that concerns were held about the potential for delay in delivering decisions, particularly if internal review decisions were externally appealed to QCAT. The government acknowledges that reviews of decisions concerning exemption certificates and enforcement action suspension certificates by QCAT may potentially and unnecessarily delay decisions, which may disadvantage both farmers and mortgagees. In that regard, the committee's only recommendation was, should the bill be passed, to have the internal and external review processes reviewed after an appropriate period to ensure that they are efficient and effective.

I appreciate the concerns that have been expressed to me both personally and through the committee process on this issue and thank stakeholders for bringing this potential problem to my attention. I want to assure stakeholders that I have listened to their views and that their concerns are acknowledged. Therefore, I can advise that the government considers it appropriate to protect farmers and mortgagees from unnecessary delays in delivering decisions by amending the bill to provide that external reviews of decisions by QCAT will not apply to decisions concerning enforcement action suspension certificates and exemption certificates. Those certificates will be only internally reviewable by the authority.

However, I point out that decisions concerning a mediator's accreditations will still be reviewable internally and externally by QCAT as this two-stage review process will not in any way have an impact on decisions affecting farmers or mortgagees. I will move amendments during consideration in detail to give effect to those intentions.

Finally, I wish to address an issue that generated a significant amount of discussion and feedback during the inquiry but about which the committee did not specifically make a recommendation and I do not propose to move an amendment. The issue concerns the exchange of documentation between farmers and mortgagees and vice versa prior to having mediation. The bill provides that a farmer may request copies of documents from the mortgagee relating to the farm business debt and the mortgage. Those documents relate to the farmer's application for the farm business debt, the mortgage and any variation of these, the contractual relationship between the farmer and the mortgagee, correspondence about changes to the debt or mortgage and the farmer's default. The bill also requires the farmer to provide the mortgagee with certain documents or information.

The bill provides that, if either party fails to provide the requested documents within the specified time frame, they may be found to have failed to take part in mediation in good faith. I realise that this has generated some concern among some stakeholders. There have been quite opposite views about the exchange of documentation. The objective behind this exchange is to facilitate open and transparent communication between farmers and mortgagees and build trust through this process. In simple terms, it will serve to demonstrate that neither party is hiding anything from the other.

I wish to stress that I have listened to the views of stakeholders. I have noted their suggestions and alternatives and taken into account concerns around the difficulty of providing some information. However, I believe that the provisions of the bill concerning the extent of the documentation that can be requested of either party represent a good compromise between vastly different opinions.

As I outlined earlier, the Farm Business Debt Mediation Bill also amends other unrelated acts, namely the Biological Control Act 1987, the Biosecurity Act 2014 and the Drugs Misuse Act 1986. I note that the committee made no recommendations in regard to the proposed amendments to those acts.

However, the committee commented on the amendment to the Biological Control Act 1987 and requested that I inform the House of any consideration of the long-term impacts of the viruses proposed to be released as a result of the proposed amendments.

With regard to calicivirus, consideration was given to the Australian Pesticides and Veterinary Medicines Authority publication of December 2015, which was a public release summary on the evaluation of that particular virus, known as K5. For the benefit of the House, I table that document.

Tabled paper: Australian Pesticides and Veterinary Medicines Authority: Public Release Summary on the Evaluation of Rabbit Haemorrhagic Disease Virus, 08Q712 strain in the product RHDV K5, December 2015 [\[461\]](#).

That publication states that there are published papers that demonstrate that there is no evidence of the replication of this particular virus in non-target species. Consequently, I am confident that there will be no long-term impacts other than on target species of rabbits in Queensland.

With regard to the carp herpes virus for the control of common carp, I table for the House the paper relating to that virus in terms of it being used as a potential control agent in Australia and the susceptibility of non-target species.

Tabled paper: Article from the *Journal of Fish Diseases*, dated 2016, titled 'Cyprinid herpesvirus 3 as a potential biological control agent for carp (*Cyprinus carpio*) in Australia: susceptibility of non-target species' [\[462\]](#).

That paper would be of use to people who want to understand the consequences of the release of this virus. This paper was published in the *Journal of Fish Diseases* in 2016 and lead authored by the CSIRO. According to CSIRO virologists, the carp virus is extremely unlikely to mutate in ways that will enable it to infect species other than carp. Multiple lines of evidence support this view. Firstly, the carp virus is a herpes virus, which tend to be highly species specific. The nature of the carp virus's genetic material also makes species jumps highly unlikely. Viruses can be broadly classified as DNA or RNA viruses, with DNA viruses being stable and resistant to mutations that enable the infection of new hosts. Among the DNA viruses, those with larger genomes are particularly stable. The carp virus is both a DNA virus and has a very large and complex genome, rendering species jumps especially unlikely.

High levels of genetic similarity between different strains of the carp virus provide further evidence of the virus's stability. Internationally, three strains of the carp virus from the USA, Israel, and Japan have been fully sequenced, revealing a genetic similarity of greater than 99 per cent across all three strains at the sequence level. Close genetic similarity between strains indicates that major mutations are unlikely.

Over the next two years the National Carp Control Plan, coordinated by the Fisheries Research and Development Corporation, will oversee further research and extensive community consultation that will enable the Australian government to decide whether the carp virus represents a viable biocontrol agent under Australian conditions. The target specificity of carp herpes virus on carp is confirmed in this paper and, on the basis of scientific studies to date, I am confident that there will be no implications for non-target species.

I would like to again thank all members of the committee for their extensive and very detailed consideration of this bill. The number of public and regional hearings that were held shows the degree to which the committee has scrutinised this bill. This is indicative of how important the committee considered the bill and its objectives.

As I said earlier, this bill is part of our delivery of the \$77.9 million rural assistance and drought package. The rural assistance and drought package stands by our promise to support rural and regional Queensland and assists rural producers and communities across the state affected by debt and unprecedented drought conditions. I commend the bill to the House.

 **Mr KATTER** (Mount Isa—KAP) (8.08 pm): I move—

That the Rural and Regional Adjustment (Development Assistance) Amendment Bill be now read a second time.

It is with a strong level of bitterness that I rise to speak to my bill, the Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016. After many years of consulting with producers and the industry, including complex investigations by the Rural Debt and Drought Taskforce, which I chaired, we have come to this point where we have a bill before the House.

For me, the genesis of this bill started during the term of the Newman government. At that time two Australian reconstruction and development board bills were introduced into the federal parliament and they were unsuccessful, although they had strong support from the crossbenches and there was a lot of rhetoric on the side from people who said that the bills had merit and, 'We'll do something,' but nothing was done. A bill coming from the crossbench did not warrant their support.

For years now I have been discussing this issue with industry, people on the ground—primarily cattle producers in my electorate—bankers at the highest level—not just lenders on the ground out in the Mount Isa electorate but bankers at the very highest level who have a strong understanding of what their rural portfolio looks like and what is needed to progress that—academics, financial industry participants and ex public servants, including Sir Leo Hielscher, who developed the QIDC many years ago. At this point I would like to make special mention of Rowell Walton who worked very hard on this bill that we are debating here tonight.

We are seeking a piece of legislation that would address not only the cattle industry in my electorate, but also the viability of our rural towns—something that we could put through parliament that might offer some benefit to people in other areas and other agricultural pursuits outside of cattle. There are many things that will be thrown around that are good for one industry that have no application at all in other industries. For instance, the QFF maintains that we need to tackle the cost of electricity as it has a big impact on agricultural pursuits. Half of my electorate does not have electricity. Fixing electricity costs will make not a scrap of difference. Properties in my electorate run on generators not on mains power. The condition of the agricultural industries—cattle in my case—has to be considered. What can we bring to parliament that will service not just the industry involved but those towns as well?

As I drive around my electorate—and I am sure many other western MPs have the same experience—I see towns in decline. Let us call a spade a spade. You try to be positive and say outback tourism might help. Outback tourism is great, but it will not replace these industries. The towns are in decline and we need to reinvigorate that industry that sits around the town. That is the best way to make it work. Whoever is the MP for the Mount Isa electorate can come down to parliament and try to get money for roads or a town hall, but that will not keep the economy going. The industry around it will keep it going. There is no point having a big foreign owned corporation that does not put money into the town and reduces the number of workers. They own it all and take the profits overseas. That is not an answer. That does not reinvigorate the towns. Talk to people in Charleville. We can empower our local industries and people to help the businesses in these towns and the industry itself. How do we do that?

First of all let us address the size and nature of this problem. Many media outlets and agriculture lobby groups will paint a bright picture of agriculture and say good times are coming, we are moving into Asia and there will be benefits from that. I will paraphrase someone at a recent AgForce conference in Cloncurry. He said, 'Who gets the benefit? I can't see me getting the benefit. There is no point having a benefit in agriculture if I don't get it. We want to see the benefit to our own farmers and our own families, not a benefit to someone else.' That is the big question: where does the benefit go?

I am sure that people talk up the industry with the best of intentions. I do not begrudge them that. Putting your head in the sand while there are large structural problems is ignorant at best. Politicians are parading around saying there is stuff they could do if they could just get the support. They put it back on the people themselves. I have seen politicians out in the western areas at the peak of the drought saying, 'We will help you. I agree with the stuff you are saying, but you have to help me. I have to convince the people down in Canberra/Brisbane so it is back on you. You have to help.' That is bordering on evil. They are taking the responsibility off themselves and putting it back on the people who are in pain when really what that politician is saying is that their political survival is more important than their financial viability. That is what the real message is. Unfortunately it does not occur to some people that that is the message that is being given to them.

Let me go through some empirical data. There is an absence of empirical data in the space of agriculture and rural debt. The following information that was collected over the years of the development of this bill provides some insight into the extent of this problem. In 2010 the average debt level of farms around Australia was \$700,000. That rose to \$1.4 million in 2011. That is \$700,000 to \$1.4 million from 2010 to the end of 2011! That is remarkable. We have not collected data since then. We have not had a rural debt survey since 2011, so presumably it has gone far northward of that figure. To that end I have brought in this graph that illustrates the size and nature of the problem.

Mr DEPUTY SPEAKER (Mr Elmes): Can you either table that or put the prop down.

Mr KATTER: I am happy to table that.

Tabled paper: Graph, undated, titled 'Rural Debt & NVFP' depicting rural debt and net value farm price [\[463\]](#).

That illustrates that the problem has been around for a lot longer than drought or live exports. This problem is big and it has been there for a long time and policymakers have ignored it. It should be noted that information on the extent of the problem is limited by the banks' reluctance to provide data. One of the major banks that is exposed to rural debt at the moment, particularly in the northern areas, is one of the ones not contributing to the rural debt survey. That speaks volumes in itself.

In 2009 Meat and Livestock Australia undertook a survey of beef production in the northern cattle grazing industry. It would be fantastic for members, in the course of this debate, to download the report and take note of it. One conclusion from the report was—

In 2009, the northern beef industry is in its worst state since the beef slump of the 1970's with average return on assets (ROA) of 0.3% to 2.0%. Average beef producers tend to be spending more than they have earned in 6 of the last 7 years, indicating the northern beef industry is generally in a very unprofitable and unsustainable state.

That is a pretty concerning message to get from that finding. That was in 2009 before the live export ban and before the onset of the drought in 2011. In their 2013 report on the same area MLA states—

Profit after interest is decreasing, and is mostly negative, as a result of increasing debt with no increase in profits. The majority of Northern Beef producers are not economically sustainable as they are not able to fund present and future liabilities.

Let me move back to the first part of that line that says 'profit after interest'. The biggest growing expense amount on the profit and loss sheets of these cattle enterprises is the interest component on their debt. The cost of capital is the major problem affecting these businesses. If you address that you can put viability back into the industry. The government cannot access cheap diesel to give these people, it cannot access cheap urea to help with their feed, it cannot access cheap wire for fencing or tyres for their vehicles, but it can access affordable money to address debt. That is the purpose of this bill. We are trying to provide a cost-effective way for the taxpayer to help this industry. Let me remind members that there is no alternate use of this land. If this \$4 billion industry in Queensland is wiped out it is a big problem for all of us.

The gulf cattleman's survey is the next closest empirical data we have. Barry Hughes lead the charge and has done a great job with the Gulf Cattleman's Association. It paints a similar picture. This is an industry in trouble. The good news is you are not backing a bad horse. It is true that there can be a future in this industry, but the big burden on it at the moment is rural debt. We must address rural debt to jerk this industry back into gear. I am just talking about the cattle industry. Part of the point of going around with the Rural Debt and Drought Taskforce was to investigate if this could apply in other areas. Let us not just try to help the cattle industry in the north: let us do something that can benefit other areas.

I might add that for the average farm the increase in debt as a percentage of gross farm production was 32 per cent in 1980; it was 135 per cent in 2012. I think the most telling and possibly the most profound manifestation of the problem of rural debt is the downturn in the towns themselves, with the closure of shops in western areas. Anyone here can drive through any one of those western towns—and I speak with confidence about my own electorate—and be assured that there are intrinsic structural problems in the industries surrounding those places.

A couple of years ago in one of those small western towns, I had a conversation with the local banker who argued with me. He said, 'You don't need this reconstruction board. We don't have many stressed customers.' It was as if he was saying that there is no real problem with rural debt. I said, 'That's interesting. Can you tell me how all your loans are going for the businesses in town, because they rely on the viability of the industry around them?' He said, 'No, you're right. All the businesses are pretty stuffed in this town.' There you go; you cannot hide from that.

Out on the cattle property, they will baton down the hatches. They will put a staple through the chequebook. They will not go to town. They will tell you, 'We're going alright, as long as the bank doesn't foreclose on us'. However, you need to look at what is happening in the towns. I have stood at shop counters and spoken to people who have been literally crying and saying, 'We can't carry on. We can't sell this business. We will never be able to sell it. We love living here, but we are at our wit's end. Last week we had to save up money to drive the car to Townsville to pick up stock to put back into our shop.' That is when you know that you are poor. That is what is happening in the shops in our towns. I know that we all want to help those people, but what is the most cost-effective way to do that for the taxpayer? It is to stimulate the industries around the towns that those businesses rely on and keep people in the towns.

I will add that at this point the argument will be put, and perhaps raised in this debate, that we can recapitalise the industry by bringing in institutional investors or foreign investors. Firstly, I ask: is that this parliament's vision for our state? Would we rather provide opportunity to someone else? We know that there will be good times again in the cattle industry and perhaps some positive elements are now appearing on the surface. Who should we let take advantage of that? Foreign investors get subsidised capital. Does it mean that we are happy for them to come in and take advantage of this situation, but we will not support our own people?

This bill attempts to address a systemic failure that exists in the agricultural industries. The bill addresses the shortcomings of the QRAA loans and provides an adjunct to the existing loan facilities that can source capital from an open market outside of the current boundaries of QRAA to provide an alternate lending model to that which currently exists. It provides a mechanism that is more flexible, with greater capacity to take first mortgage loans over property rather than second mortgages. I will stay on this point for a second.

At the moment, in Queensland and Australia we all endorse drought concession loans or PIPES loans. We have those loans now. We all agree that, if people are in trouble, they can be given a loan to get out of trouble. However, the majority of those loans are second mortgages. That is my taxes and your taxes. Our taxes are funding those loans, unsecured. They are not secured against the asset; they are a second mortgage. To me that is silly. That is stupid business. We should be exclusively taking the first mortgage. Second mortgages are the barrier to people taking up these QRAA loans. People say, 'I'm trying to make do with the bank now. I don't want to refinance and have a second mortgage, because every time I try to deal with my account I will have two banks to deal with and will have to go through the evaluation process.' There are all sorts of negative effects from having a second mortgage. We already agree in principle that we have a lending facility, but I am proposing to make it a more efficient use of taxpayers' money in that you are only taking first mortgages over these loans.

In my electorate, the most common comment I get about QRAA loans is that they are available to those who do not need them, that is, those who are in a strong capital position. A farmer may have inherited his property and is doing well. Perhaps he has worked hard. He may not necessarily be a great operator, but he is in a strong capital position. I could be the farmer next door, working my heart out. I have been a copybook manager of the place, practising terrific environmental management, land husbandry and animal husbandry. I may be a really progressive farmer but not have as strong a capital position. It might even be that the bank has just done revaluations in the area, so I get called a 'stressed loan'. QRAA will say, 'You're not viable, Robbie. You don't pass the viability test.' I say, 'But I am a much better proposition than my mate up the road, who is in a good capital position but is a terrible producer. I could run rings around him as a producer.' However, the viability test will say that he is more viable. As I said, people say that the QRAA loans are available to those who do not need them, but they are not available to those who do need them and there is a thin wedge in between.

For three years, at the commencement of the drought when I initially came into this place, I politely asked the government whether we could do more as there did not seem to be any take-up of the drought concession loans. The advice from DAF to the government—and I blame DAF more than the government—was that they were doing a good job addressing the drought with the drought concession loans. After a few years of being polite, I came to realise what was really happening. By December 2014, I saw some numbers. They said that out of the 268 drought concession loan applications for my electorate of Mount Isa, four were granted. Four out of 268 and you wonder why people get angry! For three years we were told that they were doing their job. Out in those areas people are committing suicide and people in the towns are struggling and, while the government was telling us that everything was all right, four loans went out. Is that the solution? Nothing is changing now, but there needs to be change. We are trying to offer something different because the concession loans did not work. All we have been limited to is QRAA loans. If you already agree with the principle, follow it through and do it properly.

The metrics of the QRAA stuff does not work in my area. There could be a lot of rational reasons for that, for example, there are not many financial councillors out there. The long and short of it is this: the limit of the loans started off at \$600,000 and will now be up to \$2 million. I am told, and this is only anecdotal, that in my area the average debt is \$3 million to \$4 million, so most people say, 'That is a nice gesture, but don't bother'.

I want to paint a picture for members. Let us say that I am a farmer with a \$3 million loan. I have been working hard. I have done a great job using industry best practice. However, there have been revaluations in the area and the bank has said, 'Sorry, Rob, we are putting you up to 10 or 12 per cent'. For this example, let us say it is 10 per cent. That means that I am paying \$300,000 per annum on my loan. Under the existing drought concession loan arrangements, I can get up to \$2 million at the concession rate, which means I will be paying \$170,000. That is not a bad saving. However, if we adopt the bill before the House tonight, we can take a first mortgage over that property and get that figure down to \$88,000 a year, which is an immense difference. That money is not paid as interest to the bank. It does not go to Westpac or ANZ. It is freed up money that the grazier gets to keep. He will spend a large portion of that in the town. There is your answer right there. That is the answer. Everything else is tinkering at the edges, but that is the crux of what we are trying to achieve.

It is important to point out to members that this bill does not compel the government to do anything. It provides a mechanism for QRAA to operate outside the existing constraints so that they can operate. We must not discount the importance of this as the signal of an intention to act. We can all talk about how it would be good if we did more. People have said that we should be doing something and that this is a good idea. This is an opportunity to lay a platform. I am not saying that we should start a new agriculture bank. We are trying to meet in the middle with a compromise by saying let us signal an intention to act. That is fairly discreet. It is not a big jump for people. I have not prescribed in detail a particular course of action from the arm of QRAA. It can be funded and delivered in a number of ways. Quite frankly, the government is simply setting itself up as a target for all the detractors who will pull it down. We just need to signal an intent to act and create that mechanism, so that, if the parliament agrees, the government has the opportunity to use it.

The systemic failure in the agricultural industry has resulted in unsustainable levels of debt that are choking industry. Let me be clear that this bill does not provide a single solution. This is not a case of 'pack our bags, we have fixed things'. This is about arresting the decline in the industry and providing a base to build back to prosperity.

This could be seen as a mechanism to help people when they are down. I would like to think of this as a way to empower an industry that still has a lot of potential to offer the state. The industry participants have a lot to offer the state. This would give farming families the opportunity to again create wealth for the state. They are hamstrung at the moment by rural debt. It is not just people who bought properties and expanded their businesses. People are held back by debt. Let us empower them to build our economy again.

In this debate we need to address the failure of banks and the role they have played in this. I believe very strongly that there should be a banking royal commission. I am not going to stand here for a second and say that the industry participants—in my area the cattle producers—did not play a significant role in getting to where we are. Many people were excited by the upturn in the market and money was flowing from the banks like confetti. People liked to take the opportunity. In many cases, the behaviour of the banks was abhorrent. Their actions in picking up the pieces and helping people from that point on have fallen well short and are not commensurate with the level of responsibility that they have.

There is strong evidence that there are people out there who fall into the category of stressed loans. They are good producers who have fallen into the stressed loan category. Once they are blackballed by one bank, no other bank will take them on. It is important to remember that. It is not a matter of people shopping around. Once they are blackballed by the banks they are gone. QRAA is not the one to go to after that. It is rarely a safe harbour from that point on for those people.

I accept the idea that creating a lending institution and putting it back in the ether is abhorrent or deplorable to a lot of members here. Anyone who went to university in the last 20 years, including me, was taught that this is silly business—governments do not have a role in this anymore. I dearly wish that people would challenge those attitudes once in a while and look at the evidence of those policy settings and what effect it is having. They are falling short of delivering on so many aspects—social aspects and economic aspects—and from a food security point of view.

The only thing the hands-off approach will deliver—which, I might add, is rife within DAF in terms of the advice they give—is a continued decline in family owned businesses and a concentration of market power in a smaller number of corporate players in this space. That is happening now. It is real out there.

We have seen what happens when governments are too weak to play their role in the market. We have all but lost the dairy industry. Our sugarcane farmers are up against the wall. We have lost our international competitive advantage with cheap gas, and manufacturing and processing are no longer feasible industries in Australia.

The writing is on the wall, yet we continue to avoid the hard fact that the government must intervene once in a while to protect its industries and win the battle against our international competitors. I think it is important to reflect at this point that the OECD average subsidy in agriculture is 41 per cent over three years and in Australia it is six per cent. Everyone is saying that we are propping up the farmers. They are already behind. They cannot see the opposition out there in front of them. Companies can come into our country with subsidised capital, smash our local farmers out of the market while we are cheering them on, and we cannot get the smallest bit of support which we are advocating for tonight.

The foreign ownership argument is an important point to acknowledge in this debate. Foreign ownership gets debated on the basis of xenophobia. It is said to be all about the Chinese taking over Australia. To me that is not what it is about. This is what the foreign ownership debate is about to me. I would love to own a cattle property one day, but I do not get subsidised capital. I cannot get money at one or two per cent like others can from Chinese institutions and some American institutions. Their governments give them subsidised capital to come over and compete with our farmers. We will not even give our farmers the slightest bit of support and give them an Aussie go to hang in there. If someone is a purist and they do not believe in intervention, then they are cheering these guys on.

We also have to think about the balance of payments. We are inviting all these foreign owners to come in and buy our land—which is happening now—and take the profits overseas. I wonder who is doing the sums or keeping count of the Australian businesses that are buying overseas enterprises and bringing the profits back to Australia to counter and balance what is happening here? Perhaps it is not an issue. I think it is an issue. Someone should be keeping count of that and at least acknowledge if it is a problem. I think it is a problem. How do we arrest the problem? Perhaps we can give people the slightest bit of subsidised capital. That is what we are talking about tonight.

This is not a new concept. Throughout our history in Australia we have come up with the same solution and it has been done very effectively. The Reserve Bank had a role in rural credit from 1925 to 1988. We had the Commonwealth Development Bank. The Agricultural Bank of Queensland was established in 1902 and continued operating until 1986. We had the Commonwealth Rural Reconstruction Commission from 1971 to 1986. The QIDC, the Queensland Industry Development Corporation, operated from the 1986 to 1996. Now we have QRAA. These are not new ideas. They have been tried and tested.

The government sold QIDC to Suncorp-Metway for \$1.3 billion. People tonight are going to say that this is too much debt for the government. We have done it before and we sold it for \$1.3 billion. I would say that that is a bit of a windfall for the taxpayer, not a cost.

I spoke to someone who chaired the QIDC for five years. For all those people who say that we would create a lending portfolio for failed businesses, I point out that they did not have one default in five years in agriculture. They were the second biggest lender in Queensland at the time and they did not have one default. We can capture enough good viable industries and put them back on their feet, hand them back to the banks afterwards or keep them in on the books like QIDC did and make some money off them. This has been done before. That is the main point I would like to make.

The Rural Debt and Drought Taskforce toured around Queensland trying to capture a sense of whether this applied in other areas. Without boring people with too much detail, it did not tell me anything new. I am sure everyone who was there got a sense that there are systemic problems and that they well surpass the cattle industry. They are widespread and they are systemic and they are filtering through our towns. They are crying out for help in rural and regional towns. They need a big tool to try to address this problem.

A case in point for me is the Hughenden shire. Not only have they been hit by the rail cutbacks but their population decline has been 0.6 per cent over the last 10 years. That is a cattle town that is in decline. These places are fighting for survival. They are going backwards. Their main industry is cattle and anything else is largely secondary to that.

An interesting thing to reflect on is that QIDC was the most recent instrument that we had in Queensland. It was operated by a number of governments of different political persuasions in this parliament. It was sold off by the government in the 1990s for a healthy sum. Even in today's policy climate, governments provide targeted investment in key industries. An example is the Clean Energy Finance Corporation. They will invest over \$2 billion in a number of different programs. That is the government saying, 'We want to stimulate investment and activity in renewable energy. We are happy to create a bank.' The federal government, endorsed by both sides, was happy to create an investment bank to stimulate activity in renewable energy. It is a good idea. I am all for it. Why can't we do it for agriculture? Why would we vote against this tonight when we are advocating doing for agriculture what we have done for clean energy?

The Australian Renewable Energy Agency has \$2.5 billion in funding until 2022. The Northern Australia Infrastructure Facility has \$5 billion in concessional loans to stimulate investment activity. We will do it for the big guys. The big guys are welcome to the \$5 billion but, when it comes to the little guys on the ground, 'That is interfering in the market and you can't have access to that. We don't believe you can do it.' I believe in the Clean Energy Finance Corporation. It is good to stimulate that sector, but it is

also good to stimulate agriculture. I think it is a very hypocritical position to not endorse doing the same thing in this state for agriculture when we are already doing a clumsy version of the same thing. We already have drought concession loans out there which are a clumsy attempt to do the same thing.

I might add that exceptional circumstances dropped out of agriculture some years ago. There was dialogue from the banking industry at the time that said, 'Government, you are going to have a big problem here because without that there are going to be foreclosures and there will be a wind back in the industry.' That is what we are seeing now. It is playing out exactly as predicted and nothing has come in to save it. We are advocating for something to come in and save it tonight. Let's see how people vote. We are putting something on the table. It is not forcing us to do anything. It is just providing a mechanism that we can follow. If we cannot do that, what are we on about? Please go and tell those people out there in my electorate and in western areas that you failed to help them. You had the opportunity tonight to provide a big solution to this big problem but what did you do? I am talking about 'you' personally, not your party. What did you do to help?

Agriculture is a key part of Queensland's economy. It is not everything, but it is a big part of it and we cannot ignore it. It is suffering ill health. Unfortunately, we are just ingesting this ridiculous zealotry in economic policy in this state and in this country that says, 'Government does not touch anything.' We passively observe industries as they collapse but do not really go in there and help them. There is so much reluctance even with getting these drought concessions loans out the door. I think that makes everyone cringe. There is so much reluctance to help.

We sold QIDC for \$1.3 billion. You talk about debt—and that will be the argument that will be put up here tonight, that you just cannot expose the government to this sort of debt. We are happy to expose the government to debt on other infrastructure items. We are happy to build sports stadiums or traffic tunnels or bridges in town, but we cannot provide loans to productive industries that generate economic activity. These are typically stand-alone industries that need a reset and a leg-up, and we have the opportunity to make money out of them in the future.

Please tell me a more cost-effective way for the taxpayer to help those industries out there that will give back to the people of Queensland, as the sugar industry did after QIDC was started. That is why the QIDC was started—to help the sugar industry at the time. Think of the billions of dollars it has pumped back into the Queensland economy. The sugar industry did not need it any longer. I might add that many people who contributed to the Rural Debt and Drought Taskforce said, 'We don't need help now, but I tell you what: my father got help from the agricultural bank back in the sixties and I am here now. I have built the business up. I employ people. I put money back into the town. We are so grateful to the government for helping us back then. We don't want any help now, but we really hope that this government will help people now like us who will contribute to our economy into the future.' That is what we are giving an opportunity to do tonight.

I can understand Labor's position tonight. I am unhappy that there is another bill that has been brought in over this bill. Farm debt mediation and some of those aspects are fine. I do not disagree with them, but they fall hopelessly short of addressing this very real problem. I will be very interested to see through the course of this debate the position of the opposition, because I cannot see any reason for not backing something that provides an opportunity for the economy and that serves agriculture and the towns in western areas. I have been searching for years for an answer to try to help these western towns. This is the best I can come up with as one big solution and I am asking for help here. Members should make their decision, but they should think hard about the decision that they make because we are asking for help. We are putting something on the table. I have been very open about what we are trying to do and I have been very open about amendments to enhance it, but it is very important that there is a separate entity that operates outside of QRRA so that they can access funds externally if they choose and relend it out.

I did miss an important point earlier. The APRA guidelines are a very big factor in this. The APRA guidelines dictate the terms under which the banks—deposit-taking institutions—operate. I might not have expanded. I did not buy any cattle properties in the boom. I am out there doing my best, but they revalued all the stations in my area and I am suddenly classed as a stressed lender even though I have never missed a bank payment. I am suddenly on 10 or 12 per cent because APRA said so. I have had bank managers say, 'Rob, I would never have put you on 10 per cent—I know you will live in a tent before you stop paying your interest—but I have to, mate. These are the APRA guidelines.' I have had interactions with banks. I was there with the Treasurer at the banking round table. They said, 'APRA guidelines are a problem. We really think there needs to be an alternative lending model out there because we have hit a brick wall.' There have been banks saying straight out in public, 'We need the


government to bring something to the table. This is a big problem.’ One of the banks has said, ‘We were part of the problem. We admit that, but there is a big problem and we need the government’s help.’

I am not the only person saying this. I am going to quote Senator Matthew Canavan from one of the rural valuers conferences. At the end of his speech he said—

Likewise, I think there is a role for government to provide loans to graziers on a more permanent basis to encourage competition in the rural lending market, and encourage farmers to invest in better risk management practices, including through insurance. Some of these ideas are being discussed through the agriculture white paper process.

The last sentence is a bit pointless, but the point is that there is all of this rhetoric. Everyone will go out there and have town hall meetings and say, ‘Yes, we agree. We have to do something. We definitely need an alternative lending model.’ We have one here tonight. It is not rebranding QRAA but actually creating a mechanism that can function as an alternative lending model. We have put it on the table. It has been there for six to 12 months to amend, to adjust. Members can vote for it or not. I dearly hope members think very carefully about the way they vote on this. I will be very interested in it. This is a very personal issue for Shane and me. It will be a tragic wasted opportunity if this parliament cannot support something like this to empower the towns and businesses in western areas. If we cannot do things like this, there is little hope: there is a very grim future for the structure and make-up of those towns and the industry as we know it today.

I urge members to strongly consider how they vote on these bills tonight. I do not disagree with some of the things that will be put forward tonight by both parties, but they fall hopelessly short of what the real solutions are. We will be voting accordingly. I hope that honourable members acknowledge that there is a big problem here. There is a very big problem and it needs a big solution. If they have something better, they should put it on the table. The alternatives that are out there now are hopelessly short. I commend my bill to the House.

 **Mr LAST** (Burdekin—LNP) (8.49 pm): I rise to speak to the amendments proposed by the opposition to the government’s Farm Business Debt Mediation Bill 2016. From the outset let me say that the opposition agrees with the intent of the bill, which is following a nationally agreed approach to farm debt mediation and largely follows mediation mechanisms already in place in New South Wales and Victoria. However, the opposition believes that some further amendments are needed to improve the operations of the mechanism for mediation and, moreover, make the operation of the new Queensland Rural and Industry Development Authority, QRIDA, much more effective in specifically helping farmers deal with farm debt restructuring.

The issue of rural debt, particularly debt caused by the prolonged drought, is a complex issue that has had a significant and long-lasting impact on our rural families and communities. Underpinning the difficulties faced by our farmers experiencing financial stress is an inflexible and cumbersome system for dealing with farm debt issues. Do we need a new or separate rural bank? The answer is no. The last thing we need in Queensland is to establish yet another financial institution that would simply add to the bureaucracy and the red tape that our farmers are currently facing. I note the establishment of a rural and industry development bank is not supported by either AgForce or the Queensland Farmers’ Federation and that both organisations have identified farm debt mediation as an area requiring attention. I also note the comment from the QFF that new compulsory farm debt mediation legislation in Queensland must be an improvement on the current voluntary arrangements in place under the QFFS. The main concerns of the Queensland Farmers’ Federation are conflicts of interest, appeal time frames, consistency with New South Wales and transition support for farmers.

For many of our graziers facing a third, fourth or even fifth consecutive year of drought the issue of farm debt can be overwhelming. Many of these graziers are widely recognised in history as good operators and yet through no fault of their own they now find themselves in financial difficulties. There is no question that the ongoing drought and mounting levels of debt have left many of our primary producers in a perilous financial position, particularly in the western and north-western areas of the state. It is worth noting that almost 90 per cent of our state is drought declared at present. Certainly debt to valuation levels have deteriorated and in some areas values have crashed despite record cattle prices.

Those lucky few who have received rain and are wanting to restock are finding that record cattle prices are prohibitive, thus adding to their financial predicament. There is no question that producers are looking for an assistance package that will reduce financial stress and improve the financial sustainability of the rural sector. It is how we go about providing that assistance and managing risk that poses the dilemma. The last thing that we need is farmers defaulting on loan repayments, which results

in bank enforcement action. The Farm Business Debt Mediation Bill legislates farm debt mediation, which will provide farmers with a process that is independent and consistent in its approach to resolving complex financial matters.

I have firsthand experience in dealing with disputes involving farmers and financial institutions. I can assure honourable members that the stress and the mental anguish imposed on farmers and their families when they are at risk of losing their farm cannot be underestimated. I have attended situations in my former life as a police officer where farmers took their own life because of financial stress. Any mechanism that can assist in alleviating the situation should be welcomed. In a lot of cases it comes down to communication. The last thing a farmer needs to see is the receiver coming in the front gate to take over the farm. Every possible avenue needs to be explored before it gets to this stage. I would hope that this legislation before the House tonight goes some way to addressing this issue of Big Brother riding roughshod over our farmers.

Many of our drought-affected graziers have completely destocked their property, either selling their stock or sending them away on agistment. Of course, this can present its own problems with farmers in many cases unable to restock their property when the season breaks due to record cattle prices or a short supply of cattle. Many of our graziers are unable to source replacement breeder stock due to the reduction in the national herd and the lack of female cattle more broadly across Queensland. I know from talking to drought-affected graziers that simple things that we take for granted, such as purchasing food, clothing or fuel, have suddenly become insurmountable problems.

I note that this legislation is similar to the farm debt mediation process that currently exists in New South Wales and Victoria and that it requires all providers of rural credit in respect of a farm mortgage to offer primary producers access to farm debt mediation prior to the creditor commencing enforcement action. Whilst we have the voluntary Queensland Farm Finance Strategy in place, this agreement lacks independence as there is no separation between the ownership of the agreement and its operation. Furthermore, it does not require providers of rural credit to participate.

This bill does not stop farmers resolving issues informally with banks or seeking legal processes to resolve disputes. What it does do is legislate a mediation process as an alternative to expensive and drawn out legal processes to resolve financial disputes. I note that QRAA proposes to implement a governance framework for the new authority's functions in relation to farm business debt mediation with particular attention to maintaining information barriers between the lending and farm business debt mediation functions. It is important that we have separated service delivery and the necessary compliance audits built into this process that will ensure transparency going forward. I welcome the fact that no fees are proposed to be introduced at this time to recover costs from farmers applying for an enforcement action suspension certificate, mortgagees applying for an exemption certificate and mediators applying for accreditation. This is important for our farmers because the last thing they need when experiencing financial stress is more costs and fees. A mortgagee who is owed money must not take action to enforce the mortgage until they serve a notice on the farmer advising of the proposed enforcement action and the availability of mediation and has entered into mediation in good faith if requested by the farmer.

Where a farmer is in default and the mortgagee refuses to participate in mediation or does not participate in good faith, the farmer may apply for an enforcement action suspension certificate which blocks the enforcement of the mortgage. The proposed provisions seek to balance the mortgagee's rights to enforcement under farm business mortgages against the interests of farmers to address actual or perceived issue or disempowerment in negotiating alternative solution in debt disputes.

I am pleased that this legislation provides clarity that the act relates to farmers who owe farm business debts to mortgagees in relation to farm mortgages which have the farmer's farm property as security and, furthermore, that the bill will not apply to a farmer who is bankrupt. I also note that the bill will not apply where the farmer and the mortgagee entered into a contract, mortgage or other document to give effect to a heads of agreement entered into as a result of previously taking part in mediation under the bill and the farmer defaulted in relation to the contract, mortgage or other document.

I previously mentioned the difficulties experienced by many of our farmers when dealing with financial institutions, particularly relating to business debt. This bill imposes a requirement on the mediator to provide to each party and the authority a summary of that mediation within 10 business days of it ending. The summary must state a number of matters including inter alia the date when the first mediation meeting was held and the reason the mediation ended if no heads of agreement was reached. The mediator is also required to provide their opinion on whether the mediation was satisfactory and, if it was not, the mediator's reasons for this opinion. If the parties do not agree with

the mediator's opinion or reasons for it, the parties may ask the mediator to note their disagreement on the summary. This makes the process transparent to all parties, and that is certainly something that has been lacking up until now. It provides a written documentary record that will help alleviate the mistrust and accusations of improper conduct that currently exist.

I note that QFF and AgForce are generally supportive of this legislation. I am sure there are a lot of farmers out there currently doing it tough who will also welcome a legislated farm business debt mediation process. If this legislation results in even one farmer retaining their farm, I think it will have been well worth it. Governments do what they can with drought and fodder subsidies and assistance with drought and recovery loans, but we need to target reconstruction and that is what these amendments aim to do. To deliver good policy it is no secret that governments need good information and good data on what is happening on the ground, and when it comes to farm debt we all know that it is growing and in certain areas there are real problems.

We have heard of the protein export boom and the opportunities that abound in Asia, and that is all well and good if you are not in a drought and you have the cattle to sell, but the harsh reality is there are debt hotspots and we need to deal with them. To do that properly we need good, reliable data. We need to get back to the basics and again have the type of data that was available in the Queensland Rural Debt Survey that was published up until 2011, when some of the banks decided they were no longer going to provide QRAA with their figures. Those on this side of the House do not think that is anywhere near good enough. While we hear that there may be something happening federally with data being collected at a federal level which will then be made available to the states and territories, we want to make sure that data is available for QRAA, the department and the minister to make sound policy decisions.

For that reason we propose amendments to ensure that the minister, the department responsible for primary industries and the Queensland Rural Adjustment Authority—to be renamed Queensland Rural and Industry Development Authority, or QRIDA—do have powers to compel banks and other rural lenders to provide up-to-date data on rural lending to allow QRIDA to publish a biannual rural debt survey. We also propose to compel the minister to release the survey within three months of finalisation by QRIDA. The provision to compel banks and/or lenders to provide information is based on section 26 of the Gasfields Commission Act. Hopefully, all banks and other rural lenders will provide the information regularly as they did in the past and the provisions to compel them will not be needed.

States and territories have agreed on plans for a national scheme for farm debt mediation based on the existing New South Wales scheme, and therefore it makes sense to align the Queensland legislation with the scheme operating in New South Wales. We certainly agree with the amendment to expand the definition of 'farm mortgage' to include machinery as per New South Wales. We also seek to amend the bill to address the potential conflict of interest of QRIDA running mediation processes and accrediting mediators while also being a rural lender.

Concerns were raised by the farm stakeholder group Queensland Farmers' Federation about the need to have another body other than QRIDA appoint the mediator. The amendment will make the chief executive of the department responsible for primary industries, currently DAF, responsible for appointing mediators. We seek to amend the purpose of the act to provide a framework for good faith mediation as per the Queensland Law Society's submission. We also seek to strengthen the intent and expand the definition of 'adviser', again as per the Queensland Law Society's and AgForce's submissions to the review conducted by the Finance and Administration Committee, to allow the parties to have more than one adviser present. We agree with amending so that parties who have undertaken mediation before under the act are not prohibited from mediation again as per stakeholder submissions. However, we are determined to redress the situation where those who miss out on low-interest loans and are in genuine hardship have nowhere to go but to remain dealing with existing lenders.

Let me be clear: we do not believe there should be a new rural bank and a new rural lending institution set up in Queensland. However, we propose an amendment to fine-tune, if you like, the operations at QRIDA by establishing a Farm Debt Reconstruction Office in QRIDA headed by a manager and three to four expert agricultural staff with the appropriate qualifications to undertake the assessment of farms and farm businesses under stress and to personally consult with owners, accountants, financial advisers and lenders on their overall personal situation to establish a way forward for long-term farm business viability and, if this is not possible, then to advise on an exit strategy while preserving as much capital as possible. These professional officers could, for example, undertake negotiations with lenders on behalf of farmers to agree to lower loan amounts and restructured debt packages. This is a key amendment and sets a new and, if you like, clearer role for QRIDA and farmers in real trouble.

We hear of the success of the First Start and productivity loans provided by QRAA to assist younger farmers onto the land and other farmers to increase productivity and hopefully profitability. We need to recognise that there are farmers in trouble and we are doing something to try to redress their situation through a more thorough and critical assessment of the situation. I would also like to add that I appreciate all of the input that has gone into this legislation and the overall goodwill of the people involved to gain some improvement. However, I believe what has been proposed by Katter's Australian Party would come under federal jurisdiction and the Australian Prudential Regulation Authority, which is the prudential regulator of banks, insurance companies and superannuation funds, credit unions, building societies, friendly societies et cetera. The days of the state controlled agriculture bank are over, and that includes the QIDC.

QRAA is able to borrow funds through Queensland Treasury, and this will continue. Currently QRAA has access to money from 2.3 per cent, so it is able to provide money at very competitive low rates and this should continue. Unlike other states, we do have an organisation in place that already deals with assistance and low-interest loans for our farm businesses. Indeed, QRAA undertakes assessment and distribution of Commonwealth assistance packages not just for Queensland but also for other jurisdictions. Our view is that QRAA needs to undertake more specific work to assist farmers with debt reconstruction. While it does undertake some work currently, we believe this needs to be broadened and expanded.

We recognise that federal assistance, including drought assistance and reconstruction loans, is available but they are too low and even combined will only provide a low-interest loan to a maximum of \$1 million. Our view is that this needs to be increased and, at a minimum, doubled to \$2 million and perhaps even more. We raised this during a briefing with the department earlier today, and I want to thank the departmental staff who provided that briefing for their insights today. I would formally ask the minister to write to his federal counterpart and raise this at the next COAG meeting which deals with drought assistance, because currently even combined the maximum amount available through drought recovery assistance and debt refinancing is just \$1 million which, as mentioned, is insufficient.


I will move on to the amendments to the Biosecurity Act 2014 and the provision of third-party biosecurity accreditation systems. This amendment will allow third-party accreditation schemes to be recognised as a framework under which biosecurity certificates may be issued. Persons can then be approved as an operator of such a scheme provided they have the requisite systems in place. The bill provides that a person operating within an approved scheme can issue biosecurity certificates for the purposes of the Biosecurity Act 2014. I am pleased that the bill provides that persons can only issue certificates in accordance with the rules of that approved scheme.

Any such scheme is intended to be completely distinct from the government accreditation systems with its own governance and administration arrangements, including auditing systems and procedural controls. I note that it will remain accountable to the government by monitoring of the scheme operator through auditing arrangements, and I think that is important. It is also important to understand that biosecurity accreditation systems enable Queensland producers to conduct activities and access markets from which they might otherwise be excluded by law or other requirements.

With regard to the Rural and Regional Adjustment Act 1994, I note that the new provision in clause 127 expands functions to carry out research into developing policies and giving advice to the minister about the financial performance and sustainability of the rural and regional sectors in Queensland—in particular, primary producers, small business and other components of the state's economy—and I would certainly hope this is the case given the government's financial commitment to the new entity in this year's budget.

With regard to the Biological Control Act 1987, despite the controversy and the ongoing scientific debate about whether a virus is a living entity, there is a need to ensure the appropriate legislative mechanisms are in place to allow the use of viruses as biological control agents. Where would we in Australia be without the calicivirus, which helped turn back the rabbit plague which threatened our rural sector? I note recent amendments to the Commonwealth Biological Control Act 1984 to provide for the declaration of viruses and subviral agents as 'agent' and 'target' organisms under that act. Amending the Queensland Biological Control Act 1987 to reflect the amendments to the Commonwealth Biological Control Act 1984 will support a nationally consistent approach to the relevant definitions to expressly provide for viruses or subviral agents to be an organism and prescribed organism to ensure that the protections from liability and injunctions provided by that act would apply.

Finally, part 5B of the Drugs Misuse Act 1986 would be amended to allow Queensland growers and researchers to supply certain cannabis seeds to persons licensed to cultivate medicinal cannabis under the Commonwealth Narcotic Drugs Act 1967. Once again, we on this side of the House have no opposition to that amendment.

 **Mr RUSSO** (Sunnybank—ALP) (9.10 pm): I rise to speak in support of the Farm Business Debt Mediation Bill 2016. I recommend and support the passing of that legislation tonight. The bill also deals with unrelated legislation and makes amendments to the Biosecurity Act 2014, part 5B of the Drugs Misuse Act and the Biological Control Act. I also support the passing of those provisions.

The majority of my speech will focus on the Farm Business Debt Mediation Bill. As I stated in the report to this House on this bill and I state again, I thank my fellow committee members for the considered and bipartisan approach that was taken. I also thank all of the submitters and witnesses who gave of their time, experience and knowledge, which was an invaluable help to the committee members. I also take this opportunity to thank the committee staff.

I grew up in a farming community. My grandfather settled on a cane farm in North Queensland, in Bemerside just outside of Ingham in the Herbert River district, prior to the Second World War. My dad and my uncle worked on the land. As a teenager I also learned to work the land and, dare I say, helped clear vegetation on new farming land in the Ripple Creek area as the need came to obtain more acreage to get bigger sugar quotas, as the pressure for bigger farms grew to enable the farm to stay economically viable. I have vivid memories of walking behind the dozer at Ripple Creek picking up roots and stones and making piles on the side of the headlands so that the newly cleared land could be planted with cane. I remember the moisture of the soil building on the tips of my fingers as I went about my task.

I have some connection to the plight of the farmer and the financial stress that attaches to being a farmer. Agricultural industries form a large part of the Queensland economy. Agricultural industries support many regional communities throughout Queensland. The committee became acutely aware that agricultural industries are vulnerable to external pressures such as climate and market forces, global financial events and changes in domestic rural credit policies which can affect the economic viability of industries within the sector.

The Rural Debt and Drought Taskforce, which gathered evidence during late 2015 and early 2016, found that different banks take different approaches to primary producers considered at risk. Primary producers stated that changing valuations for land taken by some lending institutions caused them to receive default letters in situations where they had been meeting their monthly payments.

The Queensland government remains committed to assisting rural producers and communities across the state that are affected by debt and prolonged and widespread drought. The bill will reduce financial stress in rural Queensland by providing protection for farmers facing financial difficulty. The bill will assist farmers being treated unfairly by lenders.

The purpose of the bill is to establish farm business debt mediation legislation that will provide a more effective and equitable pathway for farmers and lenders to resolve matters relating to farm business debt. The previous voluntary farm debt mediation mechanism offered through the Queensland Farm Finance Strategy is to be replaced by this legislation when passed.

When coming up with the best model for legislative change it is often helpful to look to see what is happening in other states. New South Wales and Victoria have legislated farm debt mediation processes. The New South Wales Farm Debt Mediation Act has been used as a model for the development of this bill.

The bill will apply to all providers of rural credit in Queensland and is related to rural credit that is secured by a farm mortgage. The bill also provides an independent framework and certainty in the process for the resolution of rural debt matters. The bill will make it compulsory for financial institutions to offer mediation before enforcement action against a farmer can be commenced. An important feature of the bill is that farmers have an option to decline to participate in such mediation.


The bill will also provide that professional mediators seeking to participate in the process will be required to be accredited under the proposed legislation. The idea behind accreditation is to ensure that qualified mediators with an understanding of rural matters are engaged by the parties seeking to go to mediation. Accreditation also provides for quality assurance in the mediation process.

Decisions about notices required under the act and accrediting mediators will be made by the proposed Queensland Rural and Industry Development Authority, QRIDA. To achieve confidentiality and independence from QRIDA's other functions, such as its lending portfolio, internal electronic and physical information barriers will be established to provide an appropriate level of separation. The governance associated with these mechanisms will be subject to external audits.

The cost associated with mediation was a common theme and an issue that caused stress for farmers, who are often asset rich but cash poor. The bill intends to address the issue by having farmers and financial institutions share the costs of the mediation on a fifty-fifty basis. The parties must also bear their own preparation, attendance and legal costs. The previous voluntary mechanism for mediations was not subsidised by government, and the current bill makes no provision to cover costs.

I turn to the question of the need for a rural bank. The Australian Bankers' Association noted that banks have an understanding that cash flows for farms are variable and uncertain, which is not always the case with other businesses. The Australian Bankers' Association found that the majority of agricultural businesses seeking debt finance are successful in obtaining the required funding. There would be, in my view, concern about a taxpayer funded rural bank being used to support unviable agricultural businesses. I am also concerned at the uncertainty surrounding the cost to government of establishing such a bank. There also appears to be uncertainty regarding the interaction between government, distressed loans and commercial lenders.

The fact is that banking is regulated by the federal government. There are many regulatory and legal arrangements that apply to the establishment of a bank that would prescribe the creation of a new state bank. History has not been kind to state banks, and I believe the risks to the state far outweigh the advantage to distressed farmers. I recommend that the bill be passed.

 **Mrs FRECKLINGTON** (Nanango—LNP) (Deputy Leader of the Opposition) (9.18 pm): I rise to contribute to the cognate debate of the Farm Business Debt Mediation Bill and the Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016, introduced by Katter's Australian Party. I note that the Finance and Administration Committee recommended that the Labor Party's Farm Business Debt Mediation Bill be passed.

I would like to mention my time on the Rural Debt and Drought Taskforce. This task force was initiated around 18 months ago, when I was shadow agriculture minister. I was the opposition's appointment to that task force. I believe that task force helped bring light to the hardships and the heartbreak of people living in drought-affected regions across Queensland at the time.

The task force held meetings in 13 different regional centres between December 2015 and January 2016. I particularly want to thank the 467 people who took time out of their busy schedules over that Christmas period to attend those meetings and those who made presentations or attended the private sessions with the various members of the task force. Many of the submissions, particularly the private submissions, were immensely personal and emotional as people reflected on not only the hardships of drought on a day-to-day basis but also the financial hardships that were imposed upon them. I want to say to those people that we genuinely appreciated your time and the effort you made to encourage a government to think about drought. It was an opportunity to open the eyes of our counterparts in this House and truly demonstrate how difficult times are when dry conditions continue to prevail.

Drought is an insidious situation. It creeps up on you. You keep hoping it will rain and thinking, 'If we can hang on for just a few more weeks and then things will be okay.' When the rain does not come for sometimes weeks, months and, in the case of a couple of years ago, years, it slowly eats away at simply everything that you have worked for. It takes away your ability to plan for the future and it takes away your ability to run your business efficiently and effectively. It leaves you at the mercy of nature without any way of changing your situation, no matter how hard you plan or how hard you work. Families have no rest and no family time. They have no break from the constant need to feed and water their stock. Drought is all encompassing and consumes your spirit and ability to think positively.

During this time I recall a friend of one of my daughters who was sent home from boarding school and who was on the plane sitting beside someone saying, 'My parents simply cannot afford for me to be schooled any longer.' It is through the goodwill of so many of our wonderful private schools and Catholic schools and organisations that assist some of these students. It is not the fact that they want a private education; it is just that they simply want an education and they do not want to have their education by way of radio right up until senior. In light of this, most of the people that we met were determined to get through. There is a level of resilience in our communities which is extraordinary and which sums up the qualities of people who live in our regional areas, whether it be the family on the land, small business owners or local community groups.

I also note that at the present time my entire electorate—the entire Somerset, the entire South Burnett, the entire Toowoomba and the entire Western Downs regional areas—continues to experience lower than average rainfall. Relieved producers can now access subsidies to help them get through what has been a failed wet season in most parts. With regard to the bills, I know much work has gone into helping find a solution to the issues of farm business debt matters and I thank the shadow minister for agriculture, the member for Burdekin, for considering the extensive amendments to these bills.


There are also key objectives in relation to biosecurity which I want to acknowledge as very important, but I will not be touching on them today. There is no doubt that farm business debt is a huge issue hanging over the heads of rural Queenslanders. In my own region I want to thank Farm Financial Counselling's Mr Alan Broome. Alan is now retired, but he dedicated many years to helping our primary producers get through the hard times, and he is still helping our primary producers at the moment. The financial counselling and assistance he has provided over the years has saved farms and sometimes even the lives of my local producers. He worked tirelessly one on one with families who were looking to instigate succession planning, who were considering expanding or purchasing the block next door or who had found themselves in difficult circumstances.

Whilst we talk about drought as it continues to affect farm debt, we should also talk about flood. The floods of 2011 and 2013 were a dreadful time for my constituents and I do not think Alan had a day off during those years, working around the clock to help my constituents get back on their feet. He also worked closely with our QRAA regional manager Bill Fletcher, and I also want to thank Bill for his hard work for our local producers. QRAA is an important part of the mix when it comes to farm businesses and only recently I have heard through local producers that QRAA has simply run out of money for its productivity loans because there has been so much demand.

In the short time I have left I need to touch on the amendments that have been thought through by our shadow agriculture minister, the member for Burdekin—amendments to make this bill better, amendments that the LNP has thought long and hard about as to how to help our primary producers who are much in need. The first amendment is in relation to the rural debt survey. This information is vital. It has not been done since 2011 and I have spoken about this issue many times in the chamber. It is something that will help our rural producers and our lenders understand the debt levels that are out there. Other speakers have touched on the national scheme for farm debt mediation based in New South Wales. I am pleased that we are amending this bill to add in machinery as per the New South Wales legislation. This is such a common-sense amendment to the legislation and should have been done in the first place. I also appreciate the amendment that another mediator can be used other than a QRIDA mediator who, we need to remember, is also the lender. There is a conflict, so we need to enable a second or an alternate mediator.

There is another amendment that is close to my heart. As many in the chamber may or may not know, before this I was a rural succession lawyer and had spent many days with extensive families in both New South Wales and Queensland working on this exact issue. This is a painful issue and these farmers and local producers need the expertise of other advisers in the room with them. They have so much else on their plate. Whether it is feeding stock, paying for their kids' schooling or how they are going to pay for their next grocery bill, they need to be allowed to have someone who has a clue in the room to assist them, be that a rural succession planner, be that a lawyer, be that an accountant or some other adviser. I really appreciate that amendment from our shadow minister because we need, as per the Queensland Law Society, to utilise good faith mediation—mediation that is held in good faith for the best outcome for the producer and for the best outcome for the lender, because no lender wants to see a farmer being kicked out and no farmer wants to end up in that situation. There is another important amendment: if a producer has undertaken mediation prior, they should not be excluded. That is a wonderful amendment and I congratulate the shadow minister for that.

The LNP has put forward the farm debt reconstruction office within QRIDA. What a common-sense way forward. It can look at assessments for producers and for businesses under stress. It can consult with the owners and, if worse comes to worse and these owners have to exit their farm business, they can assist them through an exit strategy, because that is what these people out there need if there is no other hope.

 **Mr PEARCE** (Mirani—ALP) (9.28 pm): I rise to speak on the Farm Business Debt Mediation Bill 2016. Farm debt has been around for a long time. It has been around as long as banks have been able to lend moneys for the purchase of land for primary production. Primary industry production has always and will continue to be a business that, because of the nature of that business, attracts a broad range of risk that can cause a business to fail. That is not only due to climate influences such as drought,

flooding and inconsistency of rain events; there are also natural disasters on top of other incidents and a series of failures of crops can lead to a situation where a farmer or a landowner can find themselves in serious debt.


The problems go back to the early 1980s. Farm debt growth can be linked to the deregulation of the banks. I believe that at this time competition between the banks meant that they gave loans based on security. We can understand why they did that. At that time, there was very little or no consideration given to the ability of the farmer to pay back the money that had become their debt. Of course, we cannot forget the impact that interest rates and the fluctuation in the Australian dollar have on the ability of a person to borrow money. People who know anything about living on the land know that farming is a high-turnover, low-margin enterprise. The difference between profit and loss can often be blamed on consecutive seasons of climate inconsistencies.

I want to talk about the contribution to this debate by the member for Mount Isa. A person who does not know a lot about living on the land but who understands the impacts of drought and other serious climatic events would believe that governments should be doing what they can to look after farmers to make sure that they remain viable into the future. A person who does not have a lot of understanding of what happens on the land would find that the proposals that member for Mount Isa has put forward make sense, particularly the alternative lending model. However, with my limited experience, I would be worried about the potential high risk for the government—how that alternative lending model could impact on the budget bottom line and the state's credit rating. We know that state banks in Victoria and Western Australia have failed. I am sure that nobody in this House would want to put the state at such a high risk, especially if things went bad at the wrong time.

The purpose of the bill is to establish a farm business debt mediation act that provides for an efficient and equitable way for farmers and mortgagees to resolve matters relating to farm business debts. I see that as a positive thing, because it gives the landowner and the lender the opportunity to discuss the issues. I am aware that, in the past, banks have acted like big bullies—standing over the farmer who is desperate and trying to save the blood, sweat and tears that he has put into his farm over many years. The way that banks have acted in the past is certainly not the way that we would want farmers and lenders to attempt to negotiate a way through a serious problem. The bill will replace the voluntary farm debt mediation mechanism offered through the Queensland Farm Finance Strategy. My understanding of the Farm Finance Strategy is that it is a good base for the legislation. It is similar to the model used in New South Wales, which I understand has been very successful.

As a member who represents a rural electorate, all I want to see is common sense and for this legislation to help those people who are really struggling as a result of the pressures they are under because of the situation they are in. A lot of people on the land do not have the natural ability to be able to sit down and negotiate and have those discussions. They already fear that they are about to lose their land, or their enterprise. They fear what is going to happen to their family. Their health deteriorates. I know of situations where there have been suicides as a result of the positions that some farmers have found themselves in. As a member representing a regional area, and also as a unionist, it is important for me that people understand the importance of mediation, the importance of sitting down and talking to each other across the table and being able to talk through those things that can benefit both parties.

Being a bully, like some of these banks have been in the past, is not about having a common-sense approach. Being a bully is about being a bully. As members of parliament, we have to look for ways in which we can create the situation where the farmer is given every opportunity to get the best result. The people from the bank who the farmer is talking to on their own have the qualifications and the background. They probably have solicitors with them. I believe that the mediation process will work. That is why I am supporting the bill before the House.

 **Mr STEVENS** (Mermaid Beach—LNP) (9.36 pm): I rise to add my voice to those speaking to this bill, which seeks to address the difficulties faced by rural society—the farmers and the outback towns that support them. Our hardworking farmers are facing increasing financial stress, with debt support and financial sustainability improvements often unavailable, causing a roll-on effect to their surrounding remote communities and towns. The farmer's debt and associated financial stress allows for no cash flow to be available to go into these towns, effectively shutting them down. Members might ask, 'What is the member for Mermaid Beach talking about—his experience with farm business debt management?'

Mr Power interjected.

Mr STEVENS: I thank the member for Logan for his interjection. I am about to tell him. I grew up in Richmond, in Far North Queensland, on a cattle and sheep station. I am well aware of the importance that the surrounding community plays in successful farm management, with banks and other rural lenders often a part of everyday life owing to the upward shift in the cost of production over the past 20 years and the inconsistent cash flows from season to season. Much like what occurs in food production, graziers rely on the weather.

I hark back to my time on the land. I remember it vividly. In 1974, we trucked two K of cattle with Kevin and Merlin Pattel. We were 52 kilometres north of Richmond. We sent these cows with their good lumps of calves. They were pretty ordinary old cows, but they had great little calves. We sent 40 head into the local Richmond saleyard. After furious bidding, they sold for \$7 a head. It cost us \$5 to truck them in. That is when I made a bold decision, as a qualified accountant, to say, 'These poor people on the land are not in control of their market prices, are not in control of the drought, are not in control of the bushfires and are not in control of a lot of market factors.' I said, 'It's time for me to head to the Gold Coast,' and the rest is history.

I was a third generation Richmond farmer. I had plenty of mates who I grew up with. We partied around the races et cetera in that area. Caulfield Cup day was a special day. I can remember taking a horse to Boulia and running second in a two-horse race. Those were wonderful experiences out in the bush. I do understand completely. I will talk more about being a third generation grazier out in Richmond in terms of two of my contemporary mates. One of them battled on out there. He is a great fellow and a great manager. He bought his father's property. Obviously the father could not give it to him. He had to have something to retire on. His father was a great mate of mine too. He was an excellent clay target shot. The son bought the father's property at the going market rate because the father had to retire. Seven years of drought ensued and on top of that Paul Keating decided we had to have a recession. The banana republic recession I think it was called. We paid 18 per cent to 20 per cent interest. Basically after three generations that property was lost. I am pleased to say that there was a happy ending to the story. He has finally got another great property and he is doing a wonderful job. He has kicked back after many, many years. I have another close friend out there who many of the regional people will know so I will not name him. His is a third generation property as well. In the last couple of years he has had to move off his property with the banks moving in and taking over. It was a wonderful property north of Richmond where we had a lot of parties when we were young, I can assure members.

What I am saying is that I am well aware of the pain and suffering these rural farm managers are under. As many speakers before me have noted, these farmers have been doing it tough particularly since the federal Labor government's live cattle ban in June 2011. We all remember that kneejerk reaction of that genius agricultural minister, Joe Ludwig, who had no idea of the damaging effects that that would have on the whole of the cattle industry in Queensland. It has taken years to recover. Finally we have seen some rain in Queensland and the market has picked up and they are bringing a reasonable price, but there was a lot of catching up to do over those many hungry years where they have had to use the full extension of their loans through the banks. That is why we are talking about this farm mediation bill here tonight.

Complicating their recovery has been four failed wet seasons with little to none of the herbage growth required for grazing. With no food comes no stock and with no stock the graziers have few options available to service their debt with banks and rural lenders. Fortunately, widespread rains have eased this predicament in some areas in recent times but there is still a lot of Queensland suffering, and the hearts and minds of the whole of this House go out to support them. I did notice a report last week that 87 per cent of Queensland is still drought declared.

Mr Costigan: That's right, including your old stomping ground.

Mr STEVENS: Thank you very much, member for Whitsunday. My old stomping ground of Richmond is part of that drought-declared area. The rain has been very patchy. We hope some of the rain we are currently experiencing moves across the state. Additionally, property auction results in the central west have been subdued, with low prices at almost half of what could be expected in better times. That means there is no option for them to get out. They have to stay there, battle on, live with the debt and pay the debt back. There is no option for them. We on this side of the House sympathise with them greatly.

While the banks and other lenders claim to be doing their best to support clients with foreclosures only occurring, as was reported to the committee, as a last resort, it is broadly agreed that rural farm debt is nevertheless increasing. The Finance and Administration Committee was staggered to learn that there are no concrete levels of actual debt available. It seemed to be secret squirrel stuff. There

were some national figures put forward, as can be seen in the documents from the committee. We tried to do a few sums and came up with about \$70 billion. That was the figure we extrapolated from Australia-wide figures, but it was a major amount of money. The financial sector was very reluctant to give us an actual figure.

Mr Power interjected.

Mr STEVENS: There might be another inquiry for the Finance and Administration Committee, member for Logan. It is very hard to fix the problem without reliable information. Last year's good-to-record winter rainfalls in many areas of the west, acknowledged by rural lenders as a hotspot of farm debt, is a prime example of how complicated recovery for our Queensland graziers is. Many good operators under pressure are likely to have been unable to fully restock due to their declining debt-to-valuation levels combined with some areas seeing at or near record prices for restocker cattle and sheep trucked from southern centres. This is despite the spruiked positive outlook of Asian markets and the beef boom.

Disappointingly, the Queensland Rural Adjustment Authority, established in 1994, has been unable to produce a regular or biannual rural debt survey since 2011 as the banks and other lenders, along with the Australian Bankers' Association, have refused to supply data and as a collective are obstructing a full understanding of the situation. The replacement of the Queensland Rural Adjustment Authority with the Queensland Rural and Industry Development Authority will allow for expansion of the pre-existing assistance schemes such as the Primary Industry Productivity Enhancement Scheme—PIPES. In addition, its extra functions will include research into the regional and rural sectors of Queensland's financial performance, allowing for partnerships between commercial lenders and financial advisers and allowing for a better understanding of the issues impacting our farmers. However, more importantly, QRIDA will operate as the delivery apparatus for the compulsory farm debt mediation process introduced by this bill following the outcomes of the Rural Debt and Drought Taskforce, and I congratulate all members on that task force. It should be noted that the lending function and mediation will be separated through a governing framework maintaining information barriers with a separated service delivery unit for the farm debt mediation process.

The establishment of a Farm Business Debt Mediation Act will provide a process available to mortgagees and farmers to more efficiently and effectively resolve farm business debt matters benefiting both parties. The legislation of a governance framework for debt mediation between creditors and farmers will allow them to constructively resolve complex financial disputes while not restricting access to voluntary, pre-existing, early intervention programs such as the Queensland Farm Finance Strategy and other programs such as the Legal Aid Queensland Farm and Rural Legal Service, FRLS, and the Rural Financial Counselling Service, RFCS, a free confidential service, primarily Commonwealth funded, based in Longreach and Roma through two service providers.

Of note is FRLS, which operates as a free-of-charge advice and assistance platform for severe debt related problems such as being in dispute with lenders or other business financial related hardships of rural producers and businesses serviced by one senior lawyer of Legal Aid Queensland. As there has been only one lawyer providing this service free of charge since 2005, the committee noted that the farmers' participation in the proposed mandatory scheme would come at some financial cost, where the mediation under the bill comes at a time of severe financial emotional stress for the farmer, who is likely to struggle to engage in the process appropriately. Therefore, a committee recommendation acknowledges the service FRLS provides to our farmers, requesting the minister provide additional funding to Legal Aid Queensland FRLS for an additional senior lawyer to assist directly with mediation related outlays due to the farm debt mediation process, allowing for farmers experiencing hardship to mediate satisfactorily on an even footing with appropriate documents and support—in person or electronically as appropriate.

In many cases, farming combines a home and a business. It is not just the straightforward proposition of a business operation. As I said, in many cases we may be talking about third generation farmers. Farming is not a normal business. Often farm debt encompasses a wider variety of required activities and materials than standard businesses, and includes the home. We would not like to see sold the homes of people living in residential areas in the south-east corner. Therefore, we have to look at protecting farmers' homes, as well as their businesses.

While current protections through the Credit (Rural Finance) Act 1996 cover machinery loans for individual farmers, over time trading structures and changes to business models have reduced or removed those protections for some farmers. Obviously, in some farming areas machinery costs are an enormous part of the debt that the farmer carries. Therefore, a further recommendation has been

put forward by the committee to amend the definition of 'farm mortgage' to include farm machinery, which would otherwise not be covered. With the Finance and Administration Committee recommendations, including a review of the legislation after five years, the bill will provide not only hope to our farmers but also, with the increased responsibilities and functions of the Queensland Rural and Industry Development Authority, much needed support while ensuring operational effectiveness.


Additionally, the bill addresses the Biological Control Act 1987, which the chairman of the committee referred to, and the ambiguity associated with viruses and the definition of a virus. This will facilitate a rollout of two new viruses in 2017 to address and control the growing rabbit population and the invasive common carp population. By introducing those measures now, we hope to prevent epidemic growth and the immense problems found in other states of Australia. As we know, in other states the effectiveness of myxomatosis and the calicivirus have been worn down. This is timely with the discovery of the new Korean strain, I believe, of calicivirus, as we must make sure that we do not see an expansion of rabbit holes throughout Queensland. It is very important for that measure to be instated.

Relating to that is the amendment to the Biosecurity Act 2014. The importance of biosecurity has been recently reinvigorated in our minds following the horrible outbreak of the white spot prawn disease in the Logan River over the Christmas holidays, affecting my backyard of the Gold Coast.

Mr Power interjected.

Mr STEVENS: The member for Logan is claiming responsibility, but I am sure that it was not his imported fishing bait that spread the disease in the Logan River which my prawn farm friends tell me then spread to prawn farms. That is the sort of biosecurity protection that we have to have, because we are all aware of the damage that can occur. I understand there have been some findings in Moreton Bay prawns. We hope that that particular rural industry is immediately looked after and that we do not see a repeat of this biosecurity failure—and it is a failure—in other rural industries.

The bill recognises the hard work of Nursery & Garden Industry Australia, in conjunction with Biosecurity Queensland, in developing a third-party program, BioSecure HACCP, to reduce the legislative requirements that could act as a barrier to accessing important plant biosecurity. Overall, this bill begins to address a need within our society to support the functionality of our farmers and rural communities, with important amendments to ensure Queensland's ongoing biosecurity for fauna and flora.

 **Mr KRAUSE** (Beaudesert—LNP) (9.54 pm): Tonight I rise to make a brief contribution to the debate on the Farm Business Debt Mediation Bill 2016. In particular, I wish to support the amendments foreshadowed by the member for Burdekin to give better support to agribusinesses in financial difficulty through the improvement of debt mediation processes. This is particularly relevant when 87 per cent of the state is under a drought declaration. A couple of weeks ago, I noticed some more regions in South-East Queensland were drought declared. Although this week we have received some reasonable rain, I note that the Scenic Rim Regional Council area was not included in those drought declarations. I urge the minister to have the local drought committee look at that again, because it has been a very hot summer. People have not seen it this hot for a very long time. There have not been such high temperatures in living memory. Normally, it goes on for one or two days but not 10 to 12 days. In that time, the damage done to crops in my patch has certainly been felt, although it is good to see that we have had some rain.

Rural debt can arise due to a number of factors. Markets can go up and down and that can affect the bottom line of agricultural producers. Natural disasters have a big part to play as well. We have seen that far too often, through flood, fire or drought. That really affects profitability. Profitability is the key when it comes to an agricultural business. A lot of producers in my electorate and across the whole country really want to see a return to profitability, which is affected by many factors and not just how much interest they have to pay to a bank. It is deeper than that. The issues facing the dairy industry in Queensland and other parts of the country at the moment and the abuse of the market carried out by retailers, at the expense of our dairy farmers in many cases, are an absolute disgrace. That is another factor that goes towards declining profitability. Debt issues are also caused by the costs that are imposed on the agricultural sector. For example, the cost of electricity has skyrocketed over the last decade as a result of government intervention in the market. We have seen biosecurity costs—

Mr Power interjected.

Madam DEPUTY SPEAKER (Ms Farmer): Order! Member for Logan, there have been far too many interjections from you tonight. If you continue, I will have to give you a warning.

Mr KRAUSE: Biosecurity costs are often passed on to agricultural producers. The member for Mermaid Beach spoke about the issues facing the prawn industry at the moment. That is partly as a result of policies that have been implemented at the federal level over many years which have resulted in not enough inspections of produce coming into this country. It is a risk to all agricultural industries when the risk based assessments, as they are called, do not take account of the risk that is faced by industry if disease enters the country. All of those costs are passed on to agricultural producers. Another example is the cost of water which, through regulation by government, has gone through the roof. Vegetation management is another issue that we have spoken a lot about in this place. The compliance costs and the costs of doing business under laws imposed by government send down people's profitability and debt goes up.

Workplace health and safety is a very important issue, but there is an argument that sometimes it goes too far. Members might know that I am the son of a dairy farmer. I spent the first 20 years of my life on a dairy farm. In the mid-1990s, only my father and his children worked on that farm. The implementation of a new regulation meant that he had to go to the expense of putting in place a workplace health and safety management plan for his own dairy, which he had been working on since he was 15.

Mr Costigan: Red tape gone mad.

Mr KRAUSE: It was red tape gone mad. Those sorts of costs cause declining profitability, leaving the agricultural sector at the mercy of the markets and the elements, leading to debt issues. The answer is not simple, but one problem we have is too much government intervention in the agricultural sector, which leads to declining profitability.

The finance market is another example of increased costs. In particular, when we have regulation come out of the federal government that is intended to protect consumers it actually ends up costing everybody else. We have seen time and time again well-intentioned regulation simply increase costs for everybody. We need to see better profitability in agriculture. That is the key to solving a lot of the debt problems.


I support the opposition amendments. I point out that QRAA has provided assistance to local producers in my electorate through NDRRA, through transitional arrangements for producers moving from one industry to another, for new entrants into the industry and also those who are experiencing financial difficulty but are considered to be good prospects for the future of agriculture. Just as we should not impose costs on farmers through more regulation—whether it be in the electricity sector, biosecurity, workplace health and safety or vegetation management—we should not send money out of the Treasury coffers unless it is a prudent decision—one that will more than likely see a return of that money to the state. If it does not come back it just adds costs to everybody else.

I know that there are some farmers in my electorate, in the Western Downs, in the Far North and in the north-west who do not appreciate it when they see others being bailed out and no assistance being made available for them because they have actually made a go of it and managed to achieve some profitability. Perhaps that is why we have seen submissions from the Queensland Farmers' Federation and AgForce that do not support the creation of a new state owned bank as proposed in the bill from the crossbench that we are debating tonight. Perhaps it is considered that it will end up imposing more costs on the sector—a sector that is overburdened with costs right now.

I commend the member for Burdekin for bringing forth his amendments to the government's bill that have been formulated after very wide and very long consultation with stakeholders around the state. We should be looking at ways to improve, whether it is financial counselling services or farm debt mediation, so that when people get into financial difficulty we can help them trade out of that and restructure out of that if possible.

QRAA, or QRIDA as it will become known, is the vehicle to do that. It is unique to Queensland. I have seen some of the good work it does. It does not always solve the problems for people. There are always going to be people out there who are not able to access the assistance they would like to receive from the government, but we live in a world of finite financial resources at the government level. That is the position we are at after the years that QRAA has been in existence.

I commend the member for Burdekin for his amendments to the Farm Business Debt Mediation Bill. The opposition will not be opposing the bill.

 **Mr KNUTH** (Dalrymple—KAP) (10.03 pm): It is my honour to rise tonight to speak on the Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016. Rural and regional Queensland has suffered years of drought. Tonight I hope that we can do something to ease the

financial hardship of farmers in Queensland. KAP has been the champion of primary producers in regional communities to resolve the issue of debt that has been caused through no fault of their own but years of drought and the ban on live exports.

I want to explain how the banning of live exports has devastated rural and regional Queensland. We had the drought and then the federal Labor government banned live exports. Then there were no markets. Then the meatworks screwed down the prices. Then the cattle were dying. Then the graziers and landowners through rural and regional Queensland had no choice but to flood the market. Then there was no return on their cattle. Then they had debt.

Had there been a reconstruction board in place when all this was happening those problems would have been alleviated. It would not have caused the catastrophic situation that we face today. Had we not sold QIDC we would not be in the situation we are in at the moment. There are still properties that are being repossessed by banks at this time. That is why we need a royal commission into the banking sector.

It is time that the federal government stopped dodging, weaving and hiding when it comes to something that is so important. We have seen property after property repossessed as a result of federal governments of both persuasions backing the banking sector. This is why the KAP called for the rural debt summit. It was first held in Richmond.

KAP initiated the rural debt crisis summit in Winton. This is where Barnaby Joyce told the audience that he may have trouble convincing the federal Liberal Party to help our struggling primary producers. He was spot on. At that time we issued an ultimatum to the banks that we would name and shame any bank that repossessed properties given the drought and the live export ban. As a result of our name-and-shame policy we saved up to 40 properties from being repossessed.

Passion was also running high at the debt summit in Charters Towers. Once again, this was initiated by KAP. To the credit of the government—after the minister for primary industries was rocked by landowners for not supporting or helping them one iota—offered a token gesture and initiated the Rural Debt and Drought Taskforce.

I heard the member for Beaudesert talk about the wonderful amendments that the LNP will move and what a great job the shadow minister has done. The Premier listened to a grazier's wife whose son committed suicide in Charters Towers as a result of financial issues. The rural debt task force was formulated from that very moment.

We had pushed for that from the beginning because they were crying out for help. Nothing has changed. We have had a little bit of rain, but what we are seeing at the moment is that landowners have sold their prime cattle because they were dying. Now they are trying to build up their herds and the price is about \$3 or \$4 a head, which they cannot afford. It will take them years to build up their herds.

This is why we need a reconstruction board. When we have a government induced problem such as the live export ban and drought these things hit hard. These problems have caused a lot of rural communities to suffer and people to leave. We see rural communities declining. It will take years to re-establish them.

This is the reason the member for Mount Isa put this bill before the House. He is passionate about this bill. It is not about politics. He cares about these communities. He is not out there year in and year out, day in and day out talking on the radio or to the Premier about this reconstruction board because it is an illusion. It is fair dinkum; it is real. That is why he put this bill before the House.

They have included different provisions in the government bill such as provisions related to medicinal cannabis, which is a fine thing. This is a reconstruction bill, but if they want to put medical cannabis provisions into legislation they can. The bill has provisions related to biosecurity and rabbits. We do all these things. Something that we are very passionate about is that people have lost their properties. People owe the banks millions of dollars. We have rural communities in decline. This is something that we are very passionate about.

I would like to mention some key points made by the task force. Years of natural disasters and poor policy settings by both state and federal governments have seen rural and regional Queensland show signs of increasing economic pressure and as a consequence this has had a huge impact on rural and regional towns. Not only farmers, graziers and producers are affected by this; small business is also affected. There are fewer children in schools and government services are no longer viable. This has devastated whole communities.

The issue of debt was seen as a massive burden on rural communities and the sector that spanned across most, if not all, rural industries. More people are employed in rural industries than any other industry in Western Queensland, outside of government services. Restoring the health of these industries will reinstate the viability of regional towns. This will be a way for the government to strengthen Queensland regions and enable the agricultural industry to rebuild.


A survey of participants attending forums found that 35 per cent engaged in farm build-up programs, 25 per cent had been requested by banks to sell off-farm assets, 19 per cent had been requested by banks to sell by a nominated time, 39 per cent would sell if a fair value was available and 57 per cent would need to renegotiate borrowings in 2016. These figures prove that there is a policy failure to the detriment of primary producers in Queensland. The member for Mount Isa, as I said, has worked hard for this and he is committed to a better deal for rural and regional Queensland. The member for Mount Isa is to be applauded for his hard work and determination.

The Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016 is simple. We want to amend the Rural and Regional Adjustment Act 1994 to include a capacity to raise money to provide financial assistance that will foster development of a more stable, productive and sustainable rural and regional sector in Queensland.

The issue of state government debt is being noted as a key issue with the bill. The feedback that we are getting is that this government already has so much debt, so why would it bail out farmers? As the member for Mount Isa said, when it comes to spending \$5 billion on a 10-kilometre underground railway line everyone applauds it and says how wonderful it is. When it comes to bailing out our farmers, it is received with condemnation virtually—‘How dare you do that?’—when we are trying to do something constructive.

I note that there are all of these other amendments to be moved to make the bill look much sweeter than something Robbie Katter has worked on for the last four to five years. We will also be moving an amendment. The amendment allows for the supply of industrial cannabis seed to people who hold cannabis research licences or medicinal cannabis licences under the Narcotic Drugs Act 1967 to use as allowed under that act. We have also added some of the amendments that the government have put in their bill, and I see that the opposition has also put forward amendments, but I say that this is not a game. This is something that is very serious and something that we are very passionate about. It is disappointing that we moved a motion so that there was an opportunity for the LNP and the Labor Party to vote on either bill—the KAP bill or the Labor bill—and the LNP voted with Labor to oppose that motion which would have given us an opportunity to vote. We will not even have the opportunity to have a vote tonight on something that we have been working on for the last three years. I commend Robbie Katter’s bill to the House.

(Time expired)

 **Mrs GILBERT** (Mackay—ALP) (10.13 pm): It gives me great pleasure to make a contribution to the debate of the Farm Business Debt Mediation Bill 2016. Agriculture plays an important economic and cultural role in the make-up of our rural communities. As the slogan goes, everyone needs a farmer. This is so true for anybody who wants to eat or purchase leather or fibre goods. My region is predominantly a sugar-growing region, with beef cattle and grain not too far over the hills. The sugar industry alone is a \$2 billion industry supporting not only families on farm but also an estimated 16,000 others working at mills or as loco and truck drivers or sugar chemists, just to name a few. The flow-on effects of losing our agricultural industry would be devastating for the whole of the state, not just for farmers on the land.

Farmers need to have an avenue which will provide a process for the efficient and equitable resolution of farm business debt matters between mortgagees and farmers. Farmers have told me that when they are deemed to be at risk, caused by external factors such as climate or market changes, the lenders may reassess their debt arrangements and raise the interest rate on their debt, making it even harder in times of stress. This bill seeks to address the imbalance that farmers have indicated exists between themselves and mortgagees in the rural credit sector and recognises that mediation in the resolution of farm debt disputes is a necessary and valuable process.

The bill will establish the Farm Business Debt Mediation Act to provide a process for the efficient and equitable resolution of farm debt disputes and replace QRAA with the new Queensland Rural and Industry Development Authority, QRIDA, with expanded functions under the Rural and Regional Adjustment Act 1994. This bill also makes unrelated but important amendments to the Biological Control Act 1987, the Biosecurity Act 2014 and the Drugs Misuse Act 1986.

Appropriate and well-ordered arrangements between farm businesses and their financiers are imperative for continued success stories. This bill implements a legislated mediation process between farmers and mortgagees. The inherent climate and market risks associated with farming, along with the business also being the family home in most cases, means that normal approaches to foreclosures do not always work. There are voluntary protocols for farm business debt mediation under the existing Queensland Farm Finance Strategy. However, not all lenders are signatories and not all farmers are satisfied that the voluntary mediation process produces equitable outcomes. The objective of farm business debt mediation legislation is to provide a process for the efficient and equitable resolution of farm business debt matters and disputes prior to any action being taken by a creditor in respect of a farm mortgage.

The federal government is also working with the state and territory governments, the National Farmers' Federation and the Australian Bankers' Association to establish guidelines for a nationally consistent approach to farm debt mediation. However, while reaching an outcome on the national guidelines may be some way off, it is expected that the Queensland legislation will be consistent with a national approach.


The legislation makes it compulsory for all providers of rural loans that are secured by a farm mortgage, or a part of a farm mortgage, to offer farmers mediation before they initiate enforcement action to recover unpaid farm loans. Farmers have an option to decline the offered mediation. The legislation also allows farmers to initiate mediation with their lender. However, lenders are not required to participate. The legislation does not stop farmers from informally negotiating with their lenders to resolve disputes and undertake an orderly sale of farm land and other assets to settle their debts, if that is an agreed approach and an appropriate course of action in the circumstances.

QRAA was established as a statutory authority in 1994 and assumed the major activities of the former Queensland Industry Development Corporation's Government Schemes Division. It was also a specialist administrator of government financial assistance programs including loans, grants, rebates and subsidies. QRAA's approval rates are higher and its bad debt levels lower than its predecessors.

QRAA administers the Queensland government's Primary Industry Productivity Enhancement Scheme and, when required, supports delivery of Natural Disaster Relief and Recovery Arrangement assistance for primary producers, small businesses and not-for-profit organisations. QRAA has positioned itself as a leader in the delivery of government loans and grants. It operates schemes of assistance for the Australian government in Queensland, including drought concessional loans and debt restructuring loans, and also schemes of assistance in other jurisdictions such as in the Northern Territory.

This bill will continue the work of QRAA with a new authority that from 1 July this year will continue to deliver on its predecessor's successes. Importantly, the bill will provide QRIDA with an expanded role including undertaking policy research and providing advice regarding the financial performance of Queensland's rural and regional sector, especially primary producers, small business, community and other components of the state's economy.

The bill also requires the new authority to partner with commercial lenders and financial advisers to deliver its functions. The bill will allow the authority to administer a broader range of assistance schemes compared to QRAA. It will be able to build its own effectiveness by providing government agencies who want to use its services with the option to use it to deliver assistance to communities across the state. The bill also clarifies that the Queensland Rural and Industry Development Authority has the power to lend money under an approved scheme. The bill is an alternative way forward for QRAA to what the member for Mount Isa has proposed in the Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016. It is providing a more affordable, equitable and efficient method for our state's primary producers to reach negotiated agreements with lenders. This is why I commend the bill to the House.

 **Mr WEIR** (Condamine—LNP) (10.20 pm): As a former member of the Finance and Administration Committee, I rise to speak to the two bills before the House: the Farm Business Debt Mediation Bill 2016 and the Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016. The Rural and Regional Adjustment (Development Assistance) Amendment Bill is a private member's bill introduced by the member for Mount Isa, Mr Robbie Katter, on 26 May 2016 as a result of one of the recommendations of the Rural Debt and Drought Taskforce report 2015 of which the member for Mount Isa was the chair. On 30 August the then minister for agriculture and fisheries and member for Bundaberg, Leanne Donaldson, introduced the Farm Business Debt Mediation Bill 2016 into the House.

The Finance and Administration Committee resolved to consider both bills together and received 37 submissions. Public hearings were held by videoconference in Cloncurry, Longreach, Mackay, Emerald, St George, Burdekin, Hughenden and Roma plus three in Brisbane. The objective of the private member's bill is to change the name and role of the Queensland Rural Adjustment Authority to the rural and industries development bank with the authority to raise and lend money in rural and regional Queensland.

As we are all aware, over the past few years much of rural Queensland has experienced long drought conditions and all the associated hardships that have accompanied these conditions. This could not have come at a worse time for the cattle industry in particular following the live cattle export ban as a result of mistreatment of our livestock in the Indonesian slaughterhouses, which was the subject of a *Four Corners* documentary. The then prime minister, Julia Gillard, placed an immediate ban on live exports of cattle to Indonesia and sent the Australian cattle market into a tailspin which impacted Queensland producers the hardest. This event coincided with worsening drought conditions and many producers were forced to sell cattle at rock-bottom prices. Cattle were transported to saleyards in the south which forced prices down across the state. Some producers tried to hold stock and handfeed, waiting for the ban to be lifted and prices to improve, but the drought continued to worsen. In some areas conditions have improved whilst in others they still remain very dry.

The problem now is that those producers that are trying to restock are trying to access cattle at record high prices, the worst possible scenario one can imagine. The flow-on effect to our regional towns and employment in these centres has been devastating. All of these issues along with others such as graziers being forced to switch from sheep to cattle due to the scourge of wild dogs were presented to the committee. During the hearings it became apparent that there has been no up-to-date data available on rural debt levels in this state since 2011. In that survey it showed that the beef sector accounted for 54 per cent of total rural debt and that 86 per cent of all producers were viable or potentially viable over the long term.

QRAA stated to the committee that they had had difficulty commissioning a debt survey since 2011 due to the reluctance of commercial lenders to participate in the survey, both for the 2013 and the 2015 surveys, as the banks would prefer to have a national survey. The Australian Bankers' Association maintained that they are working with the banks and the federal government to establish a single collection model to be undertaken by the Australian Prudential Regulation Authority. APRA will then provide the data to the Australian Bureau of Agricultural and Resource Economics and Sciences, or ABARES, to supplement its data collection process. The proposed model would include total lending by state, loan amount, agriculture type and the measure of debt stress. It would also include those more than 90 days in arrears as well as non-bank lenders and credit providers. All ABA member banks that lend to the agriculture sector have agreed to participate in the national collection of data. This information is vital to understand the debt levels across the industry. The lack of data was a source of great frustration to the committee.

While some individual submitters were supportive of a rural bank, leading agribodies such as the Queensland Farmers' Federation and AgForce were not. AgForce said that there is a lack of detail in the bill and outlined some areas that need to be addressed. These included the regulatory arrangements of a rural industry development bank with direct lending capacity, how commercial lenders would view the bank, the eligibility criteria of lending, refinancing of distressed loans and the cost to government to name just a few. The department stated that there are many regulatory and legal arrangements that apply to a bank and would limit how prescriptive the Queensland government could be with respect to its operation and the basis upon which it would lend. It stated—

Banking is regulated by the Commonwealth, so the State has no capacity to override these requirements. The regulatory environment has changed significantly since the Global Financial Crisis and a State-owned bank today would be subject to significantly more controls and restrictions than was the case when the State owned Queensland Industry Development Corporation.

This was a very important point. Whilst the committee understands the motivation behind the proposed private member's bill, as stated in the committee's comments there is simply not enough detail as to how the rural and industries development bank would operate within the national regulatory framework. It was for these reasons that the committee was not able to support the bill.

Some of the concerns raised by submitters during the process will be addressed in the Farm Business Debt Mediation Bill. The government's Farm Business Debt Mediation Bill 2016 would replace the Queensland Rural Adjustment Authority with the Queensland Rural and Industry Development Authority, which is modelled on the New South Wales Farm Debt Mediation Act 1994. This authority would continue with the previous role of QRAA including drought recovery and concessional loans and

would include grants to community service providers, sporting and cultural organisations and the administration of some aspects of farm debt mediation including accreditation of mediators and a review of decisions regarding enforcement action.

Most submitters were supportive of the changes to QRAA, although the committee identified a number of areas that could be improved and have suggested a total of 19 amendments across a range of subjects. One of these concerns was that the bill concentrates on the end result instead of earlier intervention to find solutions for the affected landowner.

The availability of qualified rural financial counsellors was raised as an issue by some submitters, although the committee heard that the Commonwealth had increased funding in 2016 which would result in an increase of 17 full-time rural financial counsellors nationally. The committee learnt that the Legal Aid Queensland Farm and Rural Legal Service is being serviced by only one lawyer, Mr Denis McMahon, who is a senior lawyer with Legal Aid Queensland. This is resulting in mediations being delayed due to the availability of Mr McMahon and there is need for another lawyer to be employed through Legal Aid Queensland. The committee recommended that provision be made in the bill for mediation to be conducted electronically if this is agreed to by both parties as it is sometimes difficult and at times impossible for the farmer to appear in the required time frame due to weather or work commitments.

The subject of the exclusion of crop liens, machinery and livestock loans in the mortgage agreement was the subject of much debate. The ability of the farmer to service or repay the debt is reliant on these assets. In the case of farm machinery, not only is it used on the farm but also it can be a source of off-farm income. The committee heard of some cases where stock and machinery were under stock mortgages, and farmers were forced to sell stock at inopportune times and machinery which was essential for the management of the property. It is the view of the committee that these combined assets should be considered in the farm mortgage when it comes to mediation.

The definition of 'default' was a contentious issue. Disturbingly, the committee heard from some submitters—including financial consultants—of cases where farmers who have never been in arrears with their payments were subject to enforcement action by banks because of a property land revaluation by the lender. These farmers had no warning until a letter arrived in the mail to notify them that they were no longer viable. This behaviour is truly disgraceful, and the committee recommends that the lender must offer mediation before any enforcement action can be taken when the loan-to-value ratio has been altered. Compulsory mediation would correct this gross injustice. Instead of 15 days to respond to an enforcement notice and request mediation the committee recommends 20 business days and that the location be convenient for the farmer to attend. There were several submitters who stated that they were required to attend mediation in Brisbane at great expense and inconvenience.

The drafting of the heads of agreement raised some concern, in particular a predrafted heads of agreement provided by the mortgagee's lawyers, which could result in the farmer feeling pressured to simply agree to the proposed heads of agreement. The committee was of the view that the mediator should either draw up the agreement or supervise its drafting.


In one section of the bill it was unclear what the reference to 'act in good faith' meant. There are references in the bill which specified that one party—usually the farmer—is required to act in good faith but it does not specify that the other party is to act in good faith. This needs to be addressed by a more specific 'good faith' provision applying to all dealings by all parties in relation to mediation. This still raises the question of what is deemed to be 'acting in good faith'. The department advised that there is no definition of 'acting in good faith' in the government bill. The committee has recommended that the minister advise the House what 'acting in good faith' means, examples of how a farmer can act in good faith, examples of not acting in good faith and possible consequences of not acting in good faith. One example of the confusion surrounding good faith was with regard to the landowner producing documents. The committee heard of an instance where a landowner could not access documents from their accountant because the landowner had been unable to pay their accounting fees. The committee recommends that if the landowner has made reasonable attempts to access the relevant documents that should be 'acting in good faith'.

I will briefly speak to the other acts in this legislation. The proposed amendments to the Biosecurity Act would recognise industry issued biosecurity certificates from accredited third party operators. These amendments have the full support of the nursery and garden industry and QFF. The amendments to the Biological Control Act would facilitate the rollout of two viruses—one to control European carp and another for rabbits—and they were supported by the committee. The other amendment was to the Drugs Misuse Act to allow growers and researchers to grow cannabis and sell the seeds to those who are licensed and authorised to cultivate medical cannabis. It should be

recognised that this is for seed only, as any further development of the plant for medical purposes is regulated by the Commonwealth government under the Narcotic Drugs Act 1967. The committee supports this amendment.

In closing, I come back to the two bills that carry the long title of these bills. As I have stated previously, due to changes to banking regulations and a lack of data and detail, the committee could not support the private member's bill. The committee has made a number of recommendations to the government bill and the shadow minister for agriculture, Dale Last, will move amendments that go some way to addressing the concerns of the member for Mount Isa which could not be accommodated in the private member's bill.

The forced sale of agricultural property is always a very contentious issue. I have friends who have been through the process, so I know it very well. I purchased my parents' property and went through droughts, built up a bit of capital and went through the devastating floods of 2011 and 2013. Then when I was preselected to run for this position I had to decide what to do with the farm. When I thought of leaving it in somebody else's hands to manage and the risk of ending up in the position we have just described, I decided to sell the farm. I know how emotional that is, because four generations of my family walked the black soil on that farm. My father drew his last breath on this earth on that farm. It is a difficult decision, but the decisions we had to make tonight have to be made with the head and not the heart. The shadow minister for agriculture, Dale Last, moved some good amendments tonight, particularly to establish a farm debt reconstruction office and QRIDA. That will be of great assistance to those who are in debt so we can pick up the situation a lot earlier than we have. The disgraceful situation that I described earlier of people who have never, ever missed a payment and never been in arrears suddenly being told that they are unviable and will be sold up are the sort of practices that we need to stop. With some good, sensible amendments and legislation we can do it, but I am afraid that we have to do it with a clear head and not with an emotive heart.

 **Mr MILLAR** (Gregory—LNP) (10.36 pm): It is a privilege to follow the member for Condamine with regard to this bill because, like many on this side of the House involved in agriculture and farming—like the member for Callide, the member for Gympie and the member for Warrego—I have seen farm debt firsthand myself. It is a very emotional and difficult issue to talk about. As a person who comes from agriculture all his life I have seen this firsthand many a time. A lot of the speakers tonight have talked about the bill and parts of the bill, but I would like to talk about what has led us here certainly over the last couple of years.

In 2011 a few significant events occurred which had a huge impact on rural and regional Queensland: the decision by the then Labor federal government to ban the live cattle export trade to Indonesia; the Queensland Rural Adjustment Authority produced its last debt survey in 2011; and of course the start of the drought. Let me start with the ban on the live export trade, which had a significant impact on Western Queensland. The then federal Labor government's disastrous overnight decision to ban our live cattle trade to Indonesia was one of the worst decisions that any government has made in recent history. The impact was far-reaching and devastating for our beef industry not only in the north-west but right throughout our state and certainly the central west. As those cattle destined for the live cattle trade—which was a profitable trade for us and another avenue of export that we relied on so much in Western Queensland—were forced back into the paddocks or sale yards and down to the meatworks, it led to massive losses for our biggest agricultural industry: beef production.

It also led to an increase in farm debt pressure and farm overdrafts. It impacted on associated industries in the supply chain—from trucking companies which relied on the transport of live cattle to ports such as Darwin or Townsville, to local rural businesses such as stock and station agents and merchandise suppliers, right down to mechanics, newsagents and even local pubs. As highlighted in the committee report, the financial devastation caused by the then Labor agriculture minister, Bill Ludwig, can still be felt today. The flick of a keyboard stroke by animal activists mounted pressure on the then federal Labor government and sent our cattle industry on a course of heartbreak and absolute financial destruction. Jobs were lost, farm receiverships increased, farm debt increased and a thriving export market was stopped overnight in its tracks. The anger of that decision still resonates out my way today. The anger is still raw out my way today. From cattle producers to associated businesses in the supply chain, what happened is still having an effect.

I can say to the House tonight: it is not forgotten and that decision will never be forgiven. It had a huge impact on people in Western Queensland and throughout the state and that financial impact continues to be felt. People are still nervous and are still dealing with the financial problems that caused. Out my way, if you mention the live cattle trade and what happened in 2011 people get angry and teary. They certainly had their hearts broken by the kneejerk decision that was made.

The Queensland Rural Adjustment Authority produced its last rural debt survey in 2011. This was a regular survey which helped policymakers and departments to see what was happening in this vital sector. The survey ceased not due to government funding cuts but because the banks and the lenders refused to participate. They refused to share the relevant data. I found this unbelievable at the time and I still find it unbelievable. I leave it to people to draw their own conclusions about the motivation, but I will say that I have little time for the complaints of the Australian Bankers' Association in relation to this bill. Banks would not trust you or me without taking a good look at our books, yet they deny the government the figures we need to ensure we have the correct policy settings for a sustainable and productive agricultural sector right across the state. The banking sector has a key part to play in the health of our rural economy. As good corporate citizens they should want to ensure we have the best possible policy settings to support our farmers.

Australia's agricultural sector is based on the family farm model. Responsible governments must ensure there is always a place for the family farm in Australian agriculture. It is robust and innovative and has in-built redundancies that guard against disease, drought and floods. Not only do these farmers underwrite our own food security; they are also a key export industry for our state. We should never forget how important agriculture is to our state economy. Over the past 10 years we have seen a mining boom come and go. The mining boom played a significant role in the Queensland economy, but the unsung economic hero of Queensland's economy is agriculture.

This bill legislates a debt mediation process for Queensland primary producers similar to laws that already protect primary producers in New South Wales and Victoria. Members tonight have spoken a lot about that. When the banking sector stopped giving government its data for the rural debt survey in 2011, many of our graziers and farmers across Queensland were already in drought. We are still in the grip of that same drought today. The unseasonable rains this winter cruelly tempted some of our people to restock.

Let us talk about the drought and where it started. It started in around 2012 up in the Gulf Country. I remember that very well because I was up there when the drought started. The savannah country and the Gulf Country usually supply a very reliable wet season in the summer months, but it just did not come. When the savannah country does not get that moisture in the wet season, it is very hard to produce cattle off. Plenty of cattle producers up there missed out on a wet season in 2012. They had not seen a missed wet season for a long time. They always got something from the wet season to get them through—to get the pasture up there to get the cattle going in the right way and heading down south and finishing off in the north-west or the central and finishing off in the meatworks.

Unfortunately, in 2012 the drought did start. That was coupled with the devastating news of almost a year before when the then Labor government decided to put a ban on our live cattle trade. That was the perfect storm in the Gulf Country. Plenty of producers were looking to produce cattle for the right weight to take advantage of the live cattle export opportunities out of Darwin and Townsville, yet we had a drought on the back of the live cattle ban. That created the perfect storm for regional Queensland and we are seeing the results of it today.

When we had that rain over winter, people who had been walking the long paddock for years thought it was safe to come home. People who had not had an income for years thought at last they could stop spending their precious reserves paying for agistment to preserve some of their core breeding stock and their precious blood lines. Those blood lines are precious because our female herd has been decimated over the course of this drought. That has had a significant impact on restocking opportunities across regional Queensland. When we had that rain they thought they could bring them home. I have heard that some of those who would have been left completely bereft by this drought have had to borrow money to restock at very high prices.

Tragically, as we approach the last chance of a wet season as we head into autumn, it is clear that we must go through the trauma of destocking all over again in some areas. It is clear that there will be another iron hard year with little income. Winter rains are really just a booster for the central west plains. They refill the ring tanks and the billabongs, but they do not really help the native pastures regenerate. The pastures in Queensland's central west are legendary—the native Flinders and Mitchell grasses—but they need rain and warmth. They need the heat units in summer in order to produce the Mitchell grasses so they can seed and we start seeing more Mitchell grass come out.

The failure of the summer rains for the fifth season in a row is heartbreaking. Even without the banks' input of data for the debt survey, it is common knowledge that there are rural debt hotspots where the drought has been. Right through Western Queensland, from the southern gulf lands to the border of New South Wales, many highly respected operations are feeling the effects of drought.

I was a member of the committee that undertook a comprehensive investigation into both the Farm Business Debt Mediation Bill 2016 and the Rural and Regional Adjustment (Development Assistance) Amendment Bill. Both bills were also scrutinised by a large cross-section of rural industry stakeholders. I note the comments in the committee's report with regard to the private member's bill, the Rural and Regional Adjustment (Development Assistance) Amendment Bill. I say at the outset that I understand the passion of the member for Mount Isa with regard to this. He has been an advocate on this issue for a very long time. However, I am no less passionate on this issue. I am just as passionate as everybody else. As the son of a farmer and the grandson, great-grandson and great-great-grandson of a grazier, I have lived and breathed farm debt, drought, bad commodity prices and heartbreak all my life. I have sat in a machinery shed on a late summer afternoon and watched the clouds turn green with hail and wipe out a cotton crop, or in mid-autumn a wheat crop—the hail just comes over and wipes it out—and known that any profit for that financial year was out of the question.

Access to capital and refinancing makes my gut turn when lying in bed at midnight wondering, 'How do I make it work? How do I get through? Do I have enough in the tank to continue to have faith that the bank will continue to allow me to have the overdraft so I can continue to pay the wages, to pay the debts, to put fuel in the fuel tank, to buy the oil filters, to plant the next crop?' Farming is a gamble, but it is a great industry and it is worth pursuing.

The member for Mount Isa has pushed for a state agricultural and industry development bank to redress farm debt through loan writedowns and refinancing at low interest rates. That is particularly popular, certainly in the west and the north-west cattle industry, which was hit by the live cattle ban and drought, but we have to have something that works—that starts us on the process of making it work, to redress the debt situation in rural and regional Queensland.

I refer again to some of the comments made in the report. The private member's bill was the subject of comment by AgForce and the Queensland Farmers' Federation. AgForce said that there was a lack of detail in the bill and in the two pages of explanatory notes about how the rural industries and development bank would be structured and practically operate which makes it difficult to assess the proposal. In fact, I asked AgForce a simple question at a committee hearing. Given that AgForce is the peak broadacre lobby group for agriculture—we also had the Queensland Farmers' Federation there which represents horticulture, cotton and intensive cropping—my question to AgForce first was does it support a rural development bank? CEO Charles Burke said no. Then I asked the Queensland Farmers' Federation's Mr Perkins and he said—

No, we do not either. It is in our submissions.

Mr Burke then said—

It is in ours as well and it is in my opening statement. While we understand the intent, we think there are other options already available to us with some change and some finetuning to deliver the same sort of process. We do not support the bank as such.

The committee report states—

The Department noted that currently QRAA provides loans ... and can borrow funds, e.g. from the Commonwealth to administer the Commonwealth concessional loans ... However, the many regulatory and legal arrangements that apply to a bank would limit how prescriptive the Queensland Government could be with respect to its operation and on the basis upon which it could lend.

Banking is regulated by the Commonwealth, so the State has no capacity to override these requirements. The regulatory environment has changed significantly since the Global Financial Crisis and a State-owned bank today would be subject to significantly more controls and restrictions than was the case when the State owned Queensland Industry Development Corporation.

Tonight the member for Mount Isa said that he is not calling for a bank but for a way forward to address the reconstruction debt in Queensland. That is why I support amendments foreshadowed by the member for Burdekin and the shadow minister for agriculture amending this bill to establish a farm debt reconstruction office in QRIDA headed by a manager with three or four expert agricultural staff to undertake assessments for farms and farm businesses under stress and to personally consult with owners, accountants, financial advisers and lenders an overall personal situation—a way forward for the long-term farm business viability. If this is not possible, they should advise an exit strategy preserving as much capital as possible for our rural producers.


This is a start to looking at the reconstruction debt—looking at debt and making sure that we find ways forward as a government in Queensland to start looking at this issue seriously. It is not everything that everybody wanted. I understand that, but we are starting the process. We are starting with something. We are starting with something that can be something even more in the future. I believe the establishment of a farm debt reconstruction office headed by a manager with some expert staff is a way forward to getting this issue addressed—an issue that certainly is an issue in the area that I represent

and in the areas represented by Robbie Katter, Andrew Cripps in the seat of Hinchinbrook, Dale Last in the seat of Burdekin, Tony Perrett in the seat of Gympie, Ann Leahy in the seat of Warrego, Pat Weir in the seat of Condamine and many other areas. This is a way that we can start putting this issue front and centre.

The government has an obligation to make sure that we increase our agricultural production across the state, and a couple of things come to mind. We need support from those opposite in the Labor Party who are in government to get Rookwood Weir going. Rookwood Weir, which is east of Duaringa near Gogango just on the border of the seat of Gregory, has the potential to create \$1 billion worth of agricultural production and create 1,000 full-time permanent agricultural jobs in Central Queensland. We need to get this going. We have the support of the federal government. The federal coalition has said, 'Let's get on with this.' We need the Labor Party to get on with it. That is how we start increasing agricultural production.

I also want to make mention of the fact that the former minister for natural resources the member for Hinchinbrook, Andrew Cripps, started cluster fencing in south-west Queensland. That was a game-changer for Western Queensland. There have been lambing rates of 110 per cent in Blackall-Tambo because of cluster fencing. That was a significant investment from the government of the day to restart the wool industry in Western Queensland, and I am glad that cluster fencing has continued under the government. In the central west we are starting to see clusters going up everywhere and lambing rates increasing, which means more sheep, which means more shearers, which means more people in town, which means more money in town. That is what we need to do.

We also need support for the Yamala inland port. That is a significant project which will reshape grain handling in Central Queensland. That is what we need to get behind. We also need to continue the research and development that was started under the LNP such as the tropical pulse program at QUT. The tropical pulse program undertaken by QUT is looking at getting better drought-resistant varieties in chickpeas and mung beans with the possibility of us exporting to India. Of course, we also need the Labor government to never, ever, ever bring back those vegetation management laws that it wanted to introduce earlier in this term. It should never bring those back again because that is how you cut productivity here in Queensland. That is how you demonise farmers and take away profitability. I call on the Labor government to get behind research and development in those programs but not to bring back vegetation management.

 **Mr PEGG** (Stretton—ALP) (10.55 pm): I rise to speak in support of the Farm Business Debt Mediation Bill 2016. This bill is a response to the Rural Debt Roundtable and the Rural Debt and Drought Taskforce which identified that producers felt that they had been unfairly treated by banks, particularly when businesses were identified as at risk. To combat this, the Farm Business Debt Mediation Bill will provide a fair, efficient and equitable solution of farm business debt matters between mortgagees and farmers. To further enhance efficiency, this bill will replace the Queensland Rural Adjustment Authority with the Queensland Rural and Industry Development Authority and expand its functions. The bill also makes important amendments to the Biological Control Act 1987, the Biosecurity Act 2014 and the Drugs Misuse Act 1986.

I believe that it is incumbent on all of us in this place to continue to support such an important industry that employs over 100,000 people. This bill has been introduced as part of the Queensland government's commitment to reducing financial stress and improving financial performance within our community. To deliver this commitment, the government has announced the \$78 million rural assistance and drought package as part of the 2016-17 budget. Of this, a \$36 million Rural Assistance Package is aimed at reducing financial stress and improving the financial sustainability of the rural sector. This bill is delivering on key aspects of this commitment. It is a commitment that enhances support for the financial stresses on the agricultural sector and rural Queensland and continues to build its financial sustainability now and into the future.

The primary objective of the bill is to provide a process for the efficient and equitable resolution of farm business debt matters between mortgagees and farmers. This government understands that events such as climate conditions, market prices, rural credit policy, government policy and globalisation can adversely affect the economic returns of rural enterprises through no fault of their own.

This bill provides a framework in which creditors and farmers can constructively resolve complex financial disputes. The legislation requires all providers of rural credit in respect of a farm mortgage to offer primary producers access to farm debt mediation prior to the creditor commencing enforcement action. It is important to note that this is a structured mediation process in which the mediator, as a

neutral and independent person, assists the farmer and the mortgagee in attempting to reach agreement. While many large lenders willingly participate in mediation under the current Queensland Farm Finance strategy, not all providers of rural credit take part. Under this bill, the obligation to mediate will now apply to all providers of farm business debt. It is very important to note that the new regime will not affect existing settlement agreements under the scheme.

The bill also does not prevent farmers from resolving disputes with financiers either informally or by court action. If informal negotiations are chosen and fail to resolve the dispute, the bill will ensure that the mortgagee offers mediation to the farmer before commencing enforcement action. This bill is modelled on existing farm debt mediation process legislation in New South Wales and Victoria with some variations to capture modern drafting considerations and to also reflect the characteristics of the Queensland industry.

This bill will also replace the Queensland Rural Adjustment Authority with the Queensland Rural and Industry Development Authority and expand its functions. These expanded functions will include providing assistance on the financial performance of Queensland's agricultural sector, undertaking policy research and partnering with the private banking sector. The Queensland Rural and Industry Development Authority will be able to build its own effectiveness by providing assistance to communities in the state where government agencies want to use its services.

It is also important to note that the bill also makes unrelated amendments to the Biological Control Act 1987, the Biosecurity Act 2014 and the Drugs Misuse Act 186. This bill makes amendments to the Biosecurity Act 2014 to provide more appropriately for the use of viruses as biological control agents. This amendment is introduced to mirror the Commonwealth legislation, the Biological Control Act 1984, which has recently clarified that viruses are included as organisms in the relevant definitions. This amendment will ensure a nationally consistent approach to definitions within biological control acts across Australia.

The amendments to the Biosecurity Act 2014 provide for third-party biosecurity accreditation systems as an alternative to government accreditation of certifiers or government certification for animals, animal products, plants, plant products, or other biosecurity risk items.

The amendments to the Drugs Misuse Act 1986 have also been included in the bill to enable lawful growers of cannabis in Queensland to supply seed to be used for the cultivation of medicinal cannabis under a Commonwealth licensing system. Therefore, the Commonwealth would have the responsibility for licensing the cultivation of cannabis for medicinal and related scientific purposes.

Agricultural industries are integral to Queensland's economy. As someone who was born in Townsville and did all of their schooling in Rockhampton, it is something that I truly understand. The food and fibre sector supports many rural and regional communities throughout our great state. It is important to note that the total value of Queensland's primary industry commodities is forecast to be over \$80 billion for 2016-17, that agricultural industries employ approximately 109,000 people—that is 109,000 jobs in Queensland—and that approximately 30,500 businesses carry out agricultural activity in Queensland. Agriculture is an incredibly important part of our economy. It is also very important to note that Queensland's agricultural sector is vulnerable to external pressures, such as climate and market forces, changes in domestic rural credit policies and global financial events. QRAA's 2011 rural debt survey reported that 15,822 borrowers have debt totalling \$17 billion and that approximately 864 borrowers, with a total debt of \$2.4 billion, were considered to be not viable and were at risk of enforcement action. A further 2,426 borrowers had debt totalling \$3 billion and may also be at risk.

In late 2015 and early 2016 a consultation process was undertaken by the Rural Debt and Drought Taskforce, which reported an inconsistency in the approach of banks to producers considered to be at risk. This is a very important point, because primary producers who experience financial difficulty could potentially be subject to financial institution enforcement action when they are unable to meet their loan repayments. That is why the statistics that I outlined are extremely important. The Palaszczuk government remains very committed to assisting rural producers and communities across our great state who are affected by debt and prolonged and widespread drought conditions. That is why I am very happy to support this bill, because it will reduce the financial stress in rural Queensland by protecting our farmers in financial difficulty from being treated unfairly by lenders.

As I said at the beginning of my contribution, the purpose of this bill is to establish a farm business debt mediation act that provides for an equitable and efficient way for farmers and mortgagees to resolve matters relating to farm business debts. As a former solicitor, I know that it is very beneficial to try to resolve these issues without proceeding to court, and that is exactly what this bill tries to achieve. This bill replaces the voluntary farm debt mediation mechanism that is offered through the Queensland Farm Finance Strategy.

As I outlined, both New South Wales and Victoria have legislated farm debt mediation processes. The New South Wales Farm Debt Mediation Act 1994 has been used as a model for the development of this bill. This bill applies to all providers of rural credit in this state that is secured by a farm mortgage. This bill provides an independent framework. It also provides certainty in the resolution of rural debt matters, which I think is extremely important. It will also be compulsory for financial institutions to offer mediation before enforcement action against a farmer can be started. We all know that mediation is far better than having enforcement action. It is important that mediation is compulsory for financial institutions so that we can achieve the best outcomes. However, farmers will have the option of declining to participate in mediation if they so wish.

Under the proposed legislation, professional mediators seeking to participate in the process will be required to be accredited, which I think is extremely important. The accreditation aims to ensure that qualified mediators, with an understanding of rural matters, are engaged by the parties seeking to go to mediation. The other benefit of accreditation is that it provides for quality assurance in the mediation process. I think they are two very admirable aims.

Decisions about notices required under the legislation and accrediting mediators will be made by the proposed Queensland Rural and Industry Development Authority—QRIDA. To achieve confidentiality and independence from QRIDA's other functions—for instance, its lending portfolio—internal electronic and physical information barriers will be established to provide an appropriate level of separation. In addition, the governance associated with maintaining the information barriers will be subject to an external audit. I think that these are very prudent processes.

Also of note in this bill is the intention that farmers and financial institutions share the cost of the mediator on a fifty-fifty basis. The parties must also bear their own preparation, attendance and legal costs. Mediations under the voluntary mechanism were not subsidised by the government and no provision has been made in the bill to subsidise the cost of mediators.

The federal government is also working with state and territory governments, the National Farmers' Federation and the Australian Bankers' Association to provide a nationally consistent approach to farm debt mediation. I think that is for the benefit of all stakeholders in this industry. An outcome could take time and Queensland's act will be broadly consistent with New South Wales, as I mentioned, so is likely to be consistent with any national approach that is agreed.

As I said, QRAA is established under the Rural and Regional Adjustment Act 1994 and the purpose is to administer financial schemes of assistance on behalf of both the federal and also the Queensland government. It is a requirement that these schemes must be prescribed in the Rural and Regional Adjustment Regulation 2011 before they can legally be administered by QRAA. I think it is very important in this debate to look at QRAA's objectives. They are to administer financial schemes of assistance to ensure a more productive and sustainable rural and regional sector in Queensland. I think that is something that all members of this House should be able to support. As I mentioned earlier, this bill changes the name of QRAA to the Queensland Rural and Industry Development Authority, QRIDA. Renaming QRAA to QRIDA will involve an amendment to the Rural and Regional Adjustment Act 1994. It is important to note that QRIDA will retain the general functions of QRAA, but it will also have additional functions in providing advice to the government in relation to the financial sustainability of the agricultural sector and also undertaking policy research.

The administration of the federal government's drought concessional loan schemes and the Queensland government's primary industry productivity enhancement scheme will continue under QRIDA. QRIDA will also be responsible for administering the Farm Business Debt Mediation Act in this state. This will include activities such as the issue of notices required under the act and the accreditation of mediators. As I said, to achieve confidentiality and independence from QRIDA's other functions, for instance its lending portfolio, internal electronic and physical information barriers will be established to provide that adequate level of separation. In addition, the governance associated with maintaining the information barriers will be subject to external audit.

Another important aspect of this bill is the amendments made to the Biosecurity Act 2014. These amendments provide a comprehensive biosecurity framework to manage the impacts of plant and animal diseases and pests in a timely and effective way. As I have said earlier in relation to other bills, this is a government that listens. This is a government that certainly listened to industry. This bill provides for recognition of third-party accreditation systems such as BioSecure HACCP and certificates issued in accordance with an approved third-party accreditation system to be a biosecurity certificate for the purposes of the Biosecurity Act 2014. My friends in the opposition should know that biosecurity accreditation systems also allow producers in this state to conduct activities and access markets from


which they might otherwise be excluded by law or other requirements. Biosecurity certificates are issued by accredited certifiers under the Biosecurity Act 2014 and are accepted by interstate quarantine authorities as assurance that their phytosanitary requirements have been met.

It is of note that currently the Biosecurity Act 2014 does not provide an appropriate framework for enabling industry-led accreditation schemes to operate alongside existing accreditation systems. BioSecure HACCP is a third-party accreditation scheme that has been developed over the last decade by the Nursery & Garden Industry Australia as a new approach to plant health assurance arrangements. This system has reached maturity, having been trialled over the last two years, and under BioSecure HACCP the Nursery & Garden Industry Australia controls accreditation of certifiers, certification, auditing arrangements, training requirements, amendment and cancellation, suspension and also the development of procedures that meet government quarantine requirements.

I believe, and I certainly hope all members of this House are of the view, that biosecurity legislation must remain contemporary. Not only should it remain contemporary, it should also remain accessible. The importance of that is to ensure that our food and fibre industries are supported. Industry-led accreditation arrangements such as BioSecure HACCP are the future of biosecurity assurance systems by biosecurity authorities in all Australian jurisdictions.

In the time that I have left I did want to briefly speak about the amendments to the Drugs Misuse Act and the Biological Control Act. I know that time is against me but I do want to address those issues briefly in the time that I have left. The amendments in this bill to part 5B of the Drugs Misuse Act will create new opportunities for Queensland farmers and I think that is fantastic. Queensland producers will be able to supply seed into Australia's medicinal cannabis industry. It is important to note that these proposed amendments do not allow growing medicinal cannabis for personal use or outside of the Commonwealth framework in Queensland. I think that is very, very important. However, this bill will enable the supply of seed by Queensland licensed industrial cannabis producers to proponents licensed under the federal government's newly established medicinal cannabis research and cultivation schemes. I do not have time to speak about—

(Time expired)

 **Mr PERRETT** (Gympie—LNP) (11.15 pm): I rise to speak to the Farm Business Debt Mediation Bill and the Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016. Queensland farmers operate in a volatile business environment with the competing demands of the weather, the value of the dollar, trading relationships and volatile international commodity markets. Businesses have to negotiate market factors, which can be unpredictable, while also operating with the vagaries of the weather. It is also well known that international commodity markets can be among the most variable and unreliable. Added to these stresses are those of government policy which is based solely on pandering to inner city Greens and animal welfare activists who want to close down all rural industries. Many of these activists are unproductive, affluent, inner-city dwellers living in concrete jungles who have no knowledge or appreciation of the work of the agricultural sector. Others are animal welfare activists who demonise the work and practices of responsible farmers.

In the end, the combination of all these factors can generate a perfect storm of stresses which can create inevitable business failures and a growth in the number of businesses that need to increase debt to keep operating. Research by the University of Canberra has concluded that the end result is that more than a quarter of Australian farmers are likely to leave their farms by the end of the decade. Many farmers and graziers in Western Queensland are still suffering from continued failed wet seasons, properties are destocked and owners have little or no cash flow to service debt. Anecdotally we have all heard stories of banks and rural lenders charging interest rates of eight per cent or higher or refusing more flexible repayment arrangements such as extending loan terms or repayment holidays.

It is obvious that the level of farm debt has increased since the last survey in 2011. However, the banks and other lenders continue to refuse to provide or supply data for us to assess the current climate. We in this parliament want to introduce policies and measures which are sound and responsibly supported by data. Despite the refusal by the banking sector to assist with data, recent estimates are that the rural debt in Australia has climbed to more than \$60 billion, leaving many farmers and rural workers looking for debt relief measures. Unmanageable levels of debt and insolvencies plague many regions, with foreclosures the most probable outcome. The challenge is to have a practical solution to the complex and challenging issue which this creates. This is why the committee has made 22 recommendations in its report.

While the mediation bill seeks to address some of the debt stresses, it also aims to provide more appropriately for the use of viruses as biological control agents, to provide for third-party biosecurity accreditation systems as an alternative to government accreditation of certifiers or government

certification for animals, animal products, plants, plant products or other biosecurity risk items and to enable lawful growers of cannabis in Queensland to supply seed to be used for cultivation of medicinal cannabis under a Commonwealth licensing system.

Of significant interest to many primary producers is that it also aims to establish the new Farm Business Debt Mediation Act, which will provide a process for the efficient and equitable resolution of farm business debt matters between mortgagees and farmers, and replace the QRAA, formally the Queensland Rural Adjustment Authority, with the Queensland Rural and Industry Development Authority and expands its functions. The mediation bill follows on from many of the issues that were raised in the Rural Debt and Drought Taskforce inquiry. The task force received extensive feedback from rural landholders who felt that they had been treated unfairly by the banks, particularly when businesses were identified as at risk.

This bill is about implementing the \$36.044 million Rural Assistance Package, which aims to reduce financial stress and improve the financial sustainability of the rural sector. A key component of the package includes a legislated farm business debt mediation process to provide an efficient and equitable process that government claims will benefit both mortgagees and farmers. It will also provide a framework for creditors and farmers to constructively resolve complex financial disputes. It will require all rural credit providers to offer farmers access to debt mediation prior to the creditor commencing enforcement action.

While industry stakeholders have welcomed the measures in this bill, they are concerned that the measures will make it harder to achieve a uniform transition to a national farm debt mediation scheme. The Queensland Farmers' Federation has raised four key areas of concern, including conflict of interest by the expanded functions of the Queensland Rural and Industry Development Authority, the appeals process time limit, consistency with legislation in New South Wales and transition support for farmers. However, it did conclude that—

New compulsory farm debt mediation legislation in Queensland must be an improvement on the current voluntary arrangements in place under the QFFS.

That is the Queensland Farm Finance Strategy. It continued—

QFF considers that addressing the four key areas of concern outlined will help ensure this is the case. In its current form the Bill will likely make the mediation process more onerous for farmers and lenders, realise an actual or preserved conflict of interest for QRIDA, and make any transition to a national farm debt mediation scheme more difficult.


That is why, whenever we legislate, we owe it to Queenslanders not to aggravate existing issues but actually improve and make it easier for Queensland workers and families to go about their daily business. While there are some issues that are out of our control, it is disheartening to note that irresponsible kneejerk government policy continues to have dire consequences for those in our primary industries. The decision by the Gillard government to impose a live cattle export ban was catastrophic for our producers, some of whom left the industry and some of whom are still recovering. The minister making that call was a Labor senator from Queensland, that is, someone who should have known better. The minister should have spent more time in regional and rural Queensland, instead of deal-making behind closed doors within the inner sanctums of the Labor Party. The live export ban had nothing to do with trade regulations; it had to do with a kneejerk response by government to appease feral animal welfare activists.

The survival of our beef industry in the north is a tribute to the resilience and productivity of the industry and especially our farmers. The live cattle ban in June 2011 and four failed wet seasons have left western and particularly north-western beef enterprises with excessive debts and no cash flow. Many good and responsible operators are under pressure because the debt-to-valuation levels have deteriorated. In some areas, valuations have crashed despite all the booster talk of Asian markets and the beef boom.

Good intentions do not necessarily make good policy. In the case of the live cattle ban, Labor demonstrated once again that it is all about intentions but has appalling policy. By pandering to minorities, that decision cost us jobs and properties, and drove farmers and their families to the edge. Tragically, in some cases it cost lives.

Farm debt and rural finance options are consistent themes of discussion and debate within agriculture. Debt and drought are interwoven for farmers. With Australian farm bank debt levels increasing from around \$10 billion to \$60 billion over the past 25 years, the relationship between the banks and agriculture has never been more entrenched. Therefore, we must get the regulatory

framework right, but we should also explore the alternative sources of capital and new farm business structures that will be required to drive the sector into the future. I support the bill with the LNP's amendments.

 **Mr CRIPPS** (Hinchinbrook—LNP) (11.25 pm): I rise to make a contribution to the cognate debate on these two bills. The objectives of the bill introduced by the government, the Farm Business Debt Mediation Bill, are to establish a new Farm Business Debt Mediation Act, which will provide a process for the efficient and equitable resolution of farm business debt matters between mortgagees and farmers; replace the Queensland Rural Adjustment Authority with the Queensland Rural and Industry Development Authority and expand its functions; provide more appropriately for the use of viruses as biological control agents; provide for third-party biosecurity accreditation systems as an alternative to government accreditation of certifiers or government certification for animals, animal products, plants, plant products or other biosecurity risk items; and enable lawful growers of cannabis in Queensland to supply seed to be used for the cultivation of medicinal cannabis under a Commonwealth licensing system.

The LNP is supportive of the establishment of a process that aims to assist primary producers to engage in a fairer, lower cost dispute resolution process with banks or other financial institutions. Certainly there is often an imbalance between the resources available to and capacity of farming families and the resources available to and capacity of mortgagees when they are engaged in negotiations concerning farm businesses. The explanatory notes accompanying the bill state that dynamic climate conditions, market prices, rural credit policy, government policy and globalisation can adversely affect the economic returns of rural enterprises.

That is certainly true in the Hinchinbrook electorate in relation to floods and cyclones, exchange rates, the trade policies of other nations and periodic risks posed by biosecurity incidents and the potentially serious productivity impacts of pests and diseases. The vagaries of government policy are also a threat for primary producers in the Hinchinbrook electorate, and Labor governments, in particular, are major threats to the productivity and viability of farm businesses in North Queensland, with everything from vegetation management and water legislation to reef regulations and pinching land for national parks being imposed on us under the Beattie, Bligh and Palaszczuk governments. Having access to a mediation process may well provide farmers with another option to resolve complex financial matters in the face of these natural or Labor-made disasters.

While the primary producers in the Hinchinbrook electorate rarely need to gain access to drought support measures, they all too regularly find themselves with a need to interact with the programs associated with the natural disaster relief and recovery arrangements that have been previously administered by the Queensland Rural Adjustment Authority. How those programs provide family farms with the opportunity to re-establish, adjust, transition or restructure is important for the agricultural sector in high-value cropping industries such as sugar cane and horticulture as much as it is important for graziers running cattle or sheep to access drought support. It will be important that the new QRIDA entity has skills and knowledge to provide advice to farmers in those circumstances, in addition to farmers and graziers experiencing drought conditions.

I want to briefly refer to the amendment that will allow for lawful growers of cannabis in Queensland to supply seed to be used for the cultivation of medicinal cannabis under a Commonwealth licensing system. There has been a lot of speculation about the anticipated benefits of establishing a framework for the use of medicinal cannabis in Queensland in relation to the establishment of a new industry to supply the product used in such treatments. I think the potential for economic benefits to be secured is somewhat overstated.

I cannot imagine that the actual volume of cannabis material required to meet the needs of those Queenslanders who genuinely need to access medicinal cannabis will be particularly significant. I note the existence of the heavily regulated poppy industry in Tasmania which produces the raw ingredients for a range of opiates. It shows that an industry can be viable when strictly controlled to supply a particular community need.

Having said that, a marijuana production led recovery of the regional Queensland economy through the establishment of a widespread medicinal cannabis supply chain and processing sector is, I think, very unlikely. However, I would make the observation that if Queensland is going to provide a pathway for accessing medicinal cannabis it seems absurd to me that the produce itself should not be produced in Queensland under appropriate regulation and supervision and therefore the amendments in this bill appear to be sensible.

I turn now to the Rural and Regional Adjustment (Development Assistance) Amendment Bill introduced by the Katter party. I note that the Finance and Administration Committee report recommends that the bill not be passed. The stated objective of this bill is to amend the Rural and Regional Adjustment Act 1994 to include a capacity to raise money to provide financial assistance that will foster development of a more stable, productive and sustainable rural and regional sector in Queensland.

The bill seeks to establish a new rural and industries development bank to be able to offer suitably tailored rural loans to business in the agricultural supply chain, foster industry development and provide a commercial lending ability, including recapitalising for restocking and replanting. This bill has come forward from the Katter party following the report of the Queensland government's Rural Debt and Drought Taskforce.

I attended the public meetings of this task force in Innisfail and Ingham. I cannot say that they struck me as very productive meetings. They lacked a bit of structure and they did not really consult those who attended the meetings on specific proposals. People did have a say at those meetings—there is no doubt about that—but the topics were disconnected and some were unrelated to the issue of rural debt and rural finance which meant that the process of consultation was not very effective.

I would note that the Katter party made a choice to establish that task force by cooperating with the Palaszczuk government rather than establishing a select committee of the Queensland parliament, with all of the powers of the parliament to investigate the issue of rural debt and issues around rural finance—a proposition that was put forward by the LNP opposition. That debate was held in this House in November 2015.


I have looked at the Finance and Administration Committee report and some of the submissions that were made to it. I note that neither the Queensland Farmers' Federation nor AgForce Queensland made submissions or gave evidence to the committee which provided support for the Rural and Regional Adjustment (Development Assistance) Amendment Bill. It is true that they commended the member for Mount Isa on the sentiment and acknowledged his concerns, but they did not support the proposal in his bill to re-establish a rural bank.

The Queensland Farmers' Federation describes itself as the united voice of intensive agriculture in Queensland. It is a federation that represents the interests of 17 of Queensland's peak rural industry organisations which in turn collectively represent more than 13,000 primary producers across the state.

AgForce describes itself as the peak rural group representing the majority of beef, sheep and wool and grain producers in Queensland—industries that generated about \$5 billion in gross farmgate value of production in 2013-14, forecasted to be \$5.5 billion in 2015-16. Between them, I do not think it is wrong to say that they represent the majority of primary producers in Queensland.

If the representatives of the farmers themselves are not providing public support for the concept of a state owned rural bank, we have to assume that they are accurately reflecting and representing the views of their members—namely, the farmers and graziers of Queensland—and we should respect that. The LNP will be supporting the bill introduced by the government which did attract the support of organisations such as the Queensland Farmers' Federation and AgForce during the committee's consideration of that bill.

The LNP has considered the bill carefully and noted the extensive recommendations made by the committee. I want to express my support for the amendments that have been foreshadowed by the shadow minister for agriculture, the member for Burdekin. These amendments seek to enhance the government's bill and achieve the best possible outcomes for Queensland's primary producers.

 **Mr MADDEN** (Ipswich West—ALP) (11.34 pm): I rise to speak in support of the Farm Business Debt Mediation Bill 2016. It is a bill for an act to provide for mediation for farm business debts and related purposes and to amend the Biological Control Act 1987, the Biosecurity Act 2014, the Drugs Misuse Act 1986 and the Rural and Regional Adjustment Act 1994 for particular purposes.

As the then minister for agriculture said in her introductory speech on 30 August 2016—

Agriculture continues to be an essential part of the Queensland economy, with the total value of Queensland's primary industry commodities forecast to be \$17.32 billion in 2015-16, with agriculture employing approximately 109,000 people.

However, Queensland's agricultural sector is vulnerable to external pressures such as climate and market forces, pest outbreaks, global financial events and changes in domestic credit policies. Queensland farmers and graziers are being asked to adapt to an ever-changing world and the inherent uncertainty it brings with it.

The forced sale of farm assets is always difficult, but there are times when farm families experiencing financial problems claim they have been treated unfairly by financial institutions. The Queensland government wants to ensure farming families experiencing financial difficulty are treated fairly by financial institutions when they are faced with the daunting prospect of selling property assets to repay loans. The primary objective of the bill is to provide a process for the efficient and equitable resolution of farm debt matters.

In response to issues raised by the rural debt banking round table and the findings of the Rural Debt and Drought Taskforce chairman's report, the Queensland government announced the \$78 million rural assistance and drought package as part of the 2016-17 budget. Farmers and graziers are at the front line facing ever more challenging roads to adapt to this changing world. An example of the external forces facing our farmers and producers is the fact that currently around 87 per cent of Queensland is declared drought affected.

This bill provides more certainty for farmers and graziers who can rightly expect that the Palaszczuk government will ensure they are treated fairly and compassionately when their farms and families are experiencing financial difficulties. This government wants to ensure farm families experiencing financial difficulties are treated fairly by financial institutions when they are faced with the task of selling property assets and repaying loans.

This bill will deliver a structured negotiation process in which an independent mediator will be brought in to assist the farmer and grazier and the mortgagee to attempt to reach an agreement on the present arrangements and the future conduct of financial relations moving forward. This is good news for our long-suffering drought-stricken farmers and graziers.

Mediation can play a pivotal role in both parties reaching a suitable and beneficial outcome. It is a confidential process that is quick, accessible and, most importantly, affordable. It is an alternative to the expensive and drawn out legal processes that go hand in glove with financial negotiations. Importantly though, and this distinction is important, this bill does not stop farmers from taking legal action to resolve these disputes when this is warranted.

The bill was created in response to the issues identified by the rural debt banking round table and the findings of the Rural Debt and Drought Taskforce chairman's report. The Queensland government announced the \$78 million rural assistance and drought package as part of the 2016-17 budget. This includes a \$36 million Rural Assistance Package, as part of the overall funding, in a whole-of-government approach focused on reducing financial stress and improving financial performance within the rural community partially in relation to farm succession planning and renewal within the family farming sector.

This bill delivers on the key aspects of the Rural Assistance Package including a legislated farm business debt mediation process and replacing the Queensland Rural Adjustment Authority, otherwise called QRAA, with the Queensland Rural and Industry Development Authority, QRIDA. QRAA was established as a statutory authority in 1994 and assumed the major activities of the former Queensland Industry Development Corporation's Government Schemes Division. QRAA is a specialist administrator of government financial assistance programs including loans, grants, rebates and subsidies. If the bill is passed, QRAA will become QRIDA on 1 July this year. QRIDA will go above and beyond what the former QRAA delivered. They will be able to undertake policy research as well as provide advice regarding financial performance of Queensland's rural and regional sector, especially primary producers, small business and other components of our state's economy.


The bill will also require the new authority to partner with commercial lenders and financial advisers to deliver its functions. As well, the bill will administer an expanded range of assistance schemes. Some examples of possible future assistance could include grants to community service providers and sporting, cultural and other community organisations, delivering on-the-ground support to communities who are also affected by the downturns in the rural community. The bill will also increase the efficiency of the authority's operation by allowing the board, rather than the minister, to appoint an acting chief executive officer to the authority.

The bill also clarifies that the Queensland Rural and Industry Development Authority has the power to lend money under an approved scheme. The authority will also have certain additional functions under the Farm Business Debt Mediation Act. This bill is an alternative and a better way forward for QRAA than that proposed by the member for Mount Isa's Rural and Regional Adjustment (Development Assistance) Amendment Bill 2016.

The government's bill also makes unrelated but still very important amendments to the Biological Control Act 1987, the Biosecurity Act 2014 and the Drugs Misuse Act 1986. The amendments to the Biological Control Act 1987 will provide more appropriate use of viruses as biological control agents. Queensland's Biological Control Act 1987 reflects the federal government's own Biological Control Act 1984 to ensure a nationally consistent approach to biological control.

The Biological Control Act 1984 was recently amended to clarify that viruses are included as organisms in the relevant definitions. The bill will amend Queensland's Biological Control Act 1987 to bring it back into line with the federal government act. This will again provide for nationally consistent definitions that ensure the protections from liability and injunctions provided by these acts apply to viruses and subviral agents. The amendments are due to the proposed release of the new naturally occurring strain of rabbit haemorrhagic disease virus RHDV, or calicivirus, known as K15, as well as the cyprinid herpes virus 3 for the control of common carp. I would like to thank the committee—

(Time expired)

 **Mr JANETZKI** (Toowoomba South—LNP) (11.45 pm): I rise tonight to make a contribution to the Farm Business Debt Mediation Bill and the Rural and Regional Adjustment (Development Assistance) Amendment Bill. We know that anything that can be done must be done to address this longstanding problem of managing rural debt in Queensland. We know that there are debt hotspots. In particular, Western Queensland graziers have suffered from failed wet seasons, properties have been destocked, property values have diminished and cash flows to service ever-growing debt are under ever greater pressure. In 2015, federal government data relating to the North Queensland beef industry estimated that of 1,258 banking customers 43 were 90 days in arrears and 18 were in mediation. Anecdotally, over decades, the pressure brought to bear on primary producers—whether by enforcement proceedings or otherwise—could be seen on some occasions to be unconscionable.

This bill, which follows on from the deliberations of the Rural Debt and Drought Taskforce—I think it was the member for Nanango who said there were over 460 submitters to that task force—seeks to set down a few new markers to protect Queensland's primary producers. These markers include instituting a farm business debt mediation process to provide efficient and equitable processes which will benefit both financial institutions and farmers and graziers.

The bill will also outline a framework for financial institutions and farmers and graziers to constructively resolve complex financial disputes. It will require all financial institutions providing credit to offer primary producers access to debt mediation prior to the financial institution commencing enforcement action. In replacing QRAA with the Queensland Rural and Industry Development Authority, QRIDA, it will accurately reflect the broader assistance offered going forward to research debt positions and adopt the right policy settings to address rural debt into the future.

I note that the establishment of a rural bank has for some time engendered considerable discussion. I have two major concerns with the proposal to enter into a state rural bank. The first is that, should a rural bank ever be established, there would be a risk that it would impede the ability of primary producers and agribusiness related entities to access affordable finance. This would have the flow-through effect of a reduction in Australia's capability to benefit from the growing demand for our rural exports. The QFF and AgForce also oppose the establishment of a rural bank on similar grounds.

Secondly, and beyond this, there are a range of regulatory concerns associated with the establishment of a state rural bank. A number of my colleagues have already spoken tonight about potential APRA regulation overseeing a state rural bank. It is worth unpacking that a little bit more because APRA oversight is a considerable impost on any bank, building society or credit union. Not only do APRA impose restrictions and manage the law on the Banking Act 1959; they also ensure and implement a series of prudential standards that are expected to be upheld by every bank, building society and credit union in the country.

Those prudential standards relate to capital adequacy, liquidity, risk management, the development of risk appetite statements and fit and proper tests. It is a considerable impost on any business. It is a great challenge for a state rural bank to comply with that regulation. It was that prudential regulation that saw the Australian banking system through the worst of the global financial crisis. That is no secret whatsoever. We had the best capitalised banks in the world and that is what protected us and presented a firewall to the world in the depths of the global financial crisis. It was not just the APRA regulation that protected the Australian banking industry; it was a raft of other regulations.

If there were a state rural bank, it would need to comply with ASIC's responsible lending regime. That is Regulatory Guide 209, which sets down and lays out the credit standards that need to be applied by any credit licensee to anyone seeking any loan anywhere in the country. Furthermore, there is

another layer of regulation for any operating bank in the country, Austrac. A state rural bank would be a reporting entity for the purposes of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and accordingly would bear with it all the reporting entity obligations that come with compliance with that particular act. Honourable members can see that there is a vast regulatory burden to be placed on any financial institution that is created in the country.

I am no apologist for the big four banks, other major banks and their excesses, whether they be connected with Storm Financial, BBSW manipulations, excessive executive remuneration or any of the financial planning scandals and mismanagement. They are tough enough and have the resources to defend themselves and ASIC are adequately resourced to address these problems.

Madam DEPUTY SPEAKER (Ms Farmer): Order! Just a moment, member for Toowoomba South. I know it is getting very late but the conversation levels are getting high and it is increasingly more difficult to hear what the member for Toowoomba South is saying. I ask members to keep their conversations to a minimum, please.

Mr JANETZKI: What the big banks must realise is that they will always play a vital role in the future and commerciality of Australian agriculture and must act appropriately and responsibly when dealing with rural based customers. I am an optimist and on the basis of my recent discussions with TSBE Food Leaders Australia CEO, Ben Lyons, there is every reason to be optimistic about the Australian agriculture industry. It will become a \$60 billion industry this year with the value of food and rural produce tipped to exceed \$100 billion by 2025 as the food boom in Asia and their desire for protein and other Australian high-quality products hits home.

I note that the vast majority of primary producers are managing their debt. It is estimated by the ABA that 30 per cent have no debt and a further 25 per cent owe less than \$50,000. That said, we know there are debt hotspots and there are farmers and graziers in difficulty and families losing homes and farms, including some of my mates on the land.

Rather than focusing any further on QRAA and QRIDA, as many of my colleagues have tonight, I want to briefly focus on the role of Queensland small regional mutual banks, building societies and credit unions in advancing the interests of the citizens who live in rural and regional Queensland not just in providing credit and other banking services to the citizens of Queensland based in the rural and regional areas but also the agricultural sectors adjacent to these regional centres. These companies are normally customer owned or mutuals, philosophically obliged and dedicated to helping those who need help to get a hand up. Customers are owners and therefore have a voice in the operation—or how a company ought to be operated. Although predominantly focused on the provision of funding for residential housing, there is an enduring need to allocate lending to not just small businesses but also agricultural producers as well. Across the length and breadth of regional and rural Queensland, these small financial institutions stand shoulder to shoulder with customers on the land and in regional communities.

Because of the commitment to the communities in which they operate, they work hard to approve hardship applications; they work hard to restructure financing arrangements; they work hard to extend terms wherever possible; they work hard to extend repayment forgiveness periods wherever possible. They consider all these possibilities in times of financial difficulty, drought, flood, ill health and any other adverse circumstances that citizens may face. From Cairns with Cairns Penny; in Townsville, Queensland Country; in Rockhampton, The Rock; in Bundaberg, Auswide; in Toowoomba, Heritage Bank; in Warwick, the Warwick Credit Union; in Maleny, the Maleny Credit Union—

Mr Costigan interjected.

Mr JANETZKI: It no longer exists. Up and down this state there are small banks wanting to help rural and regional Queenslanders.

Let me return ever so briefly to the concept of a state bank. It is an emotive, emotional argument. We saw what happened in South Australia in 1991 with the complete dissolution of the State Bank of South Australia and the subsequent resignation of premier John Bannon the following year. The risks are high for state governments engaging in state banking services. It is emotive—and my own family benefitted from a QIDC loan in developing our dairy farm—and it is something to be resisted. Although all other amendments proposed by the shadow minister—

(Time expired)

Mr POWER (Logan—ALP) (11.55 pm): We have some real success stories to tell in our Queensland agriculture industry that often go unspoken. The latest ABARES agricultural commodities report for March tells some of that story. Under the LNP government in 2014-15 Queensland average

farm business profit was in negative territory. Honourable members should remember that the LNP listed agriculture as one of their four pillars. However, over the three years of the LNP government, according to the ABS figures, employment went down in that sector—from 72,000 Queenslanders employed in the sector to 54,000, a 25 per cent reduction in employment. That is the record of the LNP government in the agriculture sector. That is the record of the LNP that will stick with them. Under the stewardship of the Palaszczuk government, farm business profits rose from minus \$48,540 to \$71,600 in 2015-16.

An opposition member interjected.

Mr POWER: I am talking about the good story that we have to tell about agriculture in this state. This is expected to increase further in 2016-17 to around \$144,000 a year. This continued improvement is well and truly outstripping the average Australian performance.

We have heard much about the export of live cattle and how this contributed to debt and difficulties for farmers, so I thought I would look to some of the facts about this. According to LiveCorp, the total value of our exports through live cattle in 2010 was \$684 million and in 2015, this last year, the export was \$1.463 billion. That is an increase of 214 per cent; incomes over those five years from that sector increased 214 per cent. While the events of 7 June to 6 July 2011 could have been different and could have put it on a different trajectory, we cannot see that, if we are making the argument about farm debt, a 214 per cent increase in income from the live cattle export trade is all of the cause. We do recognise that not all producers have had a 214 per cent increase in their income from a particular sector in that time and that some of our producers are not doing as well as they could. The Palaszczuk government is making sure farmers in Queensland are not left behind to drown in unsustainable debt. In some cases, sadly, this means that people are forced to sell their only major source of income, their farm. The primary objective of this bill is to provide a process for the efficient and equitable resolution of farm debt matters.

Farm debt mediation is a structured negotiation process where an independent mediator can assist the producer and the lender in an attempt to reach an agreement on present arrangements and future conduct of financial relations between the parties. Mediation has the potential to lead to positive outcomes for all families. We know that the farming sector is different from other types of investment, with very high and variable land prices. We also know that banks are keen to lend money during periods of high commodity prices and where land valuations are very high but do not understand the cyclical nature of farming in poorer times, more difficult times or times of drought.


We know that it is a special sector that requires banks to have some understanding of the way it works. It is not always possible for mediation to lead to mutually agreed outcomes, but the mediation process will be confidential, affordable, easily accessible and fast. It is a better alternative to drawn-out legal processes, because we know that banks can be very difficult to deal with once they enter into a legal process and we know that the only winners out of that are lawyers. Of course there will be the ability for proper and just legal action where that is required, and this bill will not take away any of those rights.

In this year's financial budget the Palaszczuk government delivered \$78 million for rural assistance and drought packages. This demonstrates the government's commitment to support our rural agricultural sectors. This bill is the end product of responses to issues identified in the rural banking round table and the findings of the Rural Debt and Drought Taskforce. When I was on the agriculture committee I worked with the member for Mount Isa, and I listened to many reports from public servants about these issues. Part of the \$78 million is dedicated to the Rural Assistance Package, which is a whole-of-government response; \$36 million of that focuses on reducing financial stress while improving financial performance within rural communities, including farm succession planning and renewal of the family farming sector.

A key aspect of the Rural Assistance Package is replacing the current Queensland Rural Adjustment Authority with a new, more efficient, wideranging Queensland Rural and Industry Development Authority. As it sits currently, QRAA is the specialist administrator of government financial assistance programs, including loans, grants, rebates and subsidies. QRIDA, which will have a start date of 1 July 2017, will have a much more influential and expanded role to assist the regional and rural communities that we know are doing it tough. Some of QRIDA's new scope will include the ability to undertake policy research as well as provide accurate advice regarding the financial performance of Queensland's rural and regional sectors, and we heard that the member for Mermaid Beach had concerns about those figures. This will be of great assistance especially to our state's primary producers, small businesses and many other components of our state's economy.

The bill will also require the new authority to partner and work with commercial lenders and finance advisers to ensure that it provides the best services and functions to the benefit of our economy. QRIDA will also administer a greater range of assistance schemes than QRAA can currently provide, and it will build upon its own effectiveness to provide assistance to communities and supply such things as grants to community service providers, sporting, cultural and other community organisations. The new authority will also increase its efficiency of operation by the board having the ability to appoint an acting chief executive officer when required. There are also elements that will improve biosecurity, especially relating to viruses.

This bill is important to me because I come from a strong sheep and cattle farming family on my mother's side. My mother left the farm to become a teacher, but we would spend every Christmas on the farm with my granddad Morrie. We would sleep in tents next to the shearing sheds, and I was very much connected to the long line of farmers from which I come. The question might well be asked why I was not afflicted with the curse of many farmers: being part of the National Party. I asked my great uncle Pat at my grandmother's funeral if there many National Party voters in the family, and he said 'No, none of us voted for the National Party. We are all Labor voters.' He said that we were great friends with the local National Party member who came from the same small town, and year after year he tried to convince us to switch over. Pat said to me that the local National Party member Don, who came from the town, said, 'Look, Pat, why don't you change over and vote for the National Party? Look at the results of the last election.' They were all Irish in Burramine. 'In Burramine there were 77 votes for the National Party and only six for the Labor Party, so what does that tell you, Pat?' Pat said, 'I looked him in the eye and said, "It tells me they never were too smart in Burramine East."'

 **Ms LEAHY** (Warrego—LNP) (12.04 am): I rise to speak on the cognate debate of the Farm Business Debt Mediation Bill and the Rural and Regional Adjustment (Development Assistance) Amendment Bill. I regularly ask the question when we are dealing with bills that relate to the agricultural industry: how will either of these bills increase agricultural profitability, either in my electorate or right across Queensland? I acknowledge that the Rural Debt and Drought Taskforce met in 13 regional towns, two of them in my electorate—Charleville and St George—and it heard from a variety of interested organisations and individuals. The Finance and Administration Committee has undertaken a very thorough examination of the Farm Business Debt Mediation Bill and the Rural and Regional Adjustment (Development Assistance) Amendment Bill, concluding with 22 well-reasoned recommendations.

I acknowledge that earlier speakers have outlined what both bills intend to achieve with respect to finance, debt mediation, reforms to QRAA and other amendments on viruses and cannabis. I note that in the committee report there is concern in relation to the lack of available data on the level of rural debt in Queensland. The committee report noted that QRAA had difficulty commissioning the debt survey since 2011 due to the reluctance of commercial lenders to participate in the 2013 and 2015 surveys. I think I still have some of the earlier reports that were done about 10 years ago from QRAA, and they are particularly interesting reading. QRAA indicated that the department is currently working with banks to pull together a rural debt survey and also noted that the Australian Bankers' Association is working with banks and the federal government to establish a national single data collection model to be undertaken by APRA. It does not really matter whether they do two surveys or one, but the reality is that they have to do those surveys. It does not matter who does it; it is important that this be done so that trends can be analysed and tracked, and I urge the finance sector to help make this survey happen. Without accurate debt data in rural industries everyone is at risk of making decisions, including the finance sector, which could have adverse outcomes.

I note that one of the bills in this debate seeks to set up a rural bank, and I acknowledge the passion from the member for Mount Isa in this regard. However, it is a very different finance environment at this time. I note there were also significant debt reconstruction schemes at a time when there were things like the Queensland Agricultural Bank, which operated through the 1970s, and some from the turn of the century. In 1971 the Australian government introduced the States Grants (Rural Reconstruction) Act in order to provide drought relief assistance to the states. This assistance was in the form of financial assistance in three categories: debt reconstruction, farm build-up and rehabilitation. The Woolgrowers' Assistance Fund was added to the scheme by a further amendment in December 1971. Applications for funding assistance from these funds were administered by the Queensland Rural Reconstruction Board. It should be noted that many of those farmers who were assisted by these debt reconstruction schemes in the 1970s are the farming families who are still successfully farming today.

A debt reconstruction focus like the one that has been outlined by the member for Burdekin, in combination with mediation provisions, would be a reasonable and far better outcome than just debt mediation, and it would be a good outcome if there were both a debt reconstruction focus and mediation.

There is also an issue in relation to interest rate subsidies that were delivered through the Exceptional Circumstances Interest Rate Subsidy Scheme. These subsidies helped manage rural debt at times of prolonged and severe drought, and the subsidies were one of the most transparent and accountable ways to provide assistance to farmers. Many landholders in my electorate are supporters of interest rate subsidies, and I wholeheartedly agree with them that this is a good mechanism to support family farmers with debt during times of severe drought.

The interest rate subsidies provided business support to farms that were viable in the long term but were finding themselves in financial difficulties due to an exceptional circumstance climatic event. I know many farming families in my electorate that were in receipt of those interest rate subsidies. They are still there today because the interest rate subsidies helped them through those difficult times of exceptional drought.

The interest rate subsidies did a lot more than just reduce interest rates; they also gave farmers a bit of breathing space and certainty with their debt. They were also able to pay some of their other accounts to other businesses in the towns and the community, and the money cycled through the whole community. This House will frequently hear the member for Gregory and me talking of the need to support small businesses in drought-affected areas, and I have no doubt that the reason those businesses are now doing it so tough is that there is no longer an interest rate subsidy program for farmers and they do not have that certainty. Unfortunately, the exceptional circumstances interest rate subsidies closed on 30 June 2012.

There is no doubt that the unprecedented drought conditions—all of my electorate is drought declared—have contributed to a very difficult financial climate for many farming families and enterprises across Queensland. The hostile behaviour of the federal Labor government that resulted in the 2011 live cattle export ban placed an enormous strain on cattle farmers—not just northern cattle producers. The impact was felt well into the south-west of the state, with about 30 per cent of the cattle coming through the Roma Saleyards from North Queensland. This depressed prices at a time when drought was continuing and did not seem like it was going to end. Producers were desperate to offload their stock and had to do so at those depressed prices. They also had to manage their farm debt at the same time and, unfortunately, many actually got a bill for the freight at the time they sent stock to the Roma Saleyards.

The increase in the stock numbers, the closure of the live trade and the depressed drought prices really hurt those producers. It is still hurting those producers in Southern Queensland. It really was not a farm debt; the closure of the live cattle export trade caused a government induced debt which was incredibly difficult for people to manage. Producers told that story at the Rural Debt and Drought Taskforce meetings in South-East Queensland. Producers can handle climatic seasonal variations, but they cannot sustain the hostile decisions of ill-informed governments at the same time.

I note that the committee report also mentions the work of the rural financial counsellors in Queensland. They have done an outstanding job of assisting farmers and helping them avoid mediation due to mortgagees accepting proposals. Resolving the problem by negotiation can also lead to an agreement between farmers and mortgagees without the expense of the physical travel, the time and the emotional distress of formal farm debt mediation.


The Rural Financial Counselling Service is a free and confidential service delivered through two service providers in Queensland, based in Longreach and Roma. The Rural Financial Counselling Service at Roma delivers services into Charleville and Roma in my electorate. I personally know the staff at both Roma and Charleville. They are extremely professional and constantly focused on—

Madam DEPUTY SPEAKER (Ms Farmer): Order! Can I ask members to take their seats, please, and keep their conversations to a minimum so we can hear the member for Warrego.

Ms LEAHY: Thank you, Madam Deputy Speaker. I notice the clock was not stopped. I personally know the staff of the Rural Financial Counselling Service at both Roma and Charleville. They are professional and constantly focused on good outcomes for their clients. They do an outstanding job with resolving the farm debt issues and they have done so for many years, in fact—since that service was originally set up. I would like to thank them for their tireless work for farming families right across Roma and Charleville. The Rural Financial Counselling Service at Roma does not deliver those services to only Roma and Charleville; there are about 11 other communities in which they provide those services.

There are some other amendments in the bill to facilitate the rollout of two viruses in 2017—one relating to the rabbit population and the other relating to the carp population. It might be of interest to the House to learn that the CSIRO has scientifically confirmed the first pest rabbit has already succumbed to the newly released calicivirus. The virus was released only two weeks ago at more than 600 sites across Australia. We better get busy in Queensland because that virus is coming fairly quickly.


The control of carp cannot come quick enough, as the fish are often described as the rabbits of the waterways. They have devastated native fish populations, particularly in the Condamine-Balonne region. Anything that can be done to remove, control or destroy those carp in the Condamine-Balonne system is an absolute success. We really look forward to that virus being distributed in Queensland.

 **Mr DICKSON** (Buderim—PHON) (12.15 am): I had no intention of speaking to these bills tonight, but after listening to so much conversation and discussion on something that is so important to the people of rural Queensland I thought I should speak, particularly as medicinal cannabis is mentioned in the bill. Firstly, I thank the Katter party for being the catalyst for a bill that represents the people of Western Queensland who have been doing it tough for so long and for bringing it to the forefront of this parliament. That has been followed by the Farm Business Debt Mediation Bill, and amendments have been flying backwards and forwards tonight so that people can take credit for helping those people on the land. I do hope that is the outcome. Whatever the resolution of the cognate bills that are debated tonight, we have to give credit where it is due. The Katter party members are the catalyst for this legislation. Being a member of One Nation, I will give credit where it is due.

I turn to the medicinal cannabis component of the legislation, which is the amendment to the Drugs Misuse Act 1986. We are heading towards the end of March, yet on 1 March people were supposed to be able to go to a doctor and get a script to buy whole plant medical cannabis, yet this bill talks about how we are going to import seeds and eventually be able to grow medical cannabis here in Queensland. The sad reality is that we have not yet. We are going down that path. I do not think it is anybody's fault in particular, but still people are suffering. Still people are going to the black market to buy whole plant medical cannabis. Is that good enough in the state of Queensland?

I know that the Israeli government has been here recently meeting with the federal government and that many people, such as federal minister Greg Hunt, are trying to import whole plant medical cannabis into Australia. I think it was three or four weeks ago that he said it would be here in Australia in a bulk quantity that would be able to be distributed to Queenslanders within the next eight weeks, so the clock is ticking. We are still waiting to see if that will happen or it is just more words. Let us not forget that there are many people out there suffering, just like the farmers are suffering.

Those farmers need to be refinanced. We know what happens in the farming industry. The value of their property goes down. The banks come in and say, 'You need more collateral.' They do not have it. They are forced to the wall and the banks do what they do well: they do the farmers over. I understand that is why that bill was originally put forward by the Katter party. I really do hope and pray that the amendments that are being thrown around tonight are not just talk and hot air but that they have real substance to them. If they do not have substance to them, the farming industry will remember, Western Queensland will remember and the election is around the corner. I will leave members with that thought.

 **Mr KATTER** (Mount Isa—KAP) (12.17 am), in reply: I rise to speak in reply to the debate. I thank all members for their contributions to the debate. We heard a torrent of empathy from members on both sides of the House about the problems of people out there. I do not have the mortgage on that. I am probably not going to win the contest for bragging rights on having an attachment to people on the land, either. It is not about that. It is not about emotions; it is about trying to provide some solid solutions to what is, without question, a very big problem confronting policymakers not just in this state but also across Australia.

There has been plenty of time to talk about all of this, equivocate and come up with solutions. The member for Dalrymple and I have both been very patient on the issue, working with people to try to get a solution. The time to do something was a few years ago. Tonight we in this House have an opportunity to do something. We are certainly very malleable in our approach—very flexible in accommodating other people's agenda. Something substantial had to be voted on by this House to send a signal to the market that we create an alternative lending facility or model—without question. Anything watering that down is not going to do the job. The point is that we need a solution.

While on my feet I thank the government for the Rural Assistance Package which was a response to the hard work of everyone on the rural debt task force, and there were some generous offerings made that have helped people. In particular the minister made mention of the stamp duty concessions. That is an excellent thing that has been done and we are very grateful for that, but unfortunately the big

issue to tackle is rural debt and nothing outside of what I have suggested that has been discussed tonight tackles that effectively. Banking regulations refer primarily to deposit-taking institutions and there has been some misinformation and, I think, some bluff spoken here tonight saying that you cannot do it, it has to be done federally and that you will cross APRA if you do not. I will table some correspondence from APRA which states—

... where a State Government proposes to establish and own an entity to carry on banking business and that will use the restricted words or expressions 'bank', 'banker', 'banking' ... and which will operate only within that State's borders, it does not require:

- a. authorisation from ... APRA to carry on banking business; or
- b. consent from APRA to use the restricted words.

I will table that so everyone can read it. I do not need to tell members that there are ways around this. There are solutions to do it.

Tabled paper: Email, dated 21 March 2017, from the Australian Prudential Regulation Authority to the member for Mount Isa, Mr Rob Katter MP, in relation to the Banking Act 1959 [\[464\]](#).

There has been large consensus within the room that there is a dead issue and it is nice that we get a debt survey—something that we have been calling for since I have been in this place, and 2013 was the first time I would have mentioned the rural debt survey. I absolutely agree that it needs to be done and it is handy to have, but the purpose of that is to tell us there is a problem. All of us in those western areas know there is a problem, so the end game is not the rural debt survey. That is really just to allow us to demonstrate or quantify that there is a problem, but we know there is a problem and there is a course of action available right now to address that problem. I do not disagree with the motivation to get a rural debt survey—that is excellent—but that is not the solution.

I disagree that anything other than what we have put forward tonight is a start to what can be done. We have put forward a mechanism, yet everyone is talking about a bank. It is effectively a lending mechanism. You can call it a corporation, a board, a bank or whatever you want. It has not been prescriptive. There was criticism from AgForce and QFF, which were just dying for ways to pull this apart because in principle they do not believe in any sort of effective mechanism to help people, and I do not think they would mind me saying that. I think they have been pretty up-front about that and perhaps that is why their membership is limited to 20 per cent or 30 per cent of the industry the last time I checked.

Mr Rickuss interjected.

Mr KATTER: Whatever. Who cares?


Mr Rickuss interjected.

Mr KATTER: I take the interjection from the member for Lockyer. You stay there and defend AgForce. It will help me. Tonight if the KAP bill goes down, we are endorsing doing nothing. There is no effective endorsement from this House that we are going to establish a mechanism that will take us to the next step of doing something. We acknowledge there is a problem, but I put it this way: if we go back to these people in stressed areas and say, 'We've spent the last two years in this parliament working up to something here and we've spent a lot of time and a lot of state taxpayers' resources coming up with some solutions and what we've come up with is that we'll establish an office to look into this stuff more, a mediation tool, an agency that can look at it more and we'll establish the rural debt survey which we should've done years ago. It'll tell you how big the debt is, so you can all be happy that we're moving forward,' I do not think that is going to cut it, and nor should it. It is not a solution—it is nowhere near a solution—yet tonight we have put forward a solution which was open to negotiation and open to flexibility and in managing that however it might fit the requirements of industry.

I heard similar arguments in the House when the ethanol bill was before the last parliament. Both sides voted against it and there were technical arguments why we could not do it, but we all voted for it in this parliament because suddenly we could do it. In the last parliament we all voted against the dairy bill. Technically it was a terrible idea, and I feel that that is what we are facing here again tonight. There is an acknowledgement that there is a problem and it is good to talk about things and do little things on the periphery, but let us not do anything substantial because it offends many people who do not believe in intervention or who do not believe in any sort of lending institution competing with established commercial entities. It is that hands-off approach that prevails now with government policymakers and advisers. That is fine. Everyone is entitled to their own views and opinions—I appreciate that—but what does offend me is people who tell primary producers and shop owners one thing out there and yet come in here and vote another way.

Pick a side. Put up a tangible solution that can be followed through that is really going to have an effect—do it or do not do it—but do not equivocate and do not try to muddy the waters. Pick a side, vote for it and let people know what you are going to do. I can totally accept that people have a different point of view on how to fix things, but do not say that you cannot do it because of this technicality or that or that there are all of these problems. Of course I know that the government wants to avoid the APRA guidelines. I said that in my speech. Saying that it has been done before or that it is different times now and we cannot do it is all language that we have heard before. We could not do it with the biofuels mandate either, but we can do something here. We all know we can. You can do it with the Clean Energy Finance Corporation. Go talk to Oliver Yates. He will tell you how to set it up here.

In the paper the other day there was funding for wild dog fencing. Let us finance it. We can finance and rebuild these industries. We all agree that it needs to be done. I guess everyone just wants to pick this to pieces because it has come from the crossbench and they cannot endorse that, plus the fact there are many people who do not like government intervention in this space, so we will find every excuse in the book to go against it. That is fine if you have that opinion—I can respect that—but do not say one thing and do another and do not go out there to people in the public and pretend to be doing something but not following through with it. Do not give them false hope. Tonight we had a great opportunity to do something really meaningful. It would have had a legacy. Everyone could have had a win. That opportunity was not taken. I would put it down to politics. It is a really sad night and it is a sad reflection that we missed an opportunity here and I sincerely regret that. I will be doing my utmost to communicate with the public what has happened here tonight.

 **Hon. WS BYRNE** (Rockhampton—ALP) (Minister for Agriculture and Fisheries and Minister for Rural Economic Development) (12.28 am), in reply: Given the hour, I will keep my summing-up quite short. I think the bills that have been presented this evening indicate that there is a problem, and I again thank the committee for the very fine work it did in going through all of the issues associated with the legislation. The contributions that have been made this evening have, for the most part, given recognition to that problem and it has been a debate in very normal terms rather than any unnecessary conflict, because my entire department has worked hard to understand and present things from the government perspective in terms of the recognition of the issues that have been presented here this evening in the debate. I think most of the contributions have added value and the tone of the debate has been something that is not usual in this House.

Everybody understands the nexus between drought and debt. The task force started off that conversation for us. As we all know, it is a much more difficult set of circumstances for primary producers. There are not only the traditional environmental conditions but also the biosecurity risks, the international market variations. Increasingly throughout the world we are seeing trade barriers going up and, of course, given the commodity price influences on our economy, there is the fluctuating Australian dollar. All of those factors impact rural producers. The measures that we debated this evening are a small contribution towards providing some level of stability for the agricultural industry going forward.


I am proud of the work that the government has done. I have to admit publicly—but I will probably regret it—how cooperative and collaborative the opposition has been in moving towards a common set of principles on these bills. I appreciate that and I appreciate the efforts of the shadow minister and those of the opposition staff to get us to a point of common understanding. I think this legislation is a step in the right direction and will be largely applauded by those in regional Queensland.

Division: Question put—That the Farm Business Debt Mediation Bill be now read a second time.

Resolved in the affirmative under standing order 106.

Bill read a second time.

Speaker's Ruling, Same Question Rule

 **Mr SPEAKER:** Honourable members, the question before the House is that the Rural and Regional Adjustment (Development Assistance) Amendment Bill be now read a second time. I draw members' attention to the statement I have previously circulated in the chamber regarding the application of the same question rule.

Standing order 87 provides the general rule of Westminster parliamentary practice that once the House has resolved a matter in the affirmative or negative the same question shall not again be proposed in the same session. Similarly, standing order 150 provides for the application of the same question rule in relation to amendments, new clauses or schedules of a bill. It states that no amendment,

new clause or schedule to a bill shall be at any time moved which is substantially the same as one already negated by the House, or which is inconsistent with one that has already been agreed to by the House, unless there has been an order of the House to reconsider the bill.

As previous speakers have noted, the matters do not have to be identical but merely the same in substance as the previous matter. In other words, it is a question of substance, not form. The Rural and Regional Adjustment (Development Assistance) Amendment Bill, introduced on 26 May 2016, deals with the same substance as that of the Farm Business Debt Mediation Bill, which the House has just resolved to read a second time. Therefore, under standing orders 87 and 150, the Rural and Regional Adjustment (Development Assistance) Amendment Bill cannot proceed and is discharged from the *Notice Paper*.

Consideration in Detail

Farm Business Debt Mediation Bill

Clauses 1 and 2, as read, agreed to.

Clause 3—



Mr LAST (12.39 am): I move the following amendment—

1 Clause 3 (Purpose)

Page 10, line 17, after 'mortgagees'—

insert—

, participating in good faith,

I table the explanatory notes to my amendments.

Tabled paper: Farm Business Debt Mediation Bill 2016, explanatory notes to Mr Dale Last's amendments [\[465\]](#).

Non-government amendment (Mr Last) agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 6, as read, agreed to.

Clause 7—

Mr LAST (12.39 am): I move the following amendment—

2 Clause 7 (When mediation has been satisfactory)

Page 12, line 14, 'but the farmer and the mortgagee'—

omit, insert—

with the farmer and the mortgagee having participated in good faith, but they

Non-government amendment (Mr Last) agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 10, as read, agreed to.

Clause 11—



Mr BYRNE (12.40 am): I move the following amendment—

1 Clause 11 (Application of Act)

Page 14, lines 10 to 12—

omit, insert—

(2) Also, this Act does not apply in relation to a farmer for a particular farm business debt if—

(a) the farmer previously defaulted under the farm mortgage for the debt and, because of the farmer's default, the farmer and the mortgagee took part in mediation for the debt under this Act; and

I table the explanatory notes to my amendments.

Tabled paper: Farm Business Debt Mediation Bill 2016, explanatory notes to Hon. Bill Byrne's amendments [\[466\]](#).

Amendment agreed to.

Clause 11, as amended, agreed to.

Clauses 12 and 13, as read, agreed to.

Clause 14—

Mr BYRNE (12.42 am): I move the following amendment—

2 Clause 14 (Notice of intention to take enforcement action)

Page 16, line 11, '15'—

omit, insert—

20

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 17, as read, agreed to.

Clause 18—

Mr BYRNE (12.42 am): I move the following amendment—

3 Clause 18 (Nominating mediator)

Page 18, lines 28 to 30, page 19, lines 1 to 31 and page 20, lines 1 to 9—

omit, insert—

18 Choosing mediator

- (1) The parties to the farm business debt must choose a mediator to conduct the mediation.
- (2) The mediator must be chosen in the way prescribed by regulation.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 23, as read, agreed to.

Clause 24—

Mr BYRNE (12.42 am): I move the following amendments—

4 Clause 24 (Farmer entitled to advisor)

Page 23, line 28, 'an advisor'—

omit, insert—

1 or more advisors

5 Clause 24 (Farmer entitled to advisor)

Page 23, line 30, 'The'—

omit, insert—

An

6 Clause 24 (Farmer entitled to advisor)

Page 24, line 1, 'the advisor's'—

omit, insert—

an advisor's

Amendments agreed to.

Clause 24, as amended, agreed to.

Clause 25—

Mr BYRNE (12.44 am): I move the following amendment—

7 Clause 25 (Mediation meetings)

Page 24, lines 9 and 10—

omit, insert—

- (2) Mediation meetings are to be conducted—
 - (a) at a place and time that is reasonably convenient for the farmer; and
 - (b) with as little formality and technicality, and as quickly, as possible.
- (3) If the parties to a mediation agree, a mediation meeting may be held using any technology allowing reasonably contemporaneous and continuous communication between the parties.

Examples—

teleconferencing, videoconferencing

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26—

Mr BYRNE (12.44 am): I move the following amendments—

8 Clause 26 (Heads of agreement)

Page 24, line 16, 'prepare a document, in the approved form,'—

omit, insert—

prepare, or supervise the preparation of, a document in the approved form

9 Clause 26 (Heads of agreement)

Page 24, after line 26—

insert—

- (4) The approved form for a heads of agreement must—
- (a) state—
- (i) that a heads of agreement is subject to a cooling-off period unless the parties agree to waive the cooling-off period; and
- (ii) that a farmer may revoke the heads of agreement during a cooling-off period by serving a signed notice of revocation on the mortgagee; and
- (iii) the rights to compensation that may, and do not, arise under section 30 if a farmer revokes a heads of agreement during a cooling-off period; and
- (b) provide for the inclusion of the following matters—
- (i) when a cooling-off period starts and ends; and
- (ii) a cooling-off period to be shortened or extended if the parties agree.

Amendments agreed to.

Clause 26, as amended, agreed to.

Clause 27—

Mr BYRNE (12.44 am): I move the following amendment—

10 Clause 27 (Cooling-off period)

Page 25, lines 1 to 21—

omit, insert—

27 Cooling-off period

- (1) A heads of agreement entered into by the parties to a mediation is subject to a cooling-off period during which the farmer may revoke the agreement (the **cooling-off period**) unless the parties agree to waive the cooling-off period under this section.
- (2) If the parties do not waive the cooling-off period, the period—
- (a) starts when the parties enter into the heads of agreement; and
- (b) ends on—
- (i) if the parties have agreed on a day on which the cooling-off period ends and the day is noted on the heads of agreement—the agreed day; or
- (ii) otherwise—the day that is 10 business days after the parties entered into the heads of agreement.
- (3) The parties to a heads of agreement may agree to—
- (a) waive the cooling-off period for the agreement; or
- (b) at any time before the cooling-off period ends under subsection (2)(b), shorten or extend the cooling-off period.
- (4) However, the parties to a heads of agreement may waive or shorten the cooling-off period for the agreement only if the farmer has had a reasonable opportunity to seek legal advice about—
- (a) the agreement; and
- (b) waiving or shortening the cooling-off period.
- (5) The agreement must be in writing.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clause 28—

Mr BYRNE (12.44 am): I move the following amendments—

11 Clause 28 (Mediator's obligations after heads of agreement entered)

Page 25, line 23, before 'After'—

insert—

(1)

12 Clause 28 (Mediator's obligations after heads of agreement entered)

Page 25, lines 27 to 31—

omit, insert—

(b) that states—

- (i) if the parties have waived the cooling-off period—there is no cooling-off period for the heads of agreement; or
- (ii) otherwise—the days on which the cooling-off period for the heads of agreement starts and ends.

13 Clause 28 (Mediator's obligations after heads of agreement entered)

Page 25, after line 31—

insert—

- (2) If, after signing the heads of agreement, the parties agree to shorten or extend the cooling-off period, the mediator must ensure each party has a copy of the heads of agreement that states—
 - (a) the parties have agreed to shorten or extend the cooling-off period; and
 - (b) the day on which the parties have agreed the cooling-off period ends.

Amendments agreed to.

Clause 28, as amended, agreed to.

Insertion of new clause—



Mr BYRNE (12.45 am): I move the following amendment—

14 After clause 28

Page 25, after line 31—

insert—

28A Heads of agreement binds parties

A heads of agreement signed by the parties to a mediation binds each of the parties while the agreement is in effect.

Amendment agreed to.

Clauses 29 and 30, as read, agreed to.

Insertion of new clause—

Mr BYRNE (12.46 am): I move the following amendment—

15 After clause 30

Page 26, after line 21—

insert—

30A Varying heads of agreement

- (1) The parties to a mediation may, at any time, agree to vary a heads of agreement relating to the mediation and any contract, mortgage or other document entered into by the parties to give effect to the heads of agreement.
- (2) However, subsection (1) applies only if the farmer who was a party to the mediation has had a reasonable opportunity to seek legal advice about varying the heads of agreement.
- (3) The agreement must be in writing.
- (4) Subsection (1) does not apply to varying the cooling-off period for the heads of agreement.

Amendment agreed to.

Clauses 31 and 32, as read, agreed to.

Clause 33—



Mr LAST (12.46 am): I move the following amendments—

11 Clause 33 (Summary of mediation)

Page 28, line 11, after 'satisfactory'—

insert—

and the parties participated in good faith

12 Clause 33 (Summary of mediation)

Page 28, line 13, after 'satisfactory'—

insert—

or the parties did not participate in good faith

Non-government amendments (Mr Last) agreed to.

Clause 33, as amended, agreed to.

Clauses 34 to 37, as read, agreed to.

Clause 38—

Mr BYRNE (12.46 am): I move the following amendments—

16 Clause 38 (Confidentiality)

Page 30, line 14, after 'document'—

insert—

prepared for the purpose of being

17 Clause 38 (Confidentiality)

Page 30, line 20, 'section 33.'—

omit, insert—

section 33; or

(d) a proceeding or a part of a proceeding before QCAT that is not open to the public, including, for example, a proceeding started under section 82; or

(e) a proceeding or a part of a proceeding that relates to—

(i) violence or a threat of violence; or

(ii) ongoing activity of a criminal nature being concealed; or

(iii) the abuse of a child or another person.

Amendments agreed to.

Clause 38, as amended, agreed to.

Clause 39—

Mr BYRNE (12.48 am): I move the following amendment—

18 Clause 39 (Costs)

Page 30, after line 28—

insert—

(1A) A party's costs for a mediation include the costs incurred by the party in relation to the mediation.

Examples of costs incurred in relation to a mediation—

the costs of travel and accommodation incurred to attend a mediation meeting

Amendment agreed to.

Clause 39, as amended, agreed to.

Clauses 40 to 46, as read, agreed to.

Clause 47—

Mr BYRNE (12.48 am): I move the following amendments—

19 Clause 47 (Duration)

Page 34, line 24, '(1)'—

omit.

20 Clause 47 (Duration)

Page 35, lines 10 to 12—

omit.

Amendments agreed to.

Clause 47, as amended, agreed to.

Clause 48—

Mr BYRNE (12.49 am): I move the following amendment—

21 Clause 48 (Applying for exemption certificate)

Page 35, line 20, before 'under'—

insert—

in relation to the farmer's default

Amendment agreed to.

Clause 48, as amended, agreed to.

Clause 49—

Mr BYRNE (12.49 am): I move the following amendments—

22 Clause 49 (Grounds)

Page 35, lines 28 and 29 and page 36, lines 1 to 4—

omit, insert—

- (1) Each of the following is a ground for issuing an exemption certificate in relation to a farmer's default under a farm mortgage—
 - (a) the farmer and the mortgagee took part in mediation for the farm business debt and the mediation—
 - (i) considered matters relating to the farmer's default; and
 - (ii) was satisfactory;
 - (b) the farmer has failed to, and does not intend to, mediate for the farm business debt about matters relating to the farmer's default;

23 Clause 49 (Grounds)

Page 36, lines 8 and 9—

omit, insert—

- (i) the farmer and the mortgagee agreed to mediate for the farm business debt about matters relating to the farmer's default;

24 Clause 49 (Grounds)

Page 36, lines 20 to 25—

omit, insert—

- (i) the mediation for the farm business debt considered matters relating to the farmer's default under the farm mortgage of farm property in Queensland and was satisfactory; or
- (ii) the farmer has failed to, and does not intend to, mediate for the farm business debt about matters relating to the farmer's default.

Amendments agreed to.

Clause 49, as amended, agreed to.

Clauses 50 and 51, as read, agreed to.

Clause 52—

Mr BYRNE (12.49 am): I move the following amendment—

25 Clause 52 (Deciding application)

Page 37, line 30—

omit, insert—

- (c) there is a ground, relating to the farmer's default, to issue the exemption certificate.

Amendment agreed to.

Clause 52, as amended, agreed to.

Clauses 53 to 76, as read, agreed to.

Clause 77—

Mr BYRNE (12.50 am): I move the following amendment—

26 Clause 77 (When original decision takes effect)

Page 52, lines 18 to 23—

omit, insert—

- (a) if an application for an internal review of the original decision is made—the chief executive officer decides the application; or

Amendment agreed to.

Clause 77, as amended, agreed to.

Clause 78—

Mr BYRNE (12.50 am): I move the following amendment—

27 Clause 78 (QCAT may stay operation of original decision)

Page 53, lines 2 and 3, 'to which section 77 does not apply'—

omit, insert—

that is an accreditation decision

Amendment agreed to.

Clause 78, as amended, agreed to.

Clause 79—

Mr SPEAKER: I note that the minister's amendment No. 28 proposes to omit the clause. Therefore, the appropriate procedure is to vote against the clause.

Clause 79, as read, negatived.

Clause 80, as read, agreed to.

Clause 81—

Mr BYRNE (12.51 am): I move the following amendments—

29 Clause 81 (Reviewing original decision)

Page 54, after line 24—

insert—

- (1A) If the original decision is not an accreditation decision, the chief executive officer may, at any time, extend the period for making the internal review decision and giving the review notice.

30 Clause 81 (Reviewing original decision)

Page 55, after line 10—

insert—

- (5A) Subsections (6) and (7) apply if the original decision is an accreditation decision.

Amendments agreed to.

Clause 81, as amended, agreed to.

Clause 82—

Mr BYRNE (12.52 am): I move the following amendment—

31 Clause 82 (Applying for external review)

Page 55, lines 21 and 22—

omit, insert—

- (1) This section applies to a person who—
- (a) applied for an internal review of an accreditation decision; and
- (b) must be given a review notice under section 81(1) advising of the internal review decision.

Amendment agreed to.

Clause 82, as amended, agreed to.

Clauses 83 to 90, as read, agreed to.

Insertion of new clause—

Mr BYRNE (12.52 am): I move the following amendment—

32 After clause 90

Page 59, after line 29—

insert—

90A Review of Act

- (1) The Minister must review this Act within 5 years after 1 July 2017 to decide whether its provisions remain appropriate.
- (2) The Minister must table a report about the review in the Legislative Assembly as soon as practicable after finishing the review.

Amendment agreed to.

Clauses 91 to 123, as read, agreed to.

Clause 124—



Mr LAST (12.53 am): I move the following amendment—

37 Clause 124 (Amendment of s 4 (Definitions))

Page 90, line 16—

omit, insert—

confidential information—

- (a) means any information that—
 - (i) could identify an individual; or
 - (ii) is about a person's current financial position or financial background and could reasonably be expected to result in the identification of the person to whom it relates; or
 - (iii) would be likely to damage the commercial activities of a person to whom the information relates; but
- (b) does not include—
 - (i) information that is publicly available; or
 - (ii) aggregated, statistical or other information that could not reasonably be expected to result in the identification of the individual to whom it relates.

farm debt means a farm business debt under the *Farm Business Debt Mediation Act 2017*, section 5.

farmer see the *Farm Business Debt Mediation Act 2017*, schedule 1.

farming business see the *Farm Business Debt Mediation Act 2017*, schedule 1.

financial assistance see section 10(2).

rural debt survey see section 13D(1).

Mr BYRNE: I move the following amendment to the amendment—

'***financial assistance*** see section 10(2).'

Omit.

Amendment agreed to.

Non-government amendment (Mr Last), as amended, agreed to.

Clause 124, as amended, agreed to.

Clauses 125 and 126, as read, agreed to.

Clause 127—

Mr LAST (12.54 am): I move the following amendment—

38 Clause 127 (Amendment of s 8 (Authority's functions))

Page 91, after line 21—

insert—

- (iii) areas of need, and assistance, for farmers in financial distress and farming businesses that are unlikely to be financially viable in the long-term, including, for example, ways to restructure a farm debt or to ensure a farmer who stops carrying on a farming business remains in the best possible financial position; and

Non-government amendment (Mr Last) agreed to.

Clause 127, as amended, agreed to.

Clauses 128 and 129, as read, agreed to.

Insertion of new clause—

Mr LAST (12.54 am): I seek leave to move an amendment outside the long title of the bill.

Leave granted.

Mr LAST: I move the following amendment—

39 After clause 129

Page 92, after line 11—

insert—

129A Insertion of new pt 3B

After part 3A—

insert—

Part 3B Rural debt surveys and advisory services

Division 1 Rural debt surveys

13D Authority must conduct rural debt survey

- (1) The authority must ensure a survey of rural indebtedness in Queensland (a *rural debt survey*) is—
- (a) conducted for the period starting on 1 January 2012 and ending on 31 December 2017; and
 - (b) completed by 30 June 2018.
- (2) Also, the authority must ensure a rural debt survey is conducted for each period of 2 years starting on 1 January 2018.
- (3) A rural debt survey conducted under subsection (2) must be completed within 6 months after the end of the 2-year period.

13E Terms of reference for rural debt survey

The terms of reference for a rural debt survey are as follows—

- (a) to establish the extent, nature and size of, and trends in, the total rural indebtedness—
 - (i) in Queensland; and
 - (ii) across various primary industries; and
 - (iii) in different areas of Queensland identified by local government areas or postcodes;
- (b) to categorise loans to farmers for conducting farming businesses based on the financial viability of the farmers and the ability of the farmers to service their loans;

Examples of loan categories—

 - loans for which the farmers are considered financially viable under most circumstances
 - loans for which the farmers are considered financially viable in the long-term but who are experiencing some difficulty servicing the loan
 - loans for which the farmers are experiencing major difficulties servicing the loan
- (c) to consult with financial institutions and peak primary industry bodies about the matters mentioned in paragraphs (a) and (b) to obtain information or observations about the matters.

13F Power to require information for rural debt survey

- (1) This section applies in relation to the following entities (each a *relevant entity*)—
- (a) a bank or other financial institution;
 - (b) another entity that carries on a business lending money to farmers for the purpose of conducting farming businesses.
- (2) The authority may, by written notice given to a relevant entity, require the entity to give the authority—
- (a) stated documents or information (the *relevant material*), or stated types of documents or information (also the *relevant material*), in its possession or control that the authority reasonably requires for the conduct of a rural debt survey; or
 - (b) access to the relevant material.
- (3) The notice must state how, and a reasonable period by which, the relevant material, or access to the relevant material, must be given.

- (4) The relevant entity must comply with the notice unless—
- (a) the requirement relates to relevant material that is in someone else's possession or control and the other person has refused to give the relevant material to the entity despite the entity's reasonable efforts to obtain it; or
 - (b) complying with the requirement would place the entity in contravention of a law; or
 - (c) the requirement relates to someone else's confidential information and the other person has refused to consent to it being disclosed to the authority despite the entity's reasonable efforts to obtain the consent; or
 - (d) the giving of the relevant material might tend to incriminate the entity; or
 - (e) the relevant material is confidential to the entity or the giving of the relevant material might be to the detriment of the entity's commercial or other interests.

Maximum penalty—100 penalty units.

- (5) If an exemption under subsection (4) applies to a requirement made of a prescribed entity under subsection (2), the entity must inform the authority in writing of the application of the exemption.
- (6) The authority must not use relevant material given to, or accessed by, the authority under this section for a purpose other than a rural debt survey conducted under this part.
- Maximum penalty for subsection (6)—100 penalty units.

13G Authority's report about rural debt survey

- (1) The authority must, by the day the authority is required to complete a rural debt survey under section 13D—
- (a) prepare a report about the results of the survey; and
 - (b) give a copy of the report to the Minister.
- (2) The authority's report must compare the results of the rural debt survey to the results of previous rural debt surveys and include the authority's observations about the comparison.
- (3) Also, the authority's report must not include confidential information.
- (4) The Minister must table a copy of the report in the Legislative Assembly within 3 months after receiving the report.

Division 2 Farm Debt Restructure Office

13H Authority must establish Farm Debt Restructure Office

- (1) The authority must establish an office of the authority called the Farm Debt Restructure Office.
- (2) The Farm Debt Restructure Office consists of a manager and the staff of the office, who are employees of the authority.
- (3) The authority must ensure the manager and staff of the Farm Debt Restructure Office are appropriately qualified to perform the function of the office.

13I Function of Farm Debt Restructure Office

- (1) The function of the Farm Debt Restructure Office is to assist a farmer in financial distress—
- (a) to improve the long-term financial viability of the farmer's farming business, including, for example, by—
 - (i) advising the farmer about, or assisting the farmer to, restructure the farmer's farm debt; or
 - (ii) negotiating with the farmer's lenders to reduce or forgive the farmer's farm debt; and
 - (b) if paragraph (a) is not practicable—to stop carrying on the farmer's farming business while ensuring the farmer is in the best possible financial position.
- (2) In assisting a farmer, the office must—
- (a) thoroughly assess the farmer's farming business and personal financial circumstances and discuss the assessment with the farmer; and
 - (b) consult with the farmer's accountants, business and other professional advisors; and
 - (c) consult with the farmer's lenders and creditors.
- (3) The assistance must be given free of charge.

Mr BYRNE: I move the following amendments to the amendment—

Proposed 13D (Authority must conduct rural debt survey), after subsection (3)—

Insert—

'(4) Subsections (2) and (3) do not apply for a period mentioned in subsection (2) if a comparable national debt survey has been conducted in the period.'

Proposed 13I (Function of Farm Debt Restructure Office), all words after 'distress'

Omit, Insert—

‘

(2) The Governor in Council may make a regulation about the functions of the Farm Debt Restructure Office.’

Amendments agreed to.

Non-government amendment (Mr Last), as amended, agreed to.

Clauses 130 to 135, as read, agreed to.

Schedule—

Mr BYRNE (12.56 am): I move the following amendments—

33 Schedule 1 (Dictionary)

Page 95, after line 7—

insert—

accreditation decision means an original decision about an individual's accreditation, or application for accreditation, as a mediator made under part 5.

34 Schedule 1 (Dictionary)

Page 96, lines 15 to 17—

omit, insert—

default, in relation to a farmer under a farm mortgage, means a ground exists for the mortgagee to take enforcement action against the farmer under the terms of the mortgage.

Examples of default—

- a failure to perform an obligation under the terms of the farm mortgage
- the ratio of the farm business debt to the value of farm property (commonly referred to as the loan to value ratio or LVR) changes because the value of the farm property secured by the farm mortgage changes

35 Schedule 1 (Dictionary)

Page 98, line 3, 'business.'—

omit, insert—

business; or

- (c) a vehicle, machine, tool or other thing of a type that is usually used to carry on a farming business.

Examples—

tractor, milking machine, harvester, beehive

36 Schedule 1 (Dictionary)

Page 100, line 31, '140(4)'—


omit, insert—

166(5)

Amendments agreed to.

Schedule, as amended, agreed to.

Third Reading

 **Hon. WS BYRNE** (Rockhampton—ALP) (Minister for Agriculture and Fisheries and Minister for Rural Economic Development) (12.56 am): 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. WS BYRNE** (Rockhampton—ALP) (Minister for Agriculture and Fisheries and Minister for Rural Economic Development) (12.57 am): I move—

That the long title of the bill be agreed to.

Question put—That the long title of the bill be agreed to.


Motion agreed to.

ADJOURNMENT

Hon. SJ HINCHLIFFE (Sandgate—ALP) (Leader of the House) (12.58 am): I move—

That the House do now adjourn.

Toowoomba South Electorate, Schools

 **Mr JANETZKI** (Toowoomba South—LNP) (12.58 am): I want to reflect on a few recent local events and the achievements of a few primary schools in the electorate of Toowoomba South. Last week, Toowoomba welcomed a delegation of UNESCO ambassadors from Paris who observed how we encourage inclusiveness and work together to build a united city regardless of race, religion or creed. This was the first ever UNESCO peace delegation to visit Australia. I thank Pure Land Learning College and Toowoomba's Goodwill Committee for their efforts in bringing the ambassadors to our city and their ongoing commitment to Toowoomba's unity.


At the UNESCO ambassadors' official welcome, the Darling Heights State School choir sang beautifully. Last Friday, they celebrated Harmony Day by rejoicing in the diversity of the school's cultural backgrounds, with students and parents wearing traditional clothes and costumes from their home countries. What diversity was on display for the UNESCO ambassadors, with nearly half of the students speaking English as a second language, 39 countries of birth and 37 languages spoken in their homes! I acknowledge Principal Mark Creedon and the entire team at Darling Heights State School. It is always a pleasure to spend time with their enthusiastic students.

Across town at Harristown State School, led wonderfully by Principal Jonathan Druce, during my recent visit the year 6 students impressively shared with me their knowledge of our Constitution and parliamentary systems. They also wanted to get to the bottom of why anyone would want to be a politician—a question I am sure all honourable members ponder from time to time. I congratulate Jonathan, year 6 teacher Kerry Baron and the Harristown team. Harristown State School is a great school that is full of passion and vision.

A little further west in my electorate is Glenvale State School. I pay special tribute to the 72 year 6 students and 28 staff who rose at the crack of dawn to take on the Milne Bay Military Challenge—a challenge driven by local identity Tressa Lindenberg—honouring those from the Darling Downs who voluntarily enlisted and who trained at or passed through Toowoomba to become members of the 25th Battalion. The 25th Battalion was responsible for the first major victory over the Japanese in the Pacific War at Milne Bay. The students of Glenvale State School clearly honoured the memory of the battle and demonstrated the teamwork and the 'don't give in, don't give up' attitude, encouraged by outstanding Principal Dave Saxton and the staff at Glenvale State School. This is another incredible school in the electorate of Toowoomba South that is leading its community in word and, most importantly, by action. I congratulate all at that school.

Finally, I pay a special tribute to Mayor Paul Antonio for his leadership in encouraging the UNESCO ambassadors to come and visit from Paris and offering Toowoomba Regional Council as a refugee welcome zone. I congratulate the mayor for leadership of our diverse city.

Women in Small Business

 **Ms BOYD** (Pine Rivers—ALP) (1.01 am): On Wednesday, 7 March—the eve of International Women's Day—it was my pleasure to host a local small business women event at Wantima Country Club in Brendale with the Minister for Innovation, Science and the Digital Economy and Minister for Small Business and representatives from the Office of Small Business, connecting women with the range of programs that the Palaszczuk government has launched to support small business. I know that small business is such an important part of our local economy, with over 4,000 small businesses in the Moreton Bay region.

Last year, we launched the Advancing Small Business Strategy, with a key focus to develop women in business and encourage them to start and grow their own business. We know that women in business have to juggle priorities and that they desire mentoring opportunities and connections with other business operators. Women who attended received information on the Accelerate Small Business Grants Program, allowing established businesses to access matched funding of up to \$10,000 to engage business coaches or advisory panels.

The Small Business Digital Grants program provide up to \$10,000 to access the latest digital technologies—hardware, software and services such as digital coaching. I have had a number of successful applicants in my community through round 1 and have met with them to discuss how this grant will transform their business and make them more productive and competitive.

The Small Business Entrepreneur Grants Program provides new small businesses with up to \$5,000 in matched funding for professional advice and support in the critical early stages of establishing a business. The Digital Scorecard checks businesses' digital readiness and identifies ways to improve digital capability and be more competitive in a global digital economy. The Business Queensland website has a new look and it is easy to navigate, with its customisation feature allowing for fast personalised searches, which is essential for information on regulatory or licensing information, business tips and tricks, or templates for business planning.

During that evening, it was great to talk to many women who had undertaken the Mentoring for Growth program, which offers a panel of between six and eight volunteer business experts with insights, options and suggestions on challenges relating to growth and innovation. The feedback about the event from small business women was outstanding, with many attesting that the networking session saw them expand their customer base, providing key local contacts for follow-up and future business relationships.

On behalf of my community, I would like to thank the Office of Small Business, which hosted the event, and the minister, who provided us with empowering words through an energising address. I also acknowledge the local Pine Rivers Chamber of Commerce, particularly president Cheryl Springer, who has done a wonderful job in providing connection and information to local businesses in my area for many years.

I am proud to be part of a government that is launching programs that will see more successful small businesses, particularly for women. There will be a number of initiatives to support women in business over the next 12 months, including workshops catering to those at different stages of a business life cycle. I look forward to continuing on this journey with the local small business women of my area.

Harmony Day



Mr MINNIKIN (Chatsworth—LNP) (1.04 am): I rise to speak about Harmony Day 2017. Every year on 21 March in Australia we celebrate the diversity of our great country. It is a day that celebrates cultural respect for everyone who calls Australia home and aims to engage with people to encourage them to participate in their local communities, to respect cultural and religious diversity and to foster a sense of belonging for everyone. Harmony Day was launched in 1999—some 18 years ago—and since then more than 70,000 Harmony Day events have been held across the nation, embracing the message that everyone belongs.


We are blessed to have one of the oldest continuous cultures through our first people, which is strengthened and enhanced by the vibrancy and diversity of our newest arrivals from around the world. Australia is undeniably rich in cultural heritage. Around 45 per cent of Australians were born overseas or have at least one parent who was. We have a mixed ancestry, with more than 7.5 million people migrating to Australia since the end of the World War II. As a result, apart from English, it would not be surprising to meet someone who can speak Mandarin, Italian, Arabic, Cantonese, Greek, Vietnamese, Filipino, Spanish or Hindi living in Australia. In addition, Australia is fortunate to have retained more than 60 Indigenous languages.

Our cultural diversity is what makes Australia unique. It is part of our national identity. As the LNP shadow minister for Aboriginal and Torres Strait Islander partnerships and multicultural affairs, I have been fortunate to meet with a large number of people from many corners of our multicultural society. Recently, I met with leaders from the Taipei Economic and Cultural Office in Brisbane, the Cypriot Community Association of Queensland, the Queensland Jewish Board of Deputies, the German

Australian Community Centre Queensland, the Hong Kong Association of Queensland, the Punjabi Cultural Association of Queensland and many others. I am also a proud supporter and chairman of the Parliamentary Friends of Israel and host two functions here at Parliament House each year during a sitting week.

Furthermore, just over a week ago I had the privilege of attending the official opening of the Brisbane International Arts Festival, which celebrates Harmony Week. This wonderful event delighted guests with a number of beautiful multicultural performances at the Calamvale community centre. A special thankyou must be made to President Maggie Lu, Life Honorary President Melody Chen, Life Honorary Adviser Lewis Lee OAM and all the team at World Arts and Multi-Culture Inc. for putting on such a wonderful event. The enthusiasm and effort by so many of Queensland's multicultural groups is a testament to the love and passion they all have for living in this great country. I am proud to be the shadow minister for this great portfolio and I look forward to continuing to meet with many more representatives.

Skilling Queenslanders for Work

 **Mr MADDEN** (Ipswich West—ALP) (1.07 am): If there has been one consistent theme with the Palaszczuk government it is its commitment to jobs, education and creating opportunities for young Queenslanders. No initiative represents these priorities like the government's Skilling Queenslanders for Work program. The 32,000 jobseekers who will be given new opportunities as a result of this program represent 32,000 success stories.


On 15 February I was pleased to outline to the House the success of the Skilling Queenslanders for Work project undertaken by Apprenticeships Queensland, with state government funding of over \$1 million at the Allawah Scout Camp in my electorate of Ipswich West. Last week, I officiated at the launch of yet another Skilling Queenslanders for Work Ipswich West project. I joined Pastor Fred Muys; Ipswich City Councillor Wayne Wendt; Senior Pastors Katherine and Tom Rounala; Joel and Candice Shaw; the Director of Training and Skills for the Metropolitan Region of the Department of Education and Training, Ray Power; Yvonne Shofield from the department's Ipswich regional office; Abby Walmsley; representatives of Wynnum Manly Employment Training; MEGT; Apprenticeships Queensland, All Trades Queensland and 48 new Skilling Queenslanders for Work participants to officiate the launch of the Tivoli Miracle Centre's latest project under the program.

Of the 48 participants, 24 will receive formal training in certificate I in construction to build a stage in front of the big screen at the Tivoli drive-in, a project that will provide the greater Ipswich area with a significant and unique community asset. The other 24 will be trained in events management and will be engaged to organise and stage significant multicultural and charitable events throughout the Tivoli area. I was pleased to speak to a number of the trainees and was impressed by their friendliness and commitment to the program.

What is common with both the Allawah and Tivoli drive-in projects is a commitment not only to developing the skills of these young Queenslanders but also to building a stronger local community and making a real difference for the residents of my electorate. The positive impacts of these projects will go far beyond the benefits for the participants by providing social dividends and youth facilities for Ipswich West.

The Palaszczuk government's \$800,000-plus investment in these young Queenslanders will be the start of another 48 Skilling Queenslanders for Work success stories. I am certain that many members of this parliament on both sides of the House will be able to tell of similar Skilling Queenslanders for Work success stories happening in their electorates. The government's \$240 million pledge to create jobs, to develop new skills and to provide new opportunities is working for the people of Queensland and it is putting the hardworking participants on the path to success.

Albert Electorate, School Infrastructure


 **Mr BOOTHMAN** (Albert—LNP) (1.10 am): Many times in this chamber I have risen to speak about the enormous population growth on the northern Gold Coast. It certainly places an enormous amount of strain on not just our transport infrastructure but also our local schools. Highland Reserve State School has seen strong population growth since its creation. This has caused extensive traffic congestion at drop-off and pick-up times. Highland Way, which is located at the rear boundary of the

school between Highland Reserve estate and the school, has opened in the last few months and has become a preferred route for many students who reside in the estate. Unfortunately, this creates a precarious situation for students who are trying to cross Highland Way.

On 6 July I wrote to the minister's office seeking a purpose-built access point for the back of the school to link to Highland Way. On 12 November I wrote to the minister seeking a crossing guard to create a safe environment for the students to cross Highland Way. On 27 February this year I again wrote to the Minister for Main Roads seeking a crossing guard, to further highlight the community's concern of children crossing this busy road. I have to say that local residents are very upset that there has been no action on this issue. There are cars pulled over on the side of the road with parents and children walking across the road in front of them and it is very hard to see them. Something needs to be done as soon as possible to get a crossing guard.

Coomera Springs State School, which is located only a short distance north of Highland Reserve, has also seen massive growth in population. This year many students were forced to take classes in the teachers' staff room because the school has simply run out of classrooms. On 6 July I wrote to the Minister for Education seeking a permanent solution to the rapid growth at this school. On 3 February this year I again wrote to the minister, pleading with her to install a permanent solution to cater for the population growth. The minister's office has given us temporary demountable classrooms, but this is something that the local school community is not particularly happy with because, as teachers and parents can attest to, they feel that these things are sweatboxes. All I am asking is that in this year's budget the government finally bite the bullet and give us some permanent classroom solutions for Coomera Springs. It is a very fast growing region of the northern Gold Coast and it certainly needs attention.

Greenslopes Electorate, Multiculturalism


 **Mr KELLY** (Greenslopes—ALP) (1.13 am): Harmony Day arrived early in Holland Park. On Sunday I was pleased to join with the community members at the Holland Park Mosque for a flag-raising ceremony and also a celebration of the 20-year contribution of their current imam, Uzair Akbar, and the previous four imams who served the community over their 110-year history. Imam Uzair is deeply respected in our community. He has done so much for the members of his faith and he has reached out much further than that. I have approached Imam Uzair on a number of occasions with matters in my community. His response is always fast and it is genuine: 'I will help and we'll be there.' The work he has done with the young people of his community has helped many to find a path to peace.

I was greatly moved by the words spoken by Halim Rane about his grandfather, the very first imam of the mosque. Imam Rane served the community for four decades as a self-educated volunteer, working during the day as a fruit hawker and spending all of his spare time caring for his community. I asked one of the congregation how a volunteer self-taught imam compared to the more formally trained modern imams. He replied, 'They all care deeply about our community and, sure, Imam Rane may not have had the same degree of knowledge as the new imams, but then neither did we. We all learn together.'

The mosque has been part of the Holland Park community for almost 110 years. There are few institutions, families or organisations that can make that boast. We all know that the legitimacy of Muslims in our community has been severely challenged in recent times. The community chose to raise three flags permanently to demonstrate that they are proud Australians and proud Muslims—proud to be both—and proud to be part of a country that celebrates every person's right to worship freely. The Queensland and Australian flags were raised to state clearly and unambiguously that the members of the Holland Park Mosque are proud and law-abiding members of our state and our country. Alongside the Australian and Queensland flags, the Australian Aboriginal flag was also raised. This flag has historical significance to the descendants of the original Australian Muslim community. The mosque was originally built by Afghan cameleers, many of whom married women from Indigenous backgrounds as there was a law banning women from migrating from Afghanistan. The Aboriginal flag is raised in memory of those mothers as original mothers.

I want to make special mention of Aunty Janeth Deen, who initiated and organised this event. She is a great leader in our community and I thank her for serving our community in so many ways. We are a successful multicultural society. This has not happened by accident. We should all be extremely proud of it. When faced with differences, we can turn away in fear or perhaps build a wall to hide behind, or we can raise a flag for everyone to see—a flag that says we are tolerant, we are welcoming, we are here to support each other and, most importantly, we are all humans. Aunty Janeth Deen chose to do that. Imam Rane and Uzair chose to do that, and that is what I will choose to do.


Gaven Electorate, Public Transport

 **Mr CRAMP** (Gaven—LNP) (1.16 am): I have long been campaigning for additional bus services to be introduced into the Gaven electorate. Shortly after the 2015 state election I commenced working with Surfside Buslines to find out whether its services were meeting the needs of local commuters. I continue to get feedback from constituents living in The Vistas at Carrara and the Clearview estate in Nerang regarding their frustrations around the lack of services, particularly on weekends and also outside of business hours during the week. Commuting via public transport within Gaven and connecting with feeder services to other areas is very difficult, if not impossible. For many constituents this leaves them isolated and unable to fulfil work, personal and social commitments.

Despite my efforts so far, the Labor government has indicated that there will be no increase to the services in Gaven. These efforts included organising a stakeholders meeting with Surfside Buslines, the Department of Transport and Main Roads, Gold Coast City Council representatives and local residents, multiple local letterbox campaigns throughout Clearview and the Nerang area, and letters to the previous minister for transport—and still the Labor government has indicated that there will be no increases to services in Gaven. The best the minister could do was to supply my office with a list of alternative options, most of which were only available to seniors, however. The minister failed to provide any real alternatives for those under 60 years old or those unable to meet certain eligibility requirements. There are a large number of constituents who are therefore completely void of real transport options if they do not own their own vehicle.

I have had people tell me that they specifically purchased their home in The Vistas at Carrara after investigating bus routes as a deciding factor due to being without personal transport. They are rightly frustrated to have had their services removed after planning their retirement location around existing services and to find out down the track that they can no longer have viable options for transport. It is my view that we should provide public transport options for all residents. Seeing as the second minister has resigned, I will be reissuing the call to the newly appointed third transport minister—who was of course the first transport minister—for action to ensure all residents are serviced by a sufficient bus network in the Gaven electorate. I will continue to fight for increased bus routes in Gaven and will be seeking viable options for people left without public transport alternatives as a result of the inaction of this Labor government.

Bulimba Electorate, Community Service

 **Ms FARMER** (Bulimba—ALP) (1.19 am): I have spoken many times in this House about what a close community the electorate of Bulimba is. One of the reasons for that most certainly is the fact that we have so many vibrant community organisations and businesses, each with their own networks, looking after their own and making up the incredible social fabric which is so important to all of us locals. Amongst those networks there are always certain individuals who really make a difference and without whom we know our world would be a slightly lesser place. It is some of those individuals I want to acknowledge tonight, because there are some who are stepping back from their positions and the occasion requires some acknowledgement and some thanking.

There is Alison Modini, who has been the community liaison officer at Bunnings Cannon Hill for, we think, about eight years. In that time she has helped literally hundreds of local community organisations with fundraising, on special projects, with donations and on so many occasions when I have come to her with a sad story about a local group with managing to find something in the kitty to help out. I know how much she will be missed in our community. I have been proud to work with her and call her my friend.


There is Ineke Unsworth, who stood back last night as president of the mighty Cannon Hill State School P&C after two hugely intense years. Her first was the year of the magnificent centenary of the school and was absolutely massive. Her second dealt with all manner of issues including the wonderful partnership with St Oliver Plunkett's, road safety issues and managing the littering around the local Lifeline bins. There was her stewardship of the school breakfast program, which has become so important to the school community. She has shown great wisdom, calmness and strength in all her undertakings, and I have so enjoyed working alongside her.

There are Gen Piggott and Lana Killian, who have just stepped back from their roles with the Bulimba Cricket Club after being involved since its inception in 2010. The fact that membership of this wonderful club has already exceeded 300 in such a short time and is bursting with excited, enthusiastic kids and parents is a testament to its leadership, and Gen and Lana have been an integral part of that.

They have been involved in absolutely everything, They have worked hard at absolutely everything, and they have made sure that everyone feels like they belong to this wonderful cricket family. The fact that I can go to any number of other community activities in the Bulimba electorate and see these same two contributing and generally making life better for everyone says everything about the sort of people they are. I love them.

There are so many other equally wonderful people in the Bulimba electorate I could talk about, but I wanted to make sure I took the time to do justice to these four. I hope there will be many other opportunities for me to speak about those others. On behalf of everyone in our local community, I thank Alison, Ineke, Gen and Lana for everything they have done to make where we live a wonderful place. We hope you each get your lives back but, knowing you all, you won't!

Sale of Public Assets


 **Mr McARDLE** (Caloundra—LNP) (1.21 am): This morning in question time the health minister raised the question of asset sales. It made me wonder a little about the history of the ALP in relation to asset sales, so I went back and did some digging. I want to go back to the years 2006 to 2009, the Beattie-Bligh years. In that three-year period the ALP in government sold off a number of assets starting with Sun Retail, the Energex Retail power business, for \$1.202 billion and Power Direct, the Ergon retail power business, for \$1.203 billion. I can remember Peter Beattie making a statement in this House that the sale of those two arms would reduce power prices. The exact opposite happened.

What about Sun Gas, the Energex Retail gas business, for \$75 million; Allgas Energy's distribution arm at \$535 million; Enertrade, the government's gas and pipeline business, for \$268 million; and the wind energy assets owned by the government for \$460 million? Between 2006 and 2009 the ALP government sold off \$4.418 billion worth of assets. It got worse. Between 2009 and 2012, the Bligh years, the record becomes even darker. Forestry Plantations Queensland went for \$603 million, the Port of Brisbane went for \$2.3 billion, tolling rights to Queensland Motorways were sold for \$3.088 billion, Abbot Point Coal Terminal was sold for \$1.82 billion, and Queensland Rail's coal transport business was sold for \$4.6 billion.

Between 2009 and 2012 the Labor government sold off \$12.22 billion in assets. Over that six-year period Labor flogged off or leased assets totalling \$16.638 billion. Both the Premier and education minister were members of the government during the 2006-2009 years and not one peep was heard from them. Between 2009 and 2012 the Premier, the Minister for Education, the hapless health minister, the Treasurer and I think the Leader of the House were in the cabinet and, again, not one peep was heard from any of those ministers in relation to the sale of those assets.

The government points the finger at the LNP but Labor has a pedigree that goes back years in regard to the sale of assets. What is worse is that after all those moneys were coming in—rivers of gold pouring into the coffers of this state—this Labor government in 2012 left this state almost destitute, with over \$80 billion in debt. They cannot handle assets and they cannot handle money.

Logan Hospital

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (1.24 am): I rise to update the House on the investments in Logan Hospital, a hospital which every year sees more than 75,000 admissions to its emergency department. Logan Hospital is in the heart of my electorate of Waterford, beside the Meadowbrook TAFE and the Griffith University campus, creating a special science, research and health precinct in Logan. This education and health precinct services a city which will reach almost half a million people by 2031. Due to the growth in our great city, the Labor government has been investing strongly in our public hospital.

Logan Hospital now has 225 more medical and nursing staff than it did two years ago. I have toured the Logan Hospital with the nurses and midwives and I know just how much they appreciate the additional investment. It has seen an \$11.4 million boost to the emergency department which has delivered 41 new staff and 11 beds. It has seen a 90 per cent reduction in the ENT outpatient long-wait list. Last week Minister Dick announced that construction will start on the Logan Hospital car park expansion this year, delivering 500 new car parks for the hospital which will ease stress on staff and, of course, families and friends of patients.

Another investment which has been well received in Logan is the \$6 million drug and alcohol intervention unit, which is based at Logan Hospital. Logan is not immune to the growing threat of ice, which is tearing communities and families apart and presents a growing challenge for Queensland families, our hospitals, our police and our child safety officers. This new drug and alcohol intervention unit at Logan will help in our efforts to curb the use of this insidious drug.

Another key player in this battle on ice is the team at Logan Together. Logan Together is a trailblazing, whole-of-community effort to make sure all children in Logan from zero to eight years and their families have the start in life they deserve. Logan Together's partnership with Metro South Health has created trusted services to help people with addiction, including ice, and mental health issues get back on the right path. I commend Logan Together director Matthew Cox for his work with Queensland Health in this area.

Mr Power interjected.

Ms FENTIMAN: I take that interjection from the member for Logan. They are doing wonderful work. It is Labor that created Medicare. It is Labor that invests in nurses and doctors. It is this Labor government which introduced nurse-to-patient ratios, and it is Labor that will always support Logan residents having access to quality universal health care.

Question put—That the House do now adjourn.

Motion agreed to.

The House adjourned at 1.27 am (Wednesday).

ATTENDANCE

Bailey, Barton, Bates, Bennett, Bleijie, Boothman, Boyd, Brown, Butcher, Byrne, Costigan, Cramp, Crandon, Crawford, Cripps, D'Ath, Davis, de Brenni, Dick, Dickson, Donaldson, Elmes, Emerson, Enoch, Farmer, Fentiman, Frecklington, Furner, Gilbert, Gordon, Grace, Harper, Hart, Hinchliffe, Howard, Janetzki, Jones, Katter, Kelly, King, Knuth, Krause, Langbroek, Last, Lauga, Leahy, Linard, Lynham, Madden, Mander, McArdle, McEachan, Miles, Millar, Miller, Minnikin, Molhoek, Nicholls, Palaszczuk, Pearce, Pease, Pegg, Perrett, Pitt, Powell, Power, Pyne, Rickuss, Robinson, Rowan, Russo, Ryan, Saunders, Seeney, Simpson, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Trad, Walker, Watts, Weir, Wellington, Whiting, Williams