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FIRST SESSION OF THE FIFTY-SIXTH PARLIAMENT

Tuesday, 12 February 2019

Subject	Page
ASSENT TO BILL	1
<i>Tabled paper:</i> Letter, dated 30 November 2018, from His Excellency the Governor to the Speaker advising of assent to a certain bill on 30 November 2018.	1
PRIVILEGE	1
Comments by Member for Maiwar, Apology	1
ADDRESS-IN-REPLY	2
Reply from Governor	2
<i>Tabled paper:</i> Speech by His Excellency the Governor, dated 11 December 2018, titled 'Presentation of the Address-in-Reply for the first session of the 56th Parliament of Queensland'.	2
REPORT	2
Information Commissioner	2
<i>Tabled paper:</i> Office of the Information Commissioner: Report No. 1 of 2018-19—Awareness of privacy obligations: How three Queensland government agencies educate and train their employees about their privacy obligations.	2
SPEAKER'S STATEMENT	2
Works in Parliamentary Precinct	2
PRIVILEGE	2
Speaker's Ruling, Alleged Deliberate Misleading of the House by a Member	2
<i>Tabled paper:</i> Correspondence in relation to the allegation by the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts, Hon. Leeanne Enoch, that the member for Maiwar, Mr Michael Berkman MP, deliberately misled the House.	3
SPEAKER'S STATEMENT	3
Answers to Questions on Notice	3
SPEAKER'S RULING	3
Question on Notice, Out of Order	3
PRIVILEGE	3
Speaker's Ruling, Referral to Ethics Committee	3

Table of Contents – Tuesday, 12 February 2019

SPEAKER'S STATEMENTS	4
Absence of Member	4
School Group Tour	4
MINISTERIAL STATEMENT	4
Minister for Communities and Minister for Disability Services and Seniors	4
PETITIONS	4
TABLED PAPERS	6
MINISTERIAL STATEMENTS	13
Weather Events, Floods	13
Weather Events, Bushfires	14
Weather Events, Insurance Industry Round Table	15
Weather Events, State Economic Recovery Group	15
Weather Events, Queensland Fire and Emergency Services	16
<i>Tabled paper:</i> Document, undated, by the Inspector-General Emergency Management titled 'The 2019 Monsoon Trough Rainfall and Flood Review: Terms of Reference for a review of preparedness for a response to the monsoon trough rainfall and flooding event across Queensland' .	16
Weather Events, Floods	16
Weather Events, Natural Disaster Relief and Recovery Arrangements	17
Weather Events, Floods	17
Weather Events, Critical Disaster Funding Assistance for Schools	18
Building Industry; Floods, Recovery Assistance	18
Floods, Recovery Assistance	19
INNOVATION, TOURISM DEVELOPMENT AND ENVIRONMENT COMMITTEE	20
Membership	20
ETHICS COMMITTEE	20
Reports	20
SPEAKER'S STATEMENT	20
Chamber Speech Timing System	20
QUESTIONS WITHOUT NOTICE	21
Floods, Ross River Dam	21
Floods, Ross River Dam	21
Floods, Schools and Housing	22
Floods, Ross River Dam	22
Floods, Recovery Assistance	22
Fardon, Mr RJ	23
South-East Queensland City Deal	23
Fardon, Mr RJ	24
Manufacturing, Jobs	25
Fardon, Mr RJ	25
Health Services, Children	26
Wigginton, Ms T	26
Skillling Queenslanders for Work	27
Regional Queensland, Support	27
Mackay, Innovation	28
Lady Cilento Children's Hospital, Name Change; Crime Stoppers Call Centre	28
Mount Lindesay Highway	29
Crime Stoppers Call Centre	30
Energy Policy	30
Racing Queensland	31
Regional Queensland, Flood Recovery	31
MINISTERIAL STATEMENT	32
Fardon, Mr RJ	32
MOTION	32
Business Program	32
Division: Question put—That the motion be agreed to	36
Resolved in the affirmative	36
CRIMINAL CODE AND OTHER LEGISLATION AMENDMENT BILL	36
Introduction	36
<i>Tabled paper:</i> Criminal Code and Other Legislation Amendment Bill 2019	36
<i>Tabled paper:</i> Criminal Code and Other Legislation Amendment Bill 2019, explanatory notes	36
First Reading	39
Referral to Legal Affairs and Community Safety Committee	39
EDUCATION (QUEENSLAND COLLEGE OF TEACHERS) AMENDMENT BILL	39
Introduction	39
<i>Tabled paper:</i> Education (Queensland College of Teachers) Amendment Bill 2019	39
<i>Tabled paper:</i> Education (Queensland College of Teachers) Amendment Bill 2019, explanatory notes	39
First Reading	41
Referral to Education, Employment and Small Business Committee	42
CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) AMENDMENT BILL	42
Second Reading	42
MATTERS OF PUBLIC INTEREST	49
Weather Events; Palaszczuk Labor Government, Performance	49
Weather Events, Floods	51

Table of Contents – Tuesday, 12 February 2019

Queensland Economy.....	52
Weather Events, Floods.....	53
Floods	54
Mossman Sugar Mill.....	55
Member for Whitsunday; CFMMEU	55
Weather Events; Liberal National Party.....	57
Member for Whitsunday.....	58
Maryborough Electorate	60
CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) AMENDMENT BILL	61
Second Reading	61
MOTION	61
Suspension of Standing and Sessional Orders	61
CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) AMENDMENT BILL	62
Second Reading	62
<i>Tabled paper:</i> Article from the <i>Gold Coast Bulletin</i> , dated 28 October 2018, titled 'New revenge porn laws will result in a "flood" of cases going through the courts'	78
FISHERIES (VESSEL TRACKING) AMENDMENT REGULATION	86
Disallowance of Statutory Instrument	86
Resolved in the negative.	101
ADJOURNMENT	101
NightQuarter.....	101
<i>Tabled paper:</i> Nonconforming petition regarding Save Nightquarter at Helensvale.	101
Aspley Electorate	102
Disability Parking Permits; Road Upgrade	103
Windaroo Valley State High School	103
Cuthbert, Mrs S	104
Shoalwater Bay	104
Mirani Electorate, Bushfires	105
Daley, Mr B	106
Pumicestone Passage	107
Springwood Electorate, Schools.....	107
ATTENDANCE	108

TUESDAY, 12 FEBRUARY 2019



The Legislative Assembly met at 9.30 am.

Mr Speaker (Hon. Curtis Pitt, Mulgrave) read prayers and took the chair.

Mr SPEAKER: Honourable members, I respectfully acknowledge that we are sitting today on the land of Aboriginal people and pay my respects to elders past and present. I thank them, as First Australians, for their careful custodianship of the land over countless generations. We are very fortunate in this country to have two of the world's oldest continuing living cultures in Aboriginal and Torres Strait Islander peoples whose lands, winds and waters we all now share.

ASSENT TO BILL



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

The Honourable C.W. Pitt 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: 30 November 2018

A Bill for an Act to establish a financial provisioning scheme to deal with the environmental impacts of resource activities, and to amend this Act, the Environmental Protection Act 1994, the Mineral and Energy Resources (Common Provisions) Act 2014, the Mineral Resources Act 1989, the Right to Information Act 2009 and the State Development and Public Works Organisation Act 1971 for particular purposes

The 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

30 November 2018

Tabled paper: Letter, dated 30 November 2018, from His Excellency the Governor to the Speaker advising of assent to a certain bill on 30 November 2018 [\[110\]](#).

PRIVILEGE

Comments by Member for Maiwar, Apology




Mr BERKMAN (Maiwar—Grn) (9.31 am): In the debate on the Mineral and Energy Resources (Financial Provisioning) Bill on 14 November last year, I made comments about inquiries I had made of the Minister for Environment and I stated that in her reply Minister Enoch advised that she would not or could not provide certain information.

On detailed reflection, and taking into account the precise wording of both my question on notice of 6 March 2018 and my letter to the minister of 21 June 2018, and the minister's response to each, it is clear that the minister was not withholding information about the number of voids in Queensland as a consequence of past and current mining operations. This is because my question on notice went to the number of final voids that have been approved as part of final landforms for coalmining activities authorised under environmental authorities issued under the Environmental Protection Act and the questions in my letter to the minister went to how many existing mines had committed to backfilling final voids, how many would be automatically transitioned into the new provisions that were then proposed by the bill, how many would not be automatically transitioned and how many of these would be unaffected by the proposed mining rehabilitation reforms.

I maintain that any and all information available to the minister on the number of final voids unaffected by the proposed mining rehabilitation reforms would have been of great value to members in our consideration of the bill; however, it was certainly not my intention to mislead the House. I apologise to the House for any inadvertent misleading of the House in the debate on the Mineral and Energy Resources (Financial Provisioning) Bill on 14 November 2018.

ADDRESS-IN-REPLY

Reply from Governor

 **Mr SPEAKER:** Honourable members, I have to report that on Tuesday, 11 December 2018, accompanied by honourable members, I presented to His Excellency the Governor the address of the Legislative Assembly adopted by this House on Thursday, 15 November 2018 in reply to His Excellency's opening speech and that His Excellency has been pleased to make a reply, which has been circulated. I seek leave of the House to incorporate His Excellency's reply.

Leave granted.

Reply by His Excellency to the address of the Legislative Assembly adopted on Thursday, 15 November 2018

On the 14th of February 2018, I was honoured to deliver the Governor's Speech at the Opening of the First Session of the 56th Parliament of Queensland.

As the representative of Her Majesty the Queen, I now extend to you, Mr Speaker, and to the Members of the Parliament of Queensland, my sincere thanks for the formal Address-In-Reply.

It will be my pleasant duty to convey to Her Majesty this expression of loyalty and warm regard from the Members of the Queensland Parliament.

The Queen remains a strong and unifying figure for the peoples of our Commonwealth of Nations, a stalwart supporter of our shared beliefs in freedom and democracy.

Within our own community of Queensland, so recently the beneficiary of the Queen's empathic message in relation to the bushfires, I encourage all Members of the Legislative Assembly in their endeavours to promote the well-being and prosperity of our State.


Speaking for the people of Queensland, I trust that your dedicated efforts will be rewarded with much success.

I table His Excellency's reply for the information of all members.

Tabled paper: Speech by His Excellency the Governor, dated 11 December 2018, titled 'Presentation of the Address-in-Reply for the first session of the 56th Parliament of Queensland' [\[111\]](#).

REPORT


Information Commissioner

 **Mr SPEAKER:** Honourable members, I have to report that I have received from the Information Commissioner a report titled *Awareness of privacy obligations: how three Queensland government agencies educate and train their employees about their privacy obligations*. I table the report for the information of members.

Tabled paper: Office of the Information Commissioner: Report No. 1 of 2018-19—Awareness of privacy obligations: How three Queensland government agencies educate and train their employees about their privacy obligations [\[112\]](#).


SPEAKER'S STATEMENT

Works in Parliamentary Precinct

 **Mr SPEAKER:** Honourable members, I have asked the Clerk to send an email message to you about the upgrade of the Annexe low-rise lifts which commenced in December. Those lifts will not be operational until May. Steps to mitigate the inconvenience were detailed in the email.

PRIVILEGE

Speaker's Ruling, Alleged Deliberate Misleading of the House by a Member

 **Mr SPEAKER:** Honourable members, on 20 November 2018 the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts wrote to me alleging that the member for Maiwar deliberately misled the House on 14 November 2018 in his contribution to the


debate on the Mineral and Energy Resources (Financial Provisioning) Bill. The minister indicated that the member for Maiwar had implied that he had sought information from her in two questions on approved mining voids that the minister did not provide. The minister stated that this was not true as she had provided an answer to the member for Maiwar's first question and advised him that she was unable to answer the second in detail as the bill was still before the parliament.

I wrote to the member for Maiwar seeking a response to the allegations. In his letter the member for Maiwar stated that it was not his intention to mislead the House and, taking into account all of the information, could have provided a more complete statement to clarify his intention. The member for Maiwar stated that he was willing to correct the record and to apologise to the minister for the inconvenience. I note that the member for Maiwar has now apologised and corrected the parliamentary record. Therefore, I have 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.

Tabled paper: Correspondence in relation to the allegation by the Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts, Hon. Leeanne Enoch, that the member for Maiwar, Mr Michael Berkman MP, deliberately misled the House [144].

SPEAKER'S STATEMENT

Answers to Questions on Notice

 **Mr SPEAKER:** Honourable members, I note that in 2018 I have received an increase in complaints about answers to questions on notice. The ability to ask questions about the administration of government and to receive a fulsome response is fundamental to the proper performance of the scrutiny function of a parliament. I have high expectations as to how questions on notice should be asked and answered, and it is my opinion that we can do better as a parliament.


Most complaints I have received have resulted from the member asking the question pushing the boundaries of the standing orders. Responsive answers begin with proper questions. The rules in relation to asking questions on notice are set out under standing order 115. There is a responsibility on a member asking a question on notice to ensure that the question is concise, without a lengthy or subjective preamble and not otherwise contravening standing orders.

I have previously explained that where a question is asked that is broad in terms of its scope or seeks information over a number of years or seeks minutely detailed material I am comfortable with the responsible minister making an attempt to answer the question in a genuine manner. That is, they should use their best and reasonable endeavours. Provided that the appropriate discipline is exercised in asking questions in accordance with standing orders and genuinely seeking to elicit information which should be available to a minister, I will rule that the minister should answer the question in a relevant and genuine manner.

I remind all members to familiarise themselves with the requirements set out in standing orders 115 and 118. I have asked the Clerk and his delegates to bring to my attention any question that appears to be outside standing orders.


SPEAKER'S RULING

Question on Notice, Out of Order

 **Mr SPEAKER:** I note that the member for Oodgeroo has complained about the answer to question on notice 1577 of 2018. There is nothing wrong with the minister's answer, but I rule the question out of order as it was asking for a legal opinion, in contravention of standing order 115(c)(ii).

PRIVILEGE

Speaker's Ruling, Referral to Ethics Committee


 **Mr SPEAKER:** Honourable members, on 17 October 2018 the Attorney-General and Minister for Justice and Leader of the House wrote to me alleging that the member for Everton deliberately misled the House and wilfully disobeyed an order of the House on 16 October 2018 in asking a question without notice. I wrote to the member for Everton seeking a response to the allegation. The member for Everton responded on 12 November 2018.

I accept that the content of the member for Everton's question, although not correct, was based on his interpretation of material available. I consider that the member for Everton has made an adequate explanation as regards the allegation that he deliberately misled the House in his question. However, I am not convinced of the member for Everton's explanation as regards the allegation that the member for Everton wilfully disobeyed an order of the House by referring to a matter currently before the Ethics Committee.


When the member for Everton asked the question, the Attorney-General immediately rose to a point of order and I ruled the question out of order, noting that standing order 271 was in operation. Normally if a matter is dealt with on the floor of the House it is not referred to the Ethics Committee; however, on the face of it this was a prepared and deliberate breach of the standing order and, therefore, I have decided that the matter warrants the further attention of the House via the Ethics Committee.

SPEAKER'S STATEMENTS

Absence of Member


 **Mr SPEAKER:** Honourable members, I have received a notification from the member for Whitsunday advising of his intended absence from 11 to 18 February 2019. The member's notification complies with standing order 263A.

School Group Tour

 **Mr SPEAKER:** Honourable members, I advise members that we will be visited in the House this morning by students and teachers from Varsity College in the electorate of Mermaid Beach.

MINISTERIAL STATEMENT

Minister for Communities and Minister for Disability Services and Seniors

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for Trade) (9.38 am): It is with great pleasure that I formally inform the House that last Tuesday the Hon. Coralee O'Rourke returned to duty as Minister for Communities and Minister for Disability Services and Seniors. I am sure that I speak for all members when I say that it is wonderful to see Minister O'Rourke back in the House with us today. I also want to take this opportunity to thank the Hon. Shannon Fentiman for the additional ministerial duties that she undertook during Minister O'Rourke's absence from duty.

PETITIONS

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

Flagstone, Access Road

Mrs Mullen, from 1,047 petitioners, requesting the House to prioritise the construction of alternate access road in Flagstone [\[117\]](#).

Retirement Villages Act, Freehold Tenure

Mrs Wilson, from 141 petitioners, requesting the House to not amend the Retirement Villages Act to include freehold tenure [\[118\]](#).

The Clerk presented the following paper petitions, sponsored by the Clerk—

Lamington Road and Anzac Avenue, Intersection

From 4 petitioners, requesting the House to not install a turn left anytime sign and slipway on the western intersection of the future Lamington Road/Anzac Avenue intersection [\[119\]](#).

Freshwater and Stratford, Pedestrian Safety

From 239 petitioners, requesting the House to install three pedestrian crossings/refuges at Kamerunga Road, Freshwater and Stratford [\[120\]](#).

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

FE Walker Street and Ashfield Road, Intersection

Mr Batt, from 471 petitioners, requesting the House to upgrade the intersection at FE Walker Street and Ashfield Road, Bundaberg with traffic lights [\[121\]](#), [\[122\]](#).

Disability Parking Permits

Mr Batt, from 3,204 petitioners, requesting the House to allow the visually impaired to obtain disability parking permits [\[123\]](#), [\[124\]](#).

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

Drivers' Licences, Gender Information

Mr Batt, from 1,026 petitioners, requesting the House to return to the previous licensing format and include gender on Queensland drivers' licences [\[125\]](#).

Gympie Road, Stafford Road and Brookfield Road Intersection, Adjacent Land

Mr Nicholls, from 286 petitioners, requesting the House to transfer the corner piece of land at the intersection of Gympie Road, Stafford Road and Brookfield Road to the Brisbane City Council for protection as greenspace/park [\[126\]](#).

Freshwater and Stratford, Pedestrian Safety

Hon Crawford, from 287 petitioners, requesting the House to install three pedestrian refuges in the proximity of Freshwater train station, Freshwater State School and Stratford Village [\[127\]](#).

North Lakes Golfcourse, Change of Use

Mr Whiting, from 3,831 petitioners, requesting the House to not support any development application to change the use of the North Lakes Golf Course [\[128\]](#).

Gold Coast, Casino Licences

Mr Molhoek, from 7,600 petitioners, requesting the House to oppose the granting of a second casino licence on the Gold Coast [\[129\]](#).

William Street Boat Ramps, Breakwater

Dr Robinson, from 628 petitioners requesting the House to construct a northern breakwater at William Street boat ramps, Cleveland [\[130\]](#).

North Stradbroke Island, Fire and Emergency Services Officer

Dr Robinson, from 185 petitioners requesting the House to reinstate the basing of a 24/7 Queensland Fire and Emergency Services Officer on North Stradbroke Island [\[131\]](#).

Ormiston State School, Demountable Buildings

Dr Robinson, from 496 petitioners requesting the House to restore the two demountable buildings from Ormiston State School to ensure classes are not disrupted in 2019 and construct permanent buildings to replace the demountable structures [\[132\]](#).

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

Trees, Protection

From 463 petitioners, requesting the House to enact laws to ensure all trees over 25 years of age are protected from lopping or felling or removal [\[133\]](#).

Curtis Island, Brumbies

From 835 petitioners, requesting the House to cease further culling of the Brumbies on Curtis Island; protect all remaining Brumbies; undertake an investigation into the cull, and develop a management plan in consultation with the local community to manage the numbers in an appropriate and humane manner [\[134\]](#).

Birth Certificates, Gender Information

From 851 petitioners, requesting the House to deny non-binary as an accepted third option to be displayed on birth certificates [\[135\]](#).

Scenic Rim, Head Road

From 240 petitioners, requesting the House to repair and maintain Head Road, also known as The Falls Tourist Drive, Scenic Rim [\[136\]](#).

Burpengary Police Station

From 133 petitioners, requesting the House to man the Burpengary Police Station 24 hours a day, seven days a week [\[137\]](#).

Drugs, Law Reform

From 111 petitioners, requesting the House to present the findings and recommendations of the Inquiry into Drug Law Reform by the Parliament of Victoria's Law Reform, Road and Community Safety Committee for discussion and review of Queensland drug law reform [\[138\]](#).

Councils, Coronial Inquest

From 470 petitioners, requesting the House to call a coronial inquest into Queensland Local Councils, in particular the deaths of staff at Ipswich City Council [\[139\]](#).

National Parks, Tourism

From 3,382 petitioners, requesting the House to withdraw the expressions of interests for construction of tourist facilities in national parks [\[140\]](#).

Petitions received.

TABLED PAPERS

PAPERS TABLED DURING THE RECESS (SO 31)

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

16 November 2018—

- [1921](#) Education, Employment and Small Business Committee: Report No. 9, 56th Parliament—A fair day's pay for a fair day's work? Exposing the true cost of wage theft in Queensland
- [1922](#) Response from the Minister for Police and Minister for Corrective Services (Hon. Ryan), to an ePetition (3013-18), sponsored by the member for Maiwar, Mr Berkman, from 1,083 petitioners, requesting the House to call for Southern Queensland Correctional Centre to be returned to public operation; commit to a moratorium on prison expansion in Queensland and reduce the number of adults and children in Queensland prisons [Please refer to Tabled Paper No. 1926 for replacement response.]
- [1923](#) Response from the Minister for Natural Resources, Mines and Energy (Hon. Dr Lynham), to an ePetition (2962-18), sponsored by the member for Maiwar, Mr Berkman, from 4,058 petitioners, requesting the House to not approve any part of the proposed zipline complex at Mount Coot-tha
- [1924](#) Education, Employment and Small Business Committee: Report No. 10, 56th Parliament—Subordinate legislation tabled between 22 August and 18 September 2018
- [1925](#) Economics and Governance Committee: Report No. 21, 56th Parliament—Electoral Legislation (Political Donations) Amendment Bill 2018
- [1926](#) Replacement response from the Minister for Police and Minister for Corrective Services (Hon. Ryan), to an ePetition (3013-18), sponsored by the member for Maiwar, Mr Berkman, from 1,083 petitioners, requesting the House to call for Southern Queensland Correctional Centre to be returned to public operation; commit to a moratorium on prison expansion in Queensland and reduce the number of adults and children in Queensland prisons

19 November 2018—

- [1927](#) Crime and Corruption Commission Queensland: Review of the Terrorism (Preventative Detention) Act 2005—Report by the Crime and Corruption Commission (CCC) to the Minister for Police and Minister for Corrective Services—September 2018
- [1928](#) Crime and Corruption Commission Queensland: Review of the Terrorism (Preventative Detention) Act 2005—Report by the Crime and Corruption Commission (CCC) to the Minister for Police and Minister for Corrective Services—September 2018, government response
- [1929](#) Department of Aboriginal and Torres Strait Islander Partnerships—2016-17 Annual Report: Erratum
- [1930](#) Department of Aboriginal and Torres Strait Islander Partnerships—2017-18 Annual Report: Erratum

20 November 2018—

- [1931](#) Legal Affairs and Community Safety Committee: Report No. 25, 56th Parliament—Inquiry into the Strategic Review of the Office of the Queensland Ombudsman

21 November 2018—

- [1932](#) The Law Society of New South Wales Professional Standards Scheme [Refer Professional Standards (The Law Society of New South Wales Professional Standards Scheme) Notice 2018, subordinate legislation No. 181 of 2018, and the Professional Standards Act 2004, section 14(3)]
- [1933](#) Professional Standards Act 2004: Instrument amending the Institute of Public Accountants Professional Standards Scheme

22 November 2018—

- [1934](#) Auditor-General of Queensland: Report to Parliament No. 9: 2018-19—Energy: 2017-18 results of financial audits

23 November 2018—

- [1935](#) Speaker's ruling—Questions on notice, Out of order, Anticipation of debate

26 November 2018—

- [1936](#) Response from the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs (Hon. Hinchliffe), to a paper petition (3032-18), presented by the Clerk in accordance with Standing Order 119(3), from 1,445 petitioners, requesting the House to stop Greyhound Racing, withdraw funding and work towards shutting the greyhound industry down
- [1937](#) Speaker's statement—Answers to questions on notice
- [1938](#) Ministerial Gifts Register—Reportable Gifts 1 July 2017-30 June 2018
- [1939](#) Response from the Minister for Natural Resources, Mines and Energy (Hon. Dr Lynham), to a paper petition (3037-18), presented by the member for Scenic Rim, Mr Krause, and an ePetition (3021-18), sponsored by the member for Scenic Rim, Mr Krause, from 332 and 623 petitioners respectively, requesting the House to reconsider the proposed changes to Category 2 Water Boards under the Water Act 2000

28 November 2018—

- [1940](#) Office of the National Rail Safety Regulator: Annual Report 2017-2018

29 November 2018—

- [1941](#) Response from the Attorney-General and Minister for Justice (Hon. D'Ath), to an ePetition (3017-18), sponsored by the Clerk of the Parliament in accordance with Standing Order 119(4), from 4,742 petitioners, requesting the House to include sexually inappropriate advertising in the Government's planned phasing out of junk food advertising around schools, sports grounds and public transport hubs
- [1942](#) Response from the Minister for Transport and Main Roads (Hon. Bailey), to a paper petition (3033-18), presented by the member for Everton, Mr Mander, and an ePetition (2975-18), sponsored by the member for Everton, Mr Mander, from 42 and 105 petitioners respectively, requesting the House to install a noise abatement barrier between Gympie Road and Gympie Road Service Road

30 November 2018—

- [1943](#) Response from the Minister for State Development, Manufacturing, Infrastructure and Planning (Hon. Dick), to an ePetition (2990-18), sponsored by the member for Everton, Mr Mander, from 624 petitioners, requesting the House to review the SEQ Regional Plan with particular attention to the projected population building requirements placed on the Moreton Bay Regional Council
- [1944](#) Response from the Minister for Education and Minister for Industrial Relations (Hon. Grace), to a paper petition (3035-18), presented by the member for Scenic Rim, Mr Krause, and an ePetition (2957-18), sponsored by the member for Scenic Rim, Mr Krause, from 483 and 1,410 petitioners respectively, requesting the House to introduce anti-bullying education to primary aged students
- [1945](#) Response from the Minister for Transport and Main Roads (Hon. Bailey), to a paper petition (3034-18), presented by the member for Nanango, Mrs Frecklington, from 170 petitioners, requesting the House to decrease the current speed limit from 100 km/h to 80 km/h at the intersection of Old Mount Beppo Road and the Brisbane Valley Highway, Toogoolawah

03 December 2018—

- [1946](#) Australian Health Practitioner Regulation Agency and National Boards—Annual Report 2017-18
- [1947](#) State Development, Natural Resources and Agricultural Industry Development Committee: Report No. 14, 56th Parliament—Vegetation Management (Clearing for Relevant Purposes) Amendment Bill 2018, interim government response
- [1948](#) Response from the Minister for Transport and Main Roads (Hon. Bailey), to an ePetition (2994-18), sponsored by the Clerk in accordance with Standing Order 119(4), and a paper petition (3042-18), presented by the member for Condamine, Mr Weir, from 235 and 209 petitioners respectively, requesting the House to immediately assess the speed limit on the Clifton-Leyburn Road and provide urgent upgrades to ensure the safety of drivers and all road users
- [1949](#) Response from the Minister for State Development, Manufacturing, Infrastructure and Planning (Hon. Dick), to a paper petition (3038-18), presented by the Clerk in accordance with Standing Order 119(3) from 466 petitioners, requesting the House to support the development of a car park at Moores Road, Redland Bay, within the Weinam Creek Priority Development Area
- [1950](#) Health Practitioner Regulation National Law Regulation 2018, No. 166/2018, made by the Council of Australian Governments (COAG) Health Council under section 245(1) of the Health Practitioner Regulation National Law and published by the Victorian Government Printer in accordance with section 245(3) of the National Law
- [1951](#) Explanatory notes to the Health Practitioner Regulation National Law Regulation 2018, No. 166/2018, made by the Council of Australian Governments (COAG) Health Council under section 245(1) of the Health Practitioner Regulation National Law and published by the Victorian Government Printer in accordance with section 245(3) of the National Law

04 December 2018—

- [1952](#) Auditor-General of Queensland: Report to Parliament No. 10: 2018-19—Digitising public hospitals
- [1953](#) Department of Local Government, Racing and Multicultural Affairs—Code of Conduct for Councillors in Queensland
- [1954](#) Local Government Act 2009: Local Government Legislation (Councillor Complaints and Other Matters) Amendment Regulation 2018, No. 201
- [1955](#) Local Government Act 2009: Local Government Legislation (Councillor Complaints and Other Matters) Amendment Regulation 2018, No. 201, explanatory notes
- [1956](#) Office of the Director of Public Prosecutions—Annual Report 2017-18
- [1957](#) Magistrates Courts of Queensland—Annual Report 2017-18

05 December 2018—

- [1958](#) Queensland Sentencing Advisory Council—Annual Report 2017-18
- [1959](#) Director of Child Protection Litigation—Annual Report 2017-18
- [1960](#) Queensland Civil and Administrative Tribunal—Annual Report 2017-18
- [1961](#) Response from the Minister for Police and Minister for Corrective Services (Hon. Ryan), to a paper petition (3044-18), presented by Mr Crandon, and an ePetition (3018-18), sponsored by Mr Crandon, from 514 and 1,660 petitioners respectively, requesting the House to construct a Police Hub in the Ormeau/Pimpama region and provide an additional 35 police officers
- [1962](#) Response from the Minister for Police and Minister for Corrective Services (Hon. Ryan), to a paper petition (3045-18), presented by Mr McArdle, and an ePetition (2979-18) sponsored by Mr McArdle, from 947 and 165 petitioners respectively, requesting the House to increase the police numbers of the Sunshine Coast District Water Police

06 December 2018—

- [1963](#) Queensland Law Reform Commission—Annual Report 2017-18
- [1964](#) Office of the Public Guardian—Annual Report 2017-18
- [1965](#) The Public Advocate—Annual Report 2017-18
- [1966](#) The Queensland Plan Annual Progress Report 2017-18
- [1967](#) Response from the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs (Hon. Hinchliffe), to an ePetition (2991-18), sponsored by the Clerk in accordance with Standing Order 119(4), from 439 petitioners, requesting the House to institute a review and inquiry into the activities of the Local Government Association Queensland and its company Peak Services
- [1968](#) Queensland Family and Child Commission: Deaths of children and young people Queensland—Annual Report 2017-18

10 December 2018—

- [1969](#) Overseas Travel Report: Report on an official visit to China and South Korea by the Premier and Minister for Trade (Hon. Palaszczuk), 3-10 November 2018
- [1970](#) New Generation Rollingstock Train Commission of Inquiry—Final report—December 2018
- [1971](#) Queensland Government response to the New Generation Rollingstock Train Commission of Inquiry report
- [1972](#) Childrens Court of Queensland—Annual Report 2017-18
- [1973](#) Ethics Committee: Report No. 181—Inquiry into matters relating to a matter of privilege referred by the Speaker on 15 June 2018 relating to a breach of the broadcast terms and conditions, December 2018
- [1974](#) Ethics Committee: Report No. 182—Inquiry into matters relating to a matter of privilege referred by the Clerk on 19 October 2018 relating to an allegation of failure to declare members' interests, December 2018

11 December 2018—

- [1975](#) Auditor-General of Queensland: Report to Parliament No. 11: 2018-19—Transport: 2017-18 results of financial audits
- [1976](#) 2017-18 Report on State Finances of the Queensland Government—30 June 2018

13 December 2018—

- [1977](#) Auditor-General of Queensland: Report to Parliament No. 12: 2018-19—Market-led proposals
- [1978](#) Transport and Public Works Committee: Report No. 10, 56th Parliament—Inquiry into the operations of toll roads in Queensland, government response
- [1979](#) Response from the Minister for Agricultural Industry Development and Fisheries (Hon. Furner), to an ePetition (3006-18), sponsored by Mr Dametto, from 284 petitioners, requesting the House to review the proposed changes regarding declarations and compensation for fishing businesses
- [1980](#) Response from the Minister for State Development, Manufacturing, Infrastructure and Planning (Hon. Dick), to an ePetition (2995-18), sponsored by Mr Andrew, from 374 petitioners, requesting the House to conduct local studies and site-specific oceanography before introducing new zoning laws for the coastal communities at Carmila Beach, Clairview and St Lawrence
- [1981](#) Response from the Minister for State Development, Manufacturing, Infrastructure and Planning (Hon. Dick), to an ePetition (3020-18), sponsored by the Clerk in accordance with Standing Order 119(4), from 4,008 petitioners, requesting the House to reject the application and any further applications for incinerators within city limits of Ipswich and any city in Queensland
- [1982](#) Response from the Minister for Transport and Main Roads (Hon. Bailey), to a paper petition (3043-18), presented by Mrs Stuckey, from 196 signatures, requesting the House to conduct a review of road conditions on Currumbin Creek Road, Currumbin Waters

14 December 2018—

- [1983](#) Crime and Corruption Commission Queensland: Taskforce Flaxton—An examination of corruption risks and corruption in Queensland prisons, December 2018
- [1984](#) Response from the Minister for Health and Minister for Ambulance Services (Hon. Dr Miles), to a paper petition (3046-18), presented by Mr Berkman and an ePetition (2993-18), sponsored by Mr Berkman, from 776 and 4,411 petitioners respectively, requesting the House to support amending medicinal cannabis law reform

17 December 2018—

- [1985](#) Response from the Minister for Education and Minister for Industrial Relations (Hon. Grace), to a paper petition (3047-18), presented by the Clerk in accordance with Standing Order 119(3), and an ePetition (3031-18), sponsored by the Clerk in accordance with Standing Order 119(4), from 376 and 3,478 petitioners respectively, requesting the House to relocate the Education Department's proposed three storey building (NorthernHub) well away from the proposed location along the Toowong Creek and its associated 'Buffer Zone'
- [1986](#) Cross River Rail Delivery Authority—Cross River Rail Project—Probity Plan for Project Participants: Transaction Stage

18 December 2018—

- [1987](#) Queensland Independent Remuneration Tribunal: 2018 Review of Allowances, Determination 18/2018, 18 December 2018

19 December 2018—

- [1988](#) Queensland Government: Annual progress report on Royal Commission into Institutional Responses to Child Sexual Abuse, December 2018
- [1989](#) Education and Care Services Ombudsman: National Education and Care Services Freedom of Information and Privacy Commissioners and Ombudsman—Annual Report 2017-18

20 December 2018—

- [1990](#) Dumaresq-Barwon Border Rivers Commission—Annual Report 2017-18
- [1991](#) Queensland Mental Health Commission—Annual Report 2017-18
- [1992](#) Far North Queensland Hospital Foundation—Annual Report 2017-18
- [1993](#) PA Research Foundation—Annual Report 2017-18
- [1994](#) HIV Foundation Queensland—Annual Report 2017-18
- [1995](#) Gold Coast Hospital Foundation—Annual Report 2017-18
- [1996](#) Mackay Hospital Foundation—Annual Report 2017-18
- [1997](#) Townsville Hospital Foundation—Annual Report 2017-18
- [1998](#) The Prince Charles Hospital Foundation—Annual Report 2017-18
- [1999](#) Bundaberg Health Services Foundation—Annual Report 2017-18
- [2000](#) Royal Brisbane and Women's Hospital Foundation—Annual Report 2017-18
- [2001](#) Ipswich Hospital Foundation—Annual Report 2017-18
- [2002](#) QIMR Berghofer Institute of Medical Research—Annual Report 2017-18
- [2003](#) Office of the Health Ombudsman—Annual Report 2017-18
- [2004](#) Children's Hospital Foundation Queensland—Annual Report 2017-18
- [2005](#) Toowoomba Hospital Foundation—Annual Report 2017-18

21 December 2018—

- [2006](#) Sunshine Coast Health Services Foundation (Wishlist)—Annual Report 2017-18
- [2007](#) Transmax Pty Ltd: General Purpose Financial Statements for the year ended 30 June 2017
- [2008](#) Overseas Travel Report: Report on trade mission to Singapore and India by the Minister for Innovation and Tourism Industry Development and Minister for the Commonwealth Games (Hon. Jones), 22-30 November 2018

7 January 2019—

- [1](#) Aboriginal Centre for the Performing Arts Pty Ltd: Financial Statements for the year ending 30 June 2018
- [2](#) Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee: Report No. 12, 56th Parliament—Inquiry into the establishment of a pharmacy council and transfer of pharmacy ownership in Queensland, interim government response
- [3](#) Public Interest Monitor—Annual Report 2017-18

22 January 2019—

- [4](#) Wet Tropics Management Authority—Annual Report 2017-2018
- [5](#) Wet Tropics Management Authority—State of Wet Tropics 2017-2018: 30 years of World Heritage in the Wet Tropics: reflections and aspirations

4 February 2019—

- [6](#) Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee: Report No. 17, 56th Parliament—Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2018
- [7](#) Legal Affairs and Community Safety Committee: Report No. 26, 56th Parliament—Human Rights Bill 2018

6 February 2019—

- [8](#) State Development, Natural Resources and Agricultural Industry Development Committee: Report No. 18, 56th Parliament—Economic Development and Other Legislation Amendment Bill 2018, government response

8 February 2019—

- [9](#) Queen's Wharf Brisbane Act 2016: Queen's Wharf Brisbane (Leasehold Land) Declaration 2019, No. 5
- [10](#) Queen's Wharf Brisbane Act 2016: Queen's Wharf Brisbane (Leasehold Land) Declaration 2019, No. 5, explanatory notes

11 February 2019—

- [11](#) State Development, Natural Resources and Agricultural Industry Development Committee: Report No. 21, 56th Parliament—Subordinate legislation tabled between 19 September 2018 and 16 October 2018

TABLING OF DOCUMENTS (SO 32)

STATUTORY INSTRUMENTS

The following statutory instruments were tabled by the Clerk—

Planning Act 2016:

- [12](#) Planning Amendment Regulation (No. 1) 2018, No. 182
- [13](#) Planning Amendment Regulation (No. 1) 2018, No. 182, explanatory notes

State Development and Public Works Organisation Act 1971:

- [14](#) State Development and Public Works Organisation (State Development Areas) (Cairns South) Amendment Regulation 2018, No. 183
- [15](#) State Development and Public Works Organisation (State Development Areas) (Cairns South) Amendment Regulation 2018, No. 183, explanatory notes

Storage Liens Act 1973:

- [16](#) Storage Liens Regulation 2018, No. 184
- [17](#) Storage Liens Regulation 2018, No. 184, explanatory notes

Fair Trading Act 1989, State Penalties Enforcement Act 1999:

- [18](#) Fair Trading (Fuel Price Reporting) Regulation 2018, No. 185
- [19](#) Fair Trading (Fuel Price Reporting) Regulation 2018, No. 185, explanatory notes

Termination of Pregnancy Act 2018:

- [20](#) Proclamation commencing remaining provisions, No. 186
- [21](#) Proclamation commencing remaining provisions, No. 186, explanatory notes

Child Employment Act 2006, Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004, Coal Mining Safety and Health Act 1999, Health Act 1937, Private Health Facilities Act 1999, Radiation Safety Act 1999:

- [22](#) Health and Other Legislation (Nursing and Midwifery) Amendment Regulation 2018, No. 187
- [23](#) Health and Other Legislation (Nursing and Midwifery) Amendment Regulation 2018, No. 187, explanatory notes

Vegetation Management and Other Legislation Amendment Act 2018:

- [24](#) Proclamation commencing remaining provisions, No. 188
- [25](#) Proclamation commencing remaining provisions, No. 188, explanatory notes

Rural and Regional Adjustment Act 1994:

- [26](#) Rural and Regional Adjustment (Bus Driver Safety Scheme) Amendment Regulation 2018, No. 189
- [27](#) Rural and Regional Adjustment (Bus Driver Safety Scheme) Amendment Regulation 2018, No. 189, explanatory notes

Trans-Tasman Mutual Recognition (Queensland) Act 2003:

- [28](#) Trans-Tasman Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Notice 2018, No. 190
- [29](#) Trans-Tasman Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Notice 2018, No. 190, explanatory notes

Mutual Recognition (Queensland) Act 1992:

- [30](#) Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Amendment Regulation 2018, No. 191
- [31](#) Mutual Recognition (Queensland) (ACT Container Deposit Scheme) Amendment Regulation 2018, No. 191, explanatory notes

State Penalties Enforcement Act 1999:

- [32](#) State Penalties Enforcement (Police Powers and Responsibilities) Amendment Regulation 2018, No. 192
- [33](#) State Penalties Enforcement (Police Powers and Responsibilities) Amendment Regulation 2018, No. 192, explanatory notes

Supreme Court of Queensland Act 1991:

- [34](#) Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018, No. 193
- [35](#) Uniform Civil Procedure (Corporations Proceedings) Amendment Rule 2018, No. 193, explanatory notes

Industrial Relations Act 2016:

- [36](#) Industrial Relations (Revocation of Declaration—LGIAsuper) Amendment Regulation 2018, No. 194
- [37](#) Industrial Relations (Revocation of Declaration—LGIAsuper) Amendment Regulation 2018, No. 194, explanatory notes

State Penalties Enforcement Act 1999, Transport Operations (Road Use Management) Act 1995:

- [38](#) Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2018, No. 195
- [39](#) Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation 2018, No. 195, explanatory notes

Sustainable Ports Development Act 2015:

- [40](#) Sustainable Ports Development Regulation 2018, No. 196
- [41](#) Sustainable Ports Development Regulation 2018, No. 196, explanatory notes

Building Act 1975:

- [42](#) Building (Cladding) Amendment Regulation 2018, No. 197
- [43](#) Building (Cladding) Amendment Regulation 2018, No. 197, explanatory notes

Environmental Protection Act 1994:

- [44](#) Environmental Protection (Waste ERA Framework) Amendment Regulation 2018, No. 198
- [45](#) Environmental Protection (Waste ERA Framework) Amendment Regulation 2018, No. 198, explanatory notes

Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018:

- [46](#) Proclamation commencing remaining provisions, No. 199
- [47](#) Proclamation commencing remaining provisions, No. 199, explanatory notes

Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Act 2018:

- [48](#) Proclamation commencing remaining provisions, No. 200
- [49](#) Proclamation commencing remaining provisions, No. 200, explanatory notes

Trans-Tasman Mutual Recognition (Queensland) Act 2003:

- [50](#) Trans-Tasman Mutual Recognition (Queensland) (Emissions-Controlled Products) Notice 2018, No. 202
- [51](#) Trans-Tasman Mutual Recognition (Queensland) (Emissions-Controlled Products) Notice 2018, No. 202, explanatory notes

Introduction Agents Act 2001:

- [52](#) Introduction Agents Regulation 2018, No. 203
- [53](#) Introduction Agents Regulation 2018, No. 203, explanatory notes

Education (General Provisions) Act 2006:

- [54](#) Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2018, No. 204
- [55](#) Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2018, No. 204, explanatory notes

State Penalties Enforcement Act 1999:

- [56](#) State Penalties Enforcement (Heavy Vehicle National Law) Amendment Regulation 2018, No. 205
- [57](#) State Penalties Enforcement (Heavy Vehicle National Law) Amendment Regulation 2018, No. 205, explanatory notes

State Penalties Enforcement Act 1999, Transport Operations (Marine Safety—Domestic Commercial Vessel National Law Application) Act 2016, Transport Operations (Road Use Management) Act 1995, Transport Planning and Coordination Act 1994:

- [58](#) Transport and Other Legislation Amendment and Repeal Regulation 2018, No. 206
- [59](#) Transport and Other Legislation Amendment and Repeal Regulation 2018, No. 206, explanatory notes

Retirement Villages Act 1999:

- [60](#) Retirement Villages Regulation 2018, No. 207
- [61](#) Retirement Villages Regulation 2018, No. 207, explanatory notes

Work Health and Safety Act 2011:

- [62](#) Work Health and Safety (Codes of Practice) (Respirable Coal Dust Hazards) Amendment Notice 2018, No. 208
- [63](#) Work Health and Safety (Codes of Practice) (Respirable Coal Dust Hazards) Amendment Notice 2018, No. 208, explanatory notes

State Penalties Enforcement Act 1999:

- [64](#) State Penalties Enforcement (Water Supply (Safety and Reliability) and Other Matters) Amendment Regulation 2018, No. 209
- [65](#) State Penalties Enforcement (Water Supply (Safety and Reliability) and Other Matters) Amendment Regulation 2018, No. 209, explanatory notes

Public Records Act 2002:

- [66](#) Public Records Amendment Regulation 2018, No. 210
- [67](#) Public Records Amendment Regulation 2018, No. 210, explanatory notes

Fisheries Act 1994:

- [68](#) Fisheries (Trinity Inlet Declared Fish Habitat Area) Amendment Regulation 2018, No. 211
- [69](#) Fisheries (Trinity Inlet Declared Fish Habitat Area) Amendment Regulation 2018, No. 211, explanatory notes

Economic Development Act 2012:

- [70](#) Economic Development (Albert Street Cross River Rail PDA) Amendment Regulation 2018, No. 212
- [71](#) Economic Development (Albert Street Cross River Rail PDA) Amendment Regulation 2018, No. 212, explanatory notes

State Development and Public Works Organisation Act 1971:

- [72](#) State Development and Public Works Organisation Amendment Regulation 2018, No. 213
- [73](#) State Development and Public Works Organisation Amendment Regulation 2018, No. 213, explanatory notes

Queensland Civil and Administrative Tribunal Act 2009, Supreme Court of Queensland Act 1991:

- [74](#) Uniform Civil Procedure (Fees) and Other Legislation (Vexatious Litigants) Amendment Regulation 2018, No. 214
- [75](#) Uniform Civil Procedure (Fees) and Other Legislation (Vexatious Litigants) Amendment Regulation 2018, No. 214, explanatory notes

Ambulance Service Act 1991, Health Act 1937, Hospital and Health Boards Act 2011:

- [76](#) Health Legislation Amendment Regulation (No. 1) 2018, No. 215
- [77](#) Health Legislation Amendment Regulation (No. 1) 2018, No. 215, explanatory notes

Electrical Safety Act 2002, Work Health and Safety Act 2011:

- [78](#) Work Health and Safety and Other Legislation Amendment Regulation 2018, No. 216
- [79](#) Work Health and Safety and Other Legislation Amendment Regulation 2018, No. 216, explanatory notes

State Penalties Enforcement Act 1999, Transport Operations (Road Use Management) Act 1995:

- [80](#) Transport Operations (Road Use Management—Road Rules) (Personal Mobility Devices) Amendment Regulation 2018, No. 217
- [81](#) Transport Operations (Road Use Management—Road Rules) (Personal Mobility Devices) Amendment Regulation 2018, No. 217, explanatory notes

Queensland Building and Construction Commission Act 1991, Architects Act 2002, State Penalties Enforcement Act 1999:

- [82](#) Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018, No. 218
- [83](#) Queensland Building and Construction Commission (Minimum Financial Requirements) Regulation 2018, No. 218, explanatory notes

Building Industry Fairness (Security of Payment) Act 2017:

- [84](#) Proclamation commencing certain provisions 2018, No. 219
- [85](#) Proclamation commencing certain provisions 2018, No. 219, explanatory notes

Nature Conservation Act 1992:

- [86](#) Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2018, No. 220
- [87](#) Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2018, No. 220, explanatory notes

Nature Conservation Act 1992:

- [88](#) Nature Conservation (Protected Areas Management) (Conondale and Other National Parks) Amendment Regulation 2018, No. 221
- [89](#) Nature Conservation (Protected Areas Management) (Conondale and Other National Parks) Amendment Regulation 2018, No. 221, explanatory notes

Nature Conservation Act 1992:

- [90](#) Nature Conservation (Protected Areas Management) (Lamington National Park) Amendment Regulation 2018, No. 222
- [91](#) Nature Conservation (Protected Areas Management) (Lamington National Park) Amendment Regulation 2018, No. 222, explanatory notes

Mutual Recognition (Queensland) Act 1992:

- [92](#) Mutual Recognition (Queensland) Temporary Exemptions Regulation 2018, No. 223
- [93](#) Mutual Recognition (Queensland) Temporary Exemptions Regulation 2018, No. 223, explanatory notes

Trans-Tasman Mutual Recognition (Queensland) Act 2003:

- [94](#) Trans-Tasman Mutual Recognition (Queensland) Temporary Exemptions Regulation 2018, No. 224
- [95](#) Trans-Tasman Mutual Recognition (Queensland) Temporary Exemptions Regulation 2018, No. 224, explanatory notes

Government Owned Corporations Act 1993:

- [96](#) Government Owned Corporations (CleanCo Queensland Limited) Amendment Regulation 2018, No. 225
- [97](#) Government Owned Corporations (CleanCo Queensland Limited) Amendment Regulation 2018, No. 225, explanatory notes

Nature Conservation Act 1992:

- [98](#) Nature Conservation (Macropod Harvest Period 2019) Notice 2018, No. 226
- [99](#) Nature Conservation (Macropod Harvest Period 2019) Notice 2018, No. 226, explanatory notes

Superannuation (State Public Sector) Act 1990:

[100](#) Superannuation (State Public Sector) Amendment Notice (No. 2) 2018, No. 227

[101](#) Superannuation (State Public Sector) Amendment Notice (No. 2) 2018, No. 227, explanatory notes

Water Act 2000:

[102](#) Water (Metering and Compliance) Amendment Regulation 2019, No. 1

[103](#) Water (Metering and Compliance) Amendment Regulation 2019, No. 1, explanatory notes

Rural and Regional Adjustment Act 1994:

[104](#) Rural and Regional Adjustment (Solar for Rental Properties Scheme) Amendment Regulation 2019, No. 2

[105](#) Rural and Regional Adjustment (Solar for Rental Properties Scheme) Amendment Regulation 2019, No. 2, explanatory notes

National Energy Retail Law (Queensland) Act 2014:

[106](#) National Energy Retail Law (Queensland) Amendment Regulation 2019, No. 3

[107](#) National Energy Retail Law (Queensland) Amendment Regulation 2019, No. 3, explanatory notes

Nature Conservation Act 1992:

[108](#) Nature Conservation (Protected Areas Management) (Main Range National Park) Amendment Regulation 2019, No. 4

[109](#) Nature Conservation (Protected Areas Management) (Main Range National Park) Amendment Regulation 2019, No. 4, explanatory notes

SPEAKER'S PAPER

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

Speaker of the Legislative Assembly (Hon. Pitt)—

[141](#) Overseas Travel Report: Report on a visit to the United Kingdom by the Speaker of the Legislative Assembly (Hon. Pitt) to attend the CPA UK Westminster Seminar of Effective Parliaments, 26-30 November 2018

MEMBER'S PAPER

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

Member for Maiwar (Mr Berkman)—

[142](#) Nonconforming petition regarding stronger environmental laws

Member for Scenic Rim (Mr Krause)—

[143](#) Overseas Travel Report: Report on a visit to the Cook Islands by the member for Scenic Rim (Mr Krause) to attend the 37th CPA Australia and Pacific Regional Conference, 21-24 October 2018

MINISTERIAL STATEMENTS

Weather Events, Floods



Hon. A PALASZCZUK (Inala—ALP) (Premier and Minister for Trade) (9.43 am): Queensland never gives up, and we are not about to start now. Nature has thrown a streak of natural disasters at us, each more terrible than the last: unprecedented bushfires then cyclones and now floods—literally through hell and high water—but at this moment a recovery operation is underway that is equally unprecedented. Some \$5.5 million in emergency hardship assistance of up to \$900 per family has been paid to more than 31,000 people. More than 6,800 assessments have been done, with 1,800 homes damaged by floodwaters. That work continues. Everyone who needs a temporary home is getting one. We have established a list of local tradespeople approved by insurers to enable the rebuild to get on much faster.

We have also opened five community recovery hubs in Townsville: in the State Government Building in Stanley Street, Townsville stadium, Brothers Townsville Football Club, the 1300SMILES Stadium and the Bluewater Community Centre, along with ones on Palm Island and in Cloncurry, directing people to all of the assistance available to them. More than 602 staff are working on making sure people get the assistance they need, working in three shifts 24 hours a day. As a result of a phone call with the Prime Minister, category C assistance of \$75,000 was extended to primary producers and, if I have my way, will be offered to small business as well. I can announce that a recovery hub just for small business will open in Walker Street. The Bruce Highway is open. A further 15 schools reopened in Townsville today, taking the total number reopened to 55. I have extended Major General Stuart Smith's role as State Disaster Recovery Coordinator dealing with last year's bushfires to now encompass the floods in the north and the north-west.

If anything, nature has been most cruel to our farmers. I travelled with Cloncurry Mayor Greg Campbell and I saw the despair of dead cattle kilometre after kilometre. These images will stay with me forever. The complex and coordinated process of getting feed safely to starving and stranded cattle and dealing with dead livestock is well underway. Let me stress how important it is that this process is guided and managed by those on the ground, but they need my Minister for Agricultural Industry Development and Fisheries, Minister Furner, and his senior staff alongside them, which is why I am pleased that the opposition leader has agreed to my request granting the minister and shadow minister leave to attend to these duties straight after lunchtime today.

People everywhere want to help those affected. That is why I established our North Queensland Floods Appeal. I am pleased to announce that it has already raised nearly \$3.6 million to help those in need. I can further announce that, as we did for the drought appeal, in the spirit of bipartisanship, parliament will host a fundraising event and I urge all members to give generously.

I want to thank those in uniform who answered the call to help in this flood: the extra 140 police who went to Townsville and more than 650 fireys. The Army calls Townsville home, and Townsville calls the Army heroes. To the SES and all the volunteers: our thanks and admiration. Our darkest hours summon our greatest people. Brisbane had the mud army, but Townsville had its own tinny navy—boaties going house to house to help those in need. Neighbours pitched in alongside their NRL idols, the Cowboys. Teachers, displaced from flooded schools, manned sand-bagging posts around the city, working alongside other volunteers loading utes, trailers and the boots of cars.

We should not forget the two young men who tragically lost their lives in raging water in Townsville, along with another young man who is still missing. Our thoughts and prayers are with all of their families and friends as they go through this tragic time.

A long and difficult road lies ahead of us. No-one pretends that it will be easy, especially for communities in the west, but we will get through it. I thank all of the mayors of our local councils for their leadership and care for their communities. I want to acknowledge state disaster coordinator Bob Gee, fire commissioner Katarina Carroll, my director-general Dave Stewart, all of my ministers and all of the members who have been involved in these events. I have always been proud of the people of Queensland, but never more so than in the past few weeks. I count myself lucky to be one of them, to stand beside them. We are all in this together.

Weather Events, Bushfires



Hon. A PALASZCZUK (Inala—ALP) (Premier and Minister for Trade) (9.47 am): It has been a shocking and stressful summer of fire and rain. Only two months before the extraordinary wet weather emergency, we experienced severe bushfires. Just as the extent of the downpour was unprecedented, the severity of the fires had never before been seen in this part of the country. It means that twice in a two-month period our weather experts and emergency authorities have observed and responded to extraordinary conditions. In late November and early December central and northern Queensland were exceptionally dry and hot and for the first time the fire danger officially reached the category of catastrophic. Thermometers in more than a dozen towns and cities recorded 40 degrees and above and stayed that way for days. Records going back more than 100 years were smashed. There were 2,324 separate bushfires from late November to early December impacting 1.4 million hectares. Seventeen homes were damaged, with nine destroyed, and 72 sheds or structures were damaged, including 27 destroyed. Whole communities were under threat.

On 28 November we saw advanced modelling that predicted a possible direct impact on the town of Gracemere. A decision was made for the safety of everyone to evacuate the entire community of about 8,000 people. This was not taken lightly, but only after urgent and serious consideration by authorities. Gracemere responded magnificently and by the next morning most were safely with friends or families or in evacuation centres in Rockhampton. Thankfully, the town escaped the worst of the fire, but I again thank the residents for acting so calmly and efficiently on our warnings.

Throughout the entire fire emergency, our Queensland Fire and Emergency Services crews and local volunteers responded magnificently, protecting lives and properties aided generously by crews from interstate. However, a 21-year-old man died at Rolleston after being struck by a falling tree while protecting his property. I again extend the sympathies of this House to his family.

The recovery effort, headed by Major General Smith, is still underway. I can update the House that 479 rapid damage assessments have been completed across the impacted region and advice is available to support impacted producers; \$1.87 million in personal hardship assistance has been paid to those affected by bushfires; and a \$12 million recovery package, jointly funded by the Commonwealth and state governments, has been established.

After the fires and before the rain came the wind and two cyclones. Cyclone Owen crossed the coast twice in December and on New Year's Day Cyclone Penny crossed the western Cape York Peninsula coastline just south of Weipa. I think that everyone would agree with me that, over past two to three months, Queensland has had its fair share of natural disasters, but all of our front-line emergency services personnel and our experts do everything they possibly can to protect our Queensland community in its time of need. I thank every single one of them for the extraordinary work that has occurred and I thank all Queenslanders for listening to the advice that has been issued.

Weather Events, Insurance Industry Round Table



Hon. JA TRAD (South Brisbane—ALP) (Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships) (9.51 am): The heartbreaking and backbreaking recovery effort following the floods in North and North-West Queensland is only just beginning. For locals, this has been unlike anything experienced before. Almost twice London's annual rainfall was dumped on Townsville in less than two weeks—an unenviable record-breaking event. In response, we need a herculean effort to help our cousins in the north get back on their feet. We all have a role to play—from governments to individuals, community organisations and Queensland businesses, and Australia's banks and insurers.

For many households, small businesses and farmers, the cleaning up process starts with contacting their insurers. As of this morning, an estimated 14,600 insurance claims had been lodged with an estimated value of \$175 million. This number is expected to continue to rise. I have had extensive conversations directly with the CEOs and senior executives of the major insurers and communicated clearly to them the Palaszczuk government's expectations regarding the handling of insurance claims in the aftermath of this unprecedented weather event.

Firstly, the speed of response by insurers will be critical to enable households and businesses get back on their feet. Large numbers of insurance assessors are already working on the ground in affected communities, but it is important that every possible resource is deployed by insurance companies in order to quickly and fairly assess claims arising from the disaster. The emotional and mental wellbeing of communities is of critical importance and the rapid assessment of insurance claims will be a vital part of our recovery.

Secondly, we are calling on insurance companies to be fair and compassionate when it comes to the assessment of claims. Families and business that have lost everything deserve compassionate and fair treatment. Companies must not use technicalities or loopholes that would enable them to deny the fair payment of claims.

Finally, we call on insurance companies to use local suppliers and companies to the greatest extent possible when it comes to approved repairs. The economic recovery of affected communities will be greatly accelerated and enhanced if repairs are conducted wherever possible by local companies using materials from local suppliers.

Collectively, insurance companies generated more than \$5 billion in profits last year. The Palaszczuk government believes that it is incumbent on major insurers to demonstrate their commitment to high levels of customer service, particularly in light of the recent findings of the Hayne Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

I can advise the House that I have written to the Insurance Council and the CEOs of major insurers inviting them to an insurance industry round table to be held in Townsville on Friday to discuss the response and recovery effort to date and to hear from locals about their experiences and how the claims and repair process can be streamlined and further improved. We look forward to working constructively with insurers to ensure that they are delivering fair treatment for affected communities across North and North-West Queensland. That is the least that they deserve at this time.

Weather Events, State Economic Recovery Group



Hon. CR DICK (Woodridge—ALP) (Minister for State Development, Manufacturing, Infrastructure and Planning) (9.53 am): As the Premier has noted this morning, Queenslanders are renowned for their resilience and are no strangers to natural disasters and their consequences. It was only in November and December that parts of Central Queensland were blistered by catastrophic fire. More recently, for more than a week, in a tragedy that has yet to run its course, North and North-West Queenslanders were deluged by unprecedented monsoonal rain. Today, many Queenslanders in the north and west of our state are in the midst of a big clean-up. There is mud under their fingernails. Some are living in temporary accommodation. Although they are tired, they have kept going for their families, their businesses and their communities.

They are going to need our help and we are getting it to them, because nothing stirs a Queenslander more than the sight of another Queenslander in need. While North Queenslanders are focused on getting back on their feet, the Palaszczuk government has a plan to bring about the long-term economic recovery of affected communities. Last Thursday, I attended the first meeting of the State Economic Recovery Group, which was established in the wake of the North Queensland flood disaster. The State Economic Recovery Group includes representatives from relevant peak bodies and industry groups, affected local councils, and Commonwealth and state representatives from economic agencies. We will be working with local communities so that we understand and can respond to the impact on supply chains, on industry and on jobs because, while homes and businesses need to get cleaned up and rebuilt, we know that you cannot have a community without jobs. That is why our government has always focused on the long-term economic health of regional and rural Queensland.

Queenslanders in the north and north-west of our state may not have seen a flood of this magnitude before, but they are no strangers to tough times and are some of the strongest and most resilient people in Australia. The Queensland government stands firmly beside them and will ensure that every resource is at their disposal in the days, weeks and months ahead as they rebuild their lives, community and economy.

Weather Events, Queensland Fire and Emergency Services



Hon. CD CRAWFORD (Barron River—ALP) (Minister for Fire and Emergency Services) (9.56 am): The Palaszczuk government embodies strong leadership and never more so than during and after a disaster. In the past three months that leadership, especially through Queensland Fire and Emergency Services, has been tested and has not been found wanting. In that time, we have weathered unprecedented catastrophic bushfires, cyclones and a severe monsoon trough that has led to widespread flooding. We are committed to ensuring that the best possible disaster management arrangements are in place to ensure the safety and protection of all Queenslanders.

When the bushfire season hit early and hit hard last year, we had more than 3,000 QFES personnel—volunteers and staff—on the ground and behind the scenes working around the clock to battle bushfires. Then there was severe Tropical Cyclone Owen followed by Tropical Cyclone Penny. Hundreds of QFES personnel were on the ground when those cyclones crossed the coast respectively in late December and early January.

Now, North Queenslanders and our residents in the west are dealing with the aftermath of the severe monsoon trough that has dumped an incalculable amount of rain. More than 650 QFES personnel have been deployed to help and there have been more than 60 rescues. Our people have helped with more than 800 relocations and the SES alone has received more than 3,500 requests for help in Townsville.

From beginning to an often heartbreaking end, these events have required coordination, communication and, most critically, leadership. Part of that leadership is recognising the need for learning. Learning from such events will ensure that we have the best possible disaster management arrangements in place should a similar event happen again. To that end, I have tasked the Inspector-General Emergency Management with completing a review of the response and recovery to the bushfires and the monsoon trough. These reviews include input from the public and private sectors. I would now like to table the terms of reference for the flood review, which was announced on Thursday, 7 February.

Tabled paper: Document, undated, by the Inspector-General Emergency Management titled 'The 2019 Monsoon Trough Rainfall and Flood Review: Terms of Reference for a review of preparedness for a response to the monsoon trough rainfall and flooding event across Queensland' [\[145\]](#).

It also takes true, strong leadership to recognise that these events do not end once the rain stops or the blackened earth starts showing green shoots. It will take years for Queenslanders to recover. We know from experience that we will again face bushfires, cyclones and flooding rains. Ultimately, leadership is about building safe, caring and connected communities and that is what this Palaszczuk government does.

Weather Events, Floods



Hon. CJ O'ROURKE (Mundingburra—ALP) (Minister for Communities and Minister for Disability Services and Seniors) (9.59 am): When the monsoon trough first brought rain towards the end of last month it started a devastating flood event that will change the region and the lives of people who live there. Communities in Far North Queensland were the first to be impacted with Wujal Wujal and parts

of the Cook and Douglas shires some of the worst affected. We then saw the flooding rains move south. Areas north of Townsville, like Bluewater, were the first to feel the effects in North Queensland. This triggered days of devastating flooding in Townsville and surrounding areas and down into the Burdekin.

As touched on by my colleagues, the impact is different for everyone. Some people are left with nothing. Many are battling severe mould. Our farmers are having to face the incomprehensible loss of cattle after years and years of struggling to keep them alive through drought. This flooding event is not over yet, having extended out into parts of North-West Queensland with areas like Cloncurry, Julia Creek, Richmond and Hughenden badly affected.

When we have reached out to check on organisations and businesses we have heard time and time again that those who do not need help are instead giving help to others. As minister responsible for community recovery, I have also been incredibly proud of how our ready reservists across government have banded together to support the north and north-west.

Before the event had even finished, community recovery ready reservists were on the ground and we now have more than 600 staff currently working on community recovery statewide. There have been 28,419 calls made to the recovery hotline. Ready reservists have processed over \$5.7 million paid in Emergency Hardship Assistance grants benefiting 32,684 people. Ready reservists are also doorknocking homes and visiting impacted areas to offer information and support and help people apply for grants. Outreach teams have worked with wonderful staff from key organisations, including UnitingCare, Salvation Army, Red Cross, at the Heatley, Ignatius Park, Alligator Creek and North Shore evacuation centres providing psychosocial support that is invaluable in times like this. This flood disaster has been devastating for many Queenslanders but we will get back up again and, step by step, we will move forward together.

Weather Events, Natural Disaster Relief and Recovery Arrangements



Hon. ML FURNER (Ferry Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (10.02 am): The floods in North-West Queensland are having a devastating impact on livestock, farm infrastructure, primary producers and communities. On Sunday I visited Hughenden, Richmond, Julia Creek and Winton. Many families in these communities have endured years of drought and now have been inundated by record-breaking floods. Herds kept alive where there was a severe lack of rain have been decimated by floodwaters. I spoke to each of the mayors and toured some of the stations that had been impacted.

It is important for the House to be aware that these communities are still engaged in the response and it may take a while yet before final losses are known. I was deeply moved by what I saw. It is very confronting. I was moved also by the incredible efforts of many who have thrown themselves into the rescue and recovery effort. I pass on my appreciation to the mayors and councillors, as well as others on the ground, who have been active through the response. My department has been engaged with industry regarding the impacts on each of the sectors and to facilitate fodder requirements. Direct intelligence and advice from local government on the ground was that fodder was often not an immediate concern but aviation fuel was. Aviation fuel has made it to the communities where it is required, with assistance in particular from the Australian Defence Force.

I understand the frustration and the heartache of those who have lost as many as 80 per cent of their livestock. Under the joint Queensland and federal government Disaster Recovery Funding Arrangements, category B and C, assistance for primary producers is underway for Burdekin, Cloncurry, Douglas, Flinders, Hinchinbrook, McKinlay, Townsville City, Richmond and Winton councils. These include grants for primary producers up to \$75,000, concessional loans up to \$250,000 and working capital loans up to \$100,000, plus freight subsidies of \$5,000. With strong leadership from the Premier and the other agencies involved we will stand side by side with these communities and these producers and be right there with them as they go through a long and tough recovery exercise.

Weather Events, Floods



Hon. MT RYAN (Morayfield—ALP) (Minister for Police and Minister for Corrective Services) (10.04 am): You find out who your friends are when the chips are down. When the worst happens you quickly find out who you can rely on for a helping hand. The people of our great state's far north, north and west have once again seen who their friends are when disaster strikes. The north, west and far north of our state bore the brunt of the devastating flood event that unfolded as a monsoon trough unleashed its watery furies from the skies. It was our first responders and public safety officers,

including our police, who stood tall in the darkest hours. Our police evacuated families and pets from their flooding homes as the floodwaters rose ever so rapidly. In many cases our police officers performed these selfless acts in the full knowledge that their own homes could be under threat.

Our police persevered through days and nights of seemingly endless challenges, but notwithstanding their courage and selflessness they are flesh and blood like the rest of us. They are not immune to the dangers that threaten those they seek to keep safe, and so it was that at times it was our police who were swept away in the seething torrents of water. Two officers in particular, as they worked through the night helping others to safety, were washed away and had to be rescued themselves. That is what makes them, what makes all police, so special. In full knowledge of their own human frailties and vulnerabilities, our police selflessly rise above whatever daunting challenges they face and commit to the cause—the cause of keeping their fellow Queenslanders safe.

Like our police, our Corrective Services officers and staff went above and beyond the call of duty. During the recent flooding event, our custodial and community corrections officers stayed on the job, many of them unable to return to their homes and check on loved ones because of the flooded roads. They maintained security, never resiling from their commitment to keep the community safe. Once the rain clouds blew away, our Corrective Services officers and staff stepped up again and helped clean up the houses of those affected by flooding.

The floods have had a devastating effect on so many people in our state and our thoughts and prayers remain with them, but if there is a shining light amid all that gloom it is this: when tough times hit our communities know Queensland's emergency service and public safety workers will be right there by their side. It is what Queenslanders do.

Weather Events, Critical Disaster Funding Assistance for Schools



Hon. G GRACE (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (10.07 am): Schools in Townsville and surrounding areas are getting back on their feet after the unprecedented flooding emergency. At the peak of the monsoonal event, 61 state schools were closed, impacting around 22,000 students and their families. I am pleased to advise that thanks to the excellent work of those involved in the recovery effort, all but one of those schools will reopen by the end of the week. Oonoonba State School, which I visited on Friday with the Premier, Minister O'Rourke and member for Townsville, was the worst hit of our state schools and will be closed for at least eight weeks to allow for significant cleaning and repairs.

Recovering from such a disaster has not been easy. I inform the House that a dedicated school recovery coordinator, Hayley Stevenson, has been appointed and is on the ground working with principals and school communities to provide a coordinated approach to the major operational aspects of the recovery process for our schools. I would like to pay tribute to school staff, parents and carers and others, like members of building and admin services and the ADF, who have been working extremely hard to get our schools back up and running. I also acknowledge the efforts of staff from the department's northern region office and Infrastructure Services Branch who have been providing much needed support to local schools.

We know teachers, school staff and students have lost personal and work related items essential for learning. That is why I am pleased to announce, along with the Premier, critical disaster funding assistance to replace learning essentials destroyed by the floodwaters. Teachers and other school staff can claim up to \$1,000 and families are able to claim up to \$150 per student to cover the cost of replacing resources such as textbooks, musical instruments, stationery, uniforms and any other items essential for teaching and learning. I understand that non-government schools have similar assistance packages.

I advise that as of this morning more than 2,660 claims valued at close to \$650,000 have been submitted since the website went live yesterday. Around half of those claims relate to the replacement of school uniforms, while the remainder are for stationery and learning resources. Already \$143,000 worth of claims has been paid out, which is an extraordinary effort. There is still work to be done. Schools have reopened quickly and students are again learning after the devastating floods, but we have to ensure that those facilities are safe, mould free and able to be used by students to receive a world-class education.

Building Industry; Floods, Recovery Assistance



Hon. MC de BRENNI (Springwood—ALP) (Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport) (10.09 am): All Queenslanders want to provide a safe and secure home for themselves and their families. Our government understands that, whether it is ensuring

that you have a dry place to call home after a flood or making sure your home is rebuilt to the highest industry standards in Australia. Today Queensland is leading the nation on building industry fairness, but there is more to do. Our implementation of industry reforms will continue throughout 2019 in accordance with the Queensland Building Plan. Our package of reforms sends a clear message to Queenslanders that we are tackling the issues that undermine confidence in the construction industry.

It is important to highlight the quality journalism in the Back Our Subbies campaign that is running in news media. It draws attention to a wide range of issues, including building company JM Kelly. I am advised that the circumstances of the JM Kelly failure have been referred by police to ASIC. I am further advised that allegations of fraud in respect of company operations identified by liquidators PricewaterhouseCoopers are now subject to a Federal Court investigation funded by the Queensland Building and Construction Commission. That is the fourth examination of a building company currently underway under this government. It is also important to note that Robert Schwarten has self-referred allegations raised in this House by the member for Burleigh to the Crime and Corruption Commission. That is the right thing to do in the circumstances.

Right now nowhere is confidence more important than in North Queensland. That is why we are fostering a building recovery effort that is being delivered by licensed local North Queensland contractors. Right now on the QBCC website you can search for a qualified tradie in your North Queensland neighbourhood. Over 400 licensed building contractors have already registered and I encourage more to add their names to that list.

As a result of the natural disaster, the likes of which has not been seen in living memory, over coming weeks and months finances will be tight for a lot of North Queensland families. That is why on Friday the Premier announced that she would waive rents for public housing tenants whose homes are uninhabitable. I have encouraged private landlords to do the same where possible.

Tomorrow at the Townsville casino, the Residential Tenancies Authority and the Real Estate Institute of Queensland will be holding two information sessions to help establish short-term leases for those families that need them. Anyone in North Queensland unable to return home or unable to stay with family or friends can continue to register for emergency housing support by calling 13QGOV or visiting our website, hpw.qld.gov.au.

Floods, Recovery Assistance



Hon. SM FENTIMAN (Waterford—ALP) (Minister for Employment and Small Business and Minister for Training and Skills Development) (10.12 am): The Palaszczuk government is committed to supporting Townsville's small business community after the devastating floods. We know that recovery will be long, but we will be there supporting small businesses every step of the way. Just as Central Queensland small businesses impacted by the devastating bushfires late last year had access to disaster relief, we are here to provide assistance to Townsville small businesses that have been affected by the floods.

Today I am very pleased to announce that in a Queensland recovery first, in cooperation with the Townsville City Council and the Townsville Chamber of Commerce, we have opened a new Small Business Recovery Hub in Townsville to connect business owners with help and support. The Small Business Recovery Hub is located on the ground floor of the State Government Building in Stanley Street, opposite the Townsville Community Recovery Centre. The hub will open from 9 am to 5 pm daily, seven days a week, for as long as it takes to help small business get back on their feet.

From the hub, small business will be able to get wrap-around support. Already, disaster assistance includes concessional loans of up to \$250,000 and essential working capital loans of up to \$100,000 for small businesses. I am aware that the Premier has written to the Prime Minister seeking to expedite additional support for small businesses under category C of the National Disaster Relief and Recovery Arrangements.

In the meantime, we are wasting no time on the ground getting word out that help is available. As the Townsville Chamber of Commerce CEO, Marie-Claude Brown, said—

The opening of a small business recovery centre, a week after the last rain drop, is a positive step forward for our business community.

Queensland Small Business Champion Maree Adshead will also be on hand to work with council and the local chamber as they set up the hub for its first day of operation.

We know that one of the easiest and most productive ways of supporting recovery is to give small business your business during recovery. Our Small Business Hub will also launch the Go Local campaign and engage local businesses to support the recovery efforts. Stakeholders, particularly key

local representatives such as the Townsville Chamber of Commerce, Townsville Enterprise and the Townsville Business Development Centre have been engaged to support service delivery from the hub. Having experienced locals on the ground to talk to businesses face to face will help family run enterprises navigate their own recovery and link them with services in a timely manner.

Small businesses are absolutely the lifeblood of our communities and during the larger recovery process it is crucial that we continue to support them. We can all do our part to support Townsville small businesses: Go Local and back Townsville businesses and Townsville jobs during the recovery.

INNOVATION, TOURISM DEVELOPMENT AND ENVIRONMENT COMMITTEE

Membership



Hon. YM D'ATH (Redcliffe—ALP) (Leader of the House) (10.15 am), by leave, without notice: I move—

That the member for Whitsunday be discharged from and the member for Theodore be appointed to the Innovation, Tourism Development and Environment Committee.

Question put—That the motion be agreed to.

Motion agreed to.

ETHICS COMMITTEE

Reports



Mr KELLY (Greenslopes—ALP) (10.16 am): I advise the House that two reports were tabled by the Ethics Committee on 10 December 2018. They were report No. 181, *Inquiry into matters relating to a matter of privilege referred by the Speaker on 15 June 2018 relating to a breach of the broadcast terms and conditions*, and report No. 182, *Inquiry into a matter of privilege referred by the Clerk on 19 October 2018 relating to an allegation of failure to declare members' interests*.

In respect to report No. 182, I remind members to be aware of what interests are required to be registered on the Register of Members' Interests and in the event of any uncertainty to seek the advice of the Clerk as the registrar. While it is good that members scrutinise each other, it is also advisable that before proceeding to formalise complaints advice is sought in relation to the register of interests as it may apply to other members of this House. I commend the reports and the committee's recommendations to the House.

SPEAKER'S STATEMENT

Chamber Speech Timing System



Mr SPEAKER: Honourable members, at my request the chamber speech timing system has been upgraded over the summer recess. At my request the Clerk has emailed members as to the operation of this timer and how unfinished speeches will be treated. I seek leave to incorporate the material relating to the operation of the timer, emailed today.

Leave granted.

NEW CHAMBER SPEECH TIMING SYSTEM

At my request, the Chamber Speech Timing System has been upgraded over the summer recess.

The speech timer monitors will now display a seconds count for each minute of the speech as opposed to the previous setting where the seconds were only displayed in the last minute of the member's speech.

It should be noted, however, when setting the timer at the commencement of a speech there is only the capacity to set a speech in whole minutes.


Accordingly, in a situation when a member's speech is paused at a break in proceedings and the House moves on to deal with other business, when the House returns to that item of business the Clerks at the Table will round up the remaining speech time. This is to ensure that no member has less time to speak than as agreed to by the House in Sessional Orders or by other resolution.

For example, if the clock is paused at 2 minutes and 30 seconds on a break in proceedings, when debate resumes, the member will be given 3 minutes on the clock.

QUESTIONS WITHOUT NOTICE

Mr SPEAKER: Question time will conclude at 11.18 am.

Floods, Ross River Dam

 **Mrs FRECKLINGTON** (10.18 am): My first question is to the Premier. Last week, the Premier refused to say if the emergency water release from Ross River Dam contributed to Townsville's flooding, saying—

Yeah, that's a good question. You should direct that question to the Townsville City Council, because they own that dam.

I ask: can the Premier confirm that the responsibility for operations of the Ross River Dam rests with the Queensland government entity SunWater?

Ms PALASZCZUK: I thank the Leader of the Opposition for the question. The Leader of the Opposition is selectively quoting from the comments I made. Let me make it very clear. I said that the Townsville City Council owns the water asset. I am pleased to also add that the Townsville City Council contract SunWater. For people to come in today and make a political issue about dam—

Opposition members interjected.

Ms PALASZCZUK: No, in all seriousness it is appalling. It is appalling because authorities follow the manuals that are provided. As we said, IGEM is conducting a full inquiry as occurs following a natural disaster event. Let me also make it clear that we do not control the weather. The rainfall Townsville saw in one week was the equivalent to what they receive over one year. Let me also make it clear—

Mr Bleijie interjected.

Ms PALASZCZUK: I say to the member for Kawana that I sat in the Queensland Disaster Management Committee and I chaired the Queensland Disaster Management Committee. We listened to the advice of the experts—the Bureau of Meteorology. We listened to the advice of the experts and we worked cooperatively with the Townsville City Council because that is what good governments do. In the spirit of cooperation, the federal government is also working with the state government and the local government.

The monsoonal trough parked itself above the dam and there was an unprecedented amount of water dumped. No-one could predict the amount. I have never seen weather like that in my life. The local people—the local members and the minister know this as well—were saying that Townsville has never seen this before. People were commenting that it was a one-in-100-year flood. Now the experts are saying it was a one-in-500-year event. The only people who deny climate change and natural disasters are those sitting opposite.

We will work with the people of Townsville and the people of the north-west as part of the recovery. I thank the Leader of the Opposition for, in the spirit of bipartisanship, enabling the Minister for Agricultural Industry Development and the shadow minister to go to impacted communities in the north-west and help those in need because that is what governments and good members do.

(Time expired)

Floods, Ross River Dam

Mrs FRECKLINGTON: My second question without notice is to the Premier. While the Premier was chairing the Queensland Disaster Management Committee can the Premier confirm whether advice was sought about the early release of water from Ross River Dam to prevent widespread flooding?

Ms PALASZCZUK: What I can confirm is that all the advice was listened to and all agencies cooperated. The state and the council cooperated. The Queensland Disaster Management Committee has convened at least 19 times over a two- or three-month period. We have worked cooperatively. At my insistence all of the mayors involved are involved in that hook-up. The first time I adopted that practice was during Cyclone Debbie and I have continued that practice ever since.

We hear firsthand from the mayors. I put on the public record that there has been extraordinary leadership from all mayors who have been impacted. What are we focused on now? We are focused on recovery. I have met people who have been devastated. I have walked into their homes. I have seen the damage. I have been out in the north-west. I have seen grown men with tears in their eyes when speaking about the impact this is having on their families.

In the north-west imagine what it is like to have gone through seven years of drought, to be absolutely ecstatic about rain and to be now facing catastrophic flooding. The same is the case in Townsville. All of these matters will be revealed in the report, but everybody worked cooperatively. The manual was followed.

Floods, Schools and Housing

Mr STEWART: My question without notice is to the Premier. Will the Premier update the House on the work underway to reopen flood affected schools and housing in Townsville?

Ms PALASZCZUK: I thank the member for Townsville very much for that question. I was absolutely delighted to join the member for Townsville, the Minister for Education and Minister Coralee O'Rourke and visit some of the most severely impacted schools. We saw the hard work and cooperation on the ground of not only our building asset management people but also the army. They were all working together. They were ripping up carpet that was absolutely drenched. There were books floating in water. All the classrooms had to be cleaned out. Mould was already on the desks. It is going to take a huge effort.

I really want to thank Minister Grace Grace and her director-general who flew up and met with me and the locals members on Friday and made it an absolute priority to get those schools open as soon as possible. Why do I say that? Children need normality as quickly as possible. They need to have routine restored.

Given the monsoonal trough we actually made the decision to close schools earlier so that families could be safe. I do not make those decisions lightly, but I do it in the best interests of safety. In relation to schools, it is great to hear that more and more are opening and all will be open by the end of this week, except one—Oonoonba—because it was severely damaged. I also want to thank the minister for making grants available—\$150 for students and \$1,000 for teachers and staff who have had their property impacted.

I also asked the Minister for Housing to join me because the other big issue facing families is of course alternative accommodation. I want to thank the minister and his director-general who have done everything possible. I have been absolutely overwhelmed by the enthusiasm and professionalism, especially in finding some of our most vulnerable people alternative accommodation. The minister and I walked along the streets. We went and visited people. We want to make sure that normality is restored as soon as possible.

There is a big task ahead of us, but all of the ministers and the government agencies are doing everything they possibly can and are working with the council. Minister Coralee O'Rourke, the member for Townsville and the member for Thuringowa have shown excellent leadership on the ground. We will be with the people of Townsville as part of their recovery.

Floods, Ross River Dam

Mr MANDER: My question without notice is to the Premier. Can the Premier advise whether the operator of the Ross River Dam, SunWater, refused a request from the Townsville City Council for the early release of water out of the Ross River Dam?

Ms PALASZCZUK: I am advised that that is not true and that everybody worked collaboratively in relation to this event, as I have said.

Floods, Recovery Assistance

Mr HARPER: While I am on my feet, I think it is deplorable that we have the opposition—

Opposition members interjected.

Mr SPEAKER: Order! Member for Thuringowa, if you wish to make statements during question time I will sit you down.

Mr HARPER: My question is to the Premier. Will the Premier update the House on the recovery efforts after the flood events in North Queensland?

Ms PALASZCZUK: I thank the member for Thuringowa for the question. I know that all members on the ground have been affected by what they have seen and what people are going through. I think it is absolutely deplorable that the opposition has come in here today asking questions that I believe do not show any sympathy at all for what has been happening on the ground. Let me say again, everybody worked cooperatively.

Opposition members interjected.

Ms PALASZCZUK: No, not one of you were sitting in those Queensland Disaster Management Committee meetings—not one. Front and centre for me are the people of this state—the people of Queensland. I want them to be safe. We have faced—

Mr Powell interjected.

Mr SPEAKER: Order! Pause the clock. Member for Glass House, you are warned under the standing orders. I have verballed you two or three times already. I say ‘verballed’ because clearly the message is not getting through.

Ms PALASZCZUK: What we have done is work collaboratively. As I said, we listen to the experts. Some of those experts include the Bureau of Meteorology. During the fires and during the floods not just the Bureau of Meteorology but experts from around Australia flew in to provide expert advice. I listen to that expert advice and the councils listen to that expert advice. That is what we do in Queensland: we listen to the experts and then we make the decisions based on that expert advice.

I know it is going to be a long journey ahead—a long road to recovery. That is why I have asked all agencies to ensure that there is enough mental health support for people who are going through some of the worst times of their life, not just in Townsville and surrounding regions. Do not forget that this extreme weather event had a huge impact on the Torres Strait islands. We have had those mayors on the phone talking about issues in terms of getting food out to affected communities. We have had some of our Indigenous communities impacted. We have had our gulf communities impacted. Such a large proportion of Queensland has been impacted by a monsoonal trough that decided to park itself essentially over Townsville.

As I have said time and time again, I do not control the weather, I know the mayor does not control the weather and I certainly know the Prime Minister does not control the weather—but I do know that climate change is real and climate change is happening in this state for Queensland to have experienced so much. In relation to the recovery efforts, there will be a full register, as the Minister for Housing said, where tradies who are qualified will be listed for people to seek help. I also want to commend the Deputy Premier for going up to Townsville on Friday to meet with insurance companies.

(Time expired)

Fardon, Mr RJ

Mr JANETZKI: My question is to the Premier. Following the Palaszczuk government’s failure to keep dangerous sex offender Robert John Fardon under GPS tracking, the Attorney-General’s staffer employed by the Premier sent a text message to Fardon rape survivor Sharon Tomlinson telling her, ‘Should you advise other persons you could be charged with contempt of court for which you could be sent to prison.’ Will the Premier apologise to Ms Tomlinson?

Ms PALASZCZUK: I am not aware of that. I will ask the Attorney-General to follow up on that matter.

South-East Queensland City Deal

Ms LINARD: My question is to the Deputy Premier and Treasurer. Will the Deputy Premier please advise the House how the government has been making the case for a city deal for South-East Queensland and how such a deal will benefit our region?

Ms TRAD: I thank the member for Nudgee for the question. I know the member for Nudgee is acutely aware of the pressures that additional population growth, particularly in the South-East Queensland corner, is putting on the roads and the public transport system, on our schools and on our health services right across the region, including her area of Nudgee. I have stood on train platforms with the member for Nudgee in the past and I am acutely aware—

Opposition members interjected.

Mr SPEAKER: Order! Members to my left, the Deputy Premier was not making any inflammatory statements. There was no need for those interjections.

Ms TRAD: I have stood in this House on a number of occasions and talked about the necessity for a city deal for South-East Queensland. There is a city deal in Townsville and it is reaping benefits for that community. Here in the South-East Queensland corner we are seeing incredible population growth—population growth at times on par with both Melbourne and Sydney. What we need do in

response to this growth is have all jurisdictions sitting at the table, coming together in a way that is cooperative to make sure that we are funding and financing the infrastructure that our communities need in response to this growth. That is what an SEQ City Deal is all about.

I was very surprised to see this morning that the federal government has finally woken up—has finally come to the table after three years of lobbying by the Palaszczuk Labor government and by the mayors in the South-East Queensland corner. We have written numerous letters—nine letters in total over three years. Some of them have been responded to—most of them not. Our fourth cities minister in the space of three years, Minister Tudge, finally responded to two pieces of correspondence that I sent to him in October and November last year in response to our request for the Commonwealth government to come to the table to start discussing a city deal with the government and with mayors. He has finally responded this morning—this morning—to our request.

On the eve of a federal election, with a federal election only weeks away, what we have seen is a desperate Morrison LNP government following in the footsteps of federal Labor, who months and months ago said they are willing to pursue a city partnership with Queensland and with the mayors of the South-East Queensland corner to progress a city partnership for Queensland. This is about making sure that we get real outcomes. What we have seen from today's announcement from the LNP government is more words. We want to see words matched with real funding against real projects that will alleviate congestion and population pressure in our communities. Coming up to the next federal election we will not just be talking; we will be out there campaigning for it.

Fardon, Mr RJ

Mr POWELL: My question is to the Attorney-General. Why did the Attorney-General support a suppression order to gag media and victims from revealing the fact that the Palaszczuk government had failed to keep dangerous sex offender Robert John Fardon under strict supervision for a week, prioritising his safety over the safety of the Queensland community?

Mrs D'ATH: I do welcome the question from the opposition because I can finally put the honest truth on the record in relation to these matters. I find it absolutely disgusting that the opposition are playing politics with this matter when they themselves lost a Court of Appeal decision to keep Mr Fardon in detention. They never talk about that. The Leader of the Opposition was out there in the public saying that the public had a right to know—

Mr Janetzki interjected.

Mr SPEAKER: Order! Pause the clock. Member for Toowoomba South, you are warned under standing orders. I make a general warning to all members. We had a year of me asking you as a House to direct your comments through the chair and not personally attack members. That is your first and final warning for this year.

Mrs D'ATH: The Leader of the Opposition was out in public saying that it was unreasonable for the public not to know that Robert Fardon was wandering around the community for seven days—for seven days! What the Leader of the Opposition failed to tell the community at that time was in fact that Robert Fardon has been in the community since 2013.

Ms Palaszczuk: Who was in government?

Mrs D'ATH: I take that interjection because that is not what the Leader of the Opposition said. The Leader of the Opposition did not tell the public he had been out in the community going to shopping centres and catching public transport for four or five years. The Leader of the Opposition said he had been in the community for seven days. She was misleading the community in making that statement.

The answer to the question that was put is that the Crown, on behalf of the government, opposed the suppression order but the judge made it clear that her intention was to put in place a suppression order and seek submissions from the parties as to whether there were any legal grounds on which she could not do so.

Mr Hart interjected.

Mr SPEAKER: Member for Burleigh, you are warned under the standing orders.

Mrs D'ATH: We put the submissions to the court and made it clear that, if the court were inclined to grant the suppression order—even though we do not believe it should be granted—it should be for the minimal amount of time possible. In fact, our submission said two to three days if the court was going to do it, but our initial submissions to the court were to oppose the suppression order. I think those opposite should get the facts correct and stop misleading the public on this. The fear the Leader of the Opposition is causing in the community and the failure to tell the facts to the public is absolutely appalling.

Manufacturing, Jobs

Mr O'ROURKE: My question is to the Minister for State Development, Manufacturing, Infrastructure and Planning. Will the minister please update the House on how the Palaszczuk government is working to deliver more highly skilled jobs with particular reference to manufacturing in regional Queensland, and is he aware of any other approaches to skills?

Mr DICK: I thank the member for Rockhampton for his question and acknowledge his great support for Queensland's great manufacturing sector. Queensland's manufacturing sector is worth more than \$20 billion each year to our state's economy and employs more than 180,000 people. The government is strengthening manufacturing in our state through our advanced manufacturing road map and our \$40 million Made in Queensland program.

Last December, as the member for Rockhampton is aware, we announced the government's plan to announce three new regional manufacturing hubs to help develop the capability of local businesses and assist them to participate in the supply chains of other firms. The Cairns manufacturing hub, for example, will focus on the marine, aviation and food manufacturing industries. In Townsville, the focus will be on food transformation, advanced manufacturing and advanced metal production, and in Rockhampton, as the member for Rockhampton and the member for Keppel know, it will be focused on rail manufacturing and technology, advanced technologies for metal production and food product innovation.

As the member for Rockhampton quite properly and correctly notes, skills are the critical component for not just the advanced manufacturing sector for Queensland but also the general Queensland economy. Highly skilled jobs are in the media today. For example, you need to be highly skilled to be appointed as a geriatric specialist in a hospital—like say Dr Chris Davis. Of course there are leadership skills as well. You need leadership skills to hold a team together, but the LNP begins the year the way it ended the year—entirely dysfunctional. The member for Whitsunday is gone, but I can assure the House that he is not forgotten. On the bright side, now with the member for Whitsunday in his own party of one he has a fighting chance to be deputy leader. Everyone will remember that he got two votes in that hotly contested ballot for LNP deputy leader, and both of them are now regretting their decision.

The LNP may be devoid of leaders but they are not devoid of challengers, all of whom will be looking, plotting and wondering, 'Who was that second vote?' Cut loose from the reef of Whitsunday, upon whose shore will that vote lodge? There are challengers—whether it is plan B for Broadwater or, heaven help Queensland, the member for Everton, there are plenty of challengers lining up. Does one take the first mover advantage and move now or wait until the federal election? That is what they are thinking about. There has been a flurry of activity by the Leader of the Opposition. Hasn't she been busy over the last couple of weeks knowing that the time is coming? The clock is ticking. The call will be after the federal election, but I would not put plan B on the shelf just yet.

Fardon, Mr RJ

Ms BATES: My question without notice is to the Minister for Police and Minister for Corrective Services. Can the minister tell the House where is Queensland's most dangerous sex offender Robert John Fardon living?

Mr RYAN: What I can say is that the Police Commissioner knows. That is our law. The Police Commissioner also assures me that the community is safe, because we have the strongest regime of monitoring of sex offenders in the nation.

Opposition members interjected.

Mr RYAN: They are laughing. They voted for the laws!

Opposition members interjected.

Mr SPEAKER: Order! Honourable members! It only took half an hour to stand up today—amazing. Members, I could not hear the minister's response. It is integral for me to hear that response in order to adjudicate the standing orders in this House and it is also important for Hansard to hear the minister's response.

Mr RYAN: Gee they have short memories on this. They voted for the laws. They voted for the strongest laws in the nation which we brought in. They also have short memories because we bumped up support for the Queensland Police Service by \$25 million to support their work in monitoring these offenders—these people in the community.

Mr Bleijie interjected.

Mr SPEAKER: Member for Kawana, you are warned under the standing orders. Member for Toowoomba North, I am keeping an eye on you also. That is from an earlier one, member for Toowoomba North. I am giving you fair warning.

Mr RYAN: When it comes to the member for Kawana, he particularly has a very short memory. He was the attorney-general who let this person out in the first place. He is also the former attorney-general who—when faced with constitutional advice, legal advice, saying if you fiddle with the DPSO regime you could bring down the whole regime—said, ‘Let’s have a crack.’ When faced with clear legal advice and constitutional advice that fiddling with the DPSO regime threatens the whole regime, he irresponsibly and recklessly says, ‘Let’s have a crack.’ He lost Court of Appeal proceedings when he did have a crack and he threatens the safety of our community.

This government has the strongest regime in the nation. Labor governments have always led the way in this space. It was a Labor government which brought in the DPSO regime many years ago. It was a Labor government in Queensland—the first to do so—that brought in the child protection offender register system, and it is a Labor government that recently made tough laws even tougher. That is what we have done. We have also backed it up with resources, with over \$25 million to support the activities of the police when it comes to monitoring these people in our community. We make no apologies for that. We have a tough regime. We will continue to support our police and the work that they do to ensure that our community remains safe.

Health Services, Children

Mr KELLY: My question is to the Minister for Health and the Minister for Ambulance Services. Will the minister outline how the Palaszczuk government is delivering world-class health care to Queensland children across the state?

Dr MILES: I thank the member for Greenslopes for his question.

Mr McArdle interjected.

Mr SPEAKER: Minister, please resume your seat. Member for Caloundra, you have been warned on previous occasions by me. I have given you some hints today. The minister had barely rose to his feet and you were interjecting. You are warned under the standing orders.

Dr MILES: It was always Queensland Labor’s vision that Queensland children deserved the very best children’s hospital. I know the member for Greenslopes as a health professional himself supports that vision. That vision is built upon today with the important announcement I made at the hospital this morning—the first major expansion of the Queensland Children’s Hospital since its opening. This expansion will add at least 24 beds to the hospital, making it not just the best but now also the biggest tertiary paediatric hospital in Australia. The first six of those additional beds will be to the oncology service, bringing the oncology service at the Queensland Children’s Hospital to 30 beds. The expansion will be co-designed between hospital management, clinicians, patients and their families. I would particularly like to thank the families of oncology patients who worked with me to get this announcement ready to be made.

Work will start early next year and be completed in 2020. It is testament to the success of Queensland Labor’s vision for a world-class tertiary paediatric hospital. I would like to thank our doctors and our health staff, who have made the hospital so successful that this expansion needed to be brought forward. It truly is the biggest and best paediatric hospital in the country.

While on this side of the House we have been listening to our doctors about what they need, we were reminded yesterday about how those opposite treated doctors when they were in charge. They vilified them; they fought with them; they persecuted them. Dr Chris Davis was the only qualified applicant for a position, but he was discriminated against by those opposite. What was his crime? He disagreed with Campbell Newman; he disagreed with the LNP. He was black-banned; he could not work because those opposite do not respect our doctors. While those opposite are busy defending Campbell Newman’s legacy, I invite them to work out which health services should be cut to pay for the \$1.45 million in damages for their discriminatory actions.

(Time expired)

Wigginton, Ms T

Mr BLEIJIE: My question without notice is to the Premier. Given the recent media reports about the threatening and intimidating comments made by convicted murderer Tracey Wigginton, also known as the ‘vampire killer’, has the Premier sought a briefing on whether any parole conditions have been breached and whether parole should be revoked?

Ms PALASZCZUK: I thank the member for Kawana for his question. The parole board is independently established and they set the conditions. I am happy to ask the Attorney-General to look into that matter.

Skilling Queenslanders for Work

Mrs MULLEN: My question is of the Minister for Employment and Small Business and Minister for Training and Skills Development. Will the minister please update the House on the success of the Skilling Queenslanders for Work program and what other views have been expressed about this program?

Ms FENTIMAN: I thank the member for Jordan for the question. I know what a huge supporter she is—like all members on this side of the House—of the Skilling Queenslanders for Work program because of the results it gets in our communities.

The Skilling Queenslanders for Work program provides support for many Queenslanders in need so they get job-ready skills to find employment, which changes their lives. We have supported almost 37,000 Queenslanders, a huge accomplishment, exceeding our target of 32,000 10 months ahead of schedule. Last week I announced the next round of funding for Skilling Queenslanders for Work with Access in Logan, a wonderful organisation and a long-term partner of Skilling Queenslanders for Work. They have already supported almost 300 people into work in Logan. I am really pleased to report to the House that 73 per cent of participants find work, take on further training or return to school around 12 months after a Skilling Queenslanders for Work program. This program is getting fantastic results. It is getting results that are lasting and long-term for so many families in our community.

We know from experience that the LNP simply do not like Skilling Queenslanders for Work. They axed it when they were in government in 2012 and they went to scrap it again in 2017, as revealed in their election costings document. While the Palaszczuk government has only ever worked to expand our Skilling Queenslanders for Work program, we are yet to hear from the Leader of the Opposition whether she has changed her policy around scrapping this fantastic job-creating program. Time and time again Skilling Queenslanders for Work is championed by local organisations and championed by the families who have finally found work.

In Bundaberg, the Angels Community Group provides training opportunities while turning a second-hand caravan into a commercial kitchen, helping 10 unemployed people back into the workforce. I wonder what the member for Bundaberg will say to the Bundaberg Angels community member Sue Tasker, who told the local paper that this training was vital for participants to take up further education and employment.

The same can be said for the members for Toowoomba North and Toowoomba South, where almost \$1 million has been provided to that community, helping over 150 locals find work. What does the member for Surfers Paradise say when the Gold Coast has received more than \$3½ million to provide 300 locals with work? How do these members on that side of the House front up to their local communities and local organisations when they know their policy is to scrap their funding? It is time we found out from the Leader of the Opposition whether or not they will change their policy.

(Time expired)

Regional Queensland, Support

Mr ANDREW: My question is to the Premier. Given hardships, bushfires and floods, what can be enabled now and in five years time to protect the graziers, rural businesses and communities from predatory corporate buyouts and ongoing abuse from activists pushing stressed people into depression or suicide?

Ms PALASZCZUK: I thank the member for Mirani for the question. I heard parts of that question, so I will address some of it and I am happy to speak to the member offline. We know that the drought has had a big impact on people living on the land. That is why we got behind the drought appeal and we also addressed issues at the national summit that the Prime Minister called, especially when it came to putting more funding into mental health.

We also know that jobs are really important for communities where there is small business. As the honourable member heard, the government offers programs such as Skilling Queenslanders for Work and Back to Work. We know that people living on the land have gone through a very tough period with the droughts and now with the floods. The honourable member would have heard my comments today about the minister for agriculture and the shadow minister going up to the north-west to make sure that they can deal firsthand with any issues that are being raised on the ground.

We want to cooperate with AgForce and the Country Women's Association. I believe these organisations are needed. We will continue to work with the mayors in the different communities. I know that many mayors have complimented the government in relation to the wild dog fencing that has been put in place in our western communities to help bring back the sheep industry.

Of course, Queensland is a big state. The issues faced by those on the Gold Coast are completely different to those living out at Longreach or those living up in the Torres Strait. Our job is to make sure that we hear what is happening locally on the ground. I am more than happy to listen to any ideas that the member might have.

Mackay, Innovation

Mrs GILBERT: My question is for the Minister for Innovation and Tourism Industry Development and the Minister for the Commonwealth Games. Will the minister please update the House on the government's initiative to invest in regional innovation to create jobs in Mackay?

Ms JONES: I want to acknowledge and thank the member for Mackay for her strong advocacy in ensuring that this clinical trial happened in Mackay. This is a major win as Mackay now becomes the first regional city anywhere in Australia to undertake a clinical trial of this nature. This is a massive win for Mackay. It actually comes from the delegation that the Premier led to BIO last year in Boston where we were able to meet with ImmusanT, which is an American company. Of all the places they were looking at globally, they have now chosen Mackay to run this clinical trial to finally provide a vaccine to prevent coeliac disease.

As we know, around 160,000 Australians suffer from coeliac disease. This means that they have a rather constrained diet. We know that around one per cent of the world's population also suffer from coeliac disease. Not only are we now on the map internationally as being part of the global prevention of this disease; this will be providing an injection of up to \$1 million into the Mackay economy.

That is not the only good news—and I see the member for Mackay nodding. At the Coral Sea Clinical Research Institute official opening we heard that if Mackay can do this well—and we know Mackay does everything well—this will lead to them opening the door on a brand-new industry to diversify the economy in Mackay. We were also able to do this because of the expertise of Dr James Davison. It was really wonderful to meet James's mum, who was very proud of her son. Dr Davison is a very proud local in the Mackay community and was instrumental, along with the Queensland government and the Mackay council, in getting this to Mackay. I will continue to update the House on this great achievement.

As you know, good things happen when you listen to doctors with expertise, and that is exactly what our government does. We believe in science, whether it is with regard to climate change or the expertise of our doctors, and that is why I concur with the comments already made by my colleagues today in relation to the disgraceful treatment of Dr Chris Davis by those opposite. The fact is that the LNP have left taxpayers with a \$1.45 million bill to make up for their discriminatory behaviour. You only have to read Dr Chris Davis's comments. He said, 'To apparently come after me in the way that I was persecuted afterwards is very bad for democracy.'

Mr Stevens interjected.

Ms JONES: We know that is a hallmark of the LNP government. You just cannot trust them. We know that they used the power of office to attack people who spoke out against them. We know there are claims that the former member for Stafford's records were released by those opposite, and you have to think there is more evidence when they treated one of their own like this—

(Time expired)

Mr SPEAKER: Member for Mermaid Beach, you are warned under the standing orders. Welcome back.

Lady Cilento Children's Hospital, Name Change; Crime Stoppers Call Centre

Mr WATTS: My question is to the Premier. How can the Premier justify wasting half a million dollars changing the name of the Lady Cilento children's hospital when the same money could have been spent to save the Crime Stoppers call centre for another two years?

Government members interjected.

Mr SPEAKER: Members to my right, I have made myself very clear in relation to having questions heard in silence. That clearly was not the case. The next person who interrupts during a question will be warned under the standing orders. Member for Toowoomba North, can you please repeat the question?

Mr WATTS: How can the Premier justify wasting half a million dollars changing the name of the Lady Cilento children's hospital when the same money could have been spent to save the Crime Stoppers call centre for another two years?

Ms PALASZCZUK: Thank you very much, member for Toowoomba North, for your question. I am very surprised that this question has been asked today of all days. Their former colleague sat with them in government, but they attacked him when he left this parliament. Thank goodness the good member, Dr Lynham, came in. In fact, I have been waiting for this question all day. Those opposite have the audacity to stand in this House and ask a question, when taxpayers now have to pay \$1.45 million because their former government discriminated against their former colleague.

Mr BLEIJIE: Mr Speaker, I rise to a point of order under section 118(b) of the standing orders. The question was about the Lady Cilento name change—

Ms Jones interjected.

Mr SPEAKER: Order, member for Cooper! I will hear the member for Kawana.

Mr BLEIJIE:—and the closure of Crime Stoppers. It is a very serious question, a serious issue and it deserves a serious answer.

Mr Dick interjected.

Mr SPEAKER: Order, Minister for State Development! Premier, under standing order 118(b) I direct you to provide a fulsome answer to the question.

Ms PALASZCZUK: I will, of course, Mr Speaker. I was talking about the cost to taxpayers. We did see the member for Kawana scuttle over there, so I am quite sure that the member for Kawana may have written this question. In fact, if you are relying on the member for Kawana for strategy, with his track record you may as well just give up now. Let me also clarify that with regard to Crime Stoppers the board made the decision. In fact, I am advised that Crime Stoppers will now go back to operating the way it did under the LNP. There is no change in the service, there is no change in terms of the phone number and it operates this way in most other states across Australia.

Let me go back to cost. How did this happen? We know about the arrogance of the Newman government and the way they treated people in this parliament because we were treated exactly the same way when we sat over there. QCAT has decided that \$1.45 million of taxpayers' money will be paid because of the way the LNP discriminated against one of their own. It is shameful and disgraceful. Dr Chris Davis was on the radio this morning—

Mr BLEIJIE: Mr Speaker, I rise to a point of order—

Mr SPEAKER: Pause the clock.

Ms Grace interjected.

Mr BLEIJIE:—under section 118(b), relevance to the question.

Mr SPEAKER: I have dealt with that matter and I am listening to the question being answered.

Mr BLEIJIE: I ask you to bring the Premier back to relevance on the question.

Mr SPEAKER: Thank you, member, I do not need your instruction or guidance. Member for McConnell, you are warned under the standing orders. I was hearing a point of order and you interjected to suggest that the member sit down. I call the Premier.

Ms PALASZCZUK: The member for Kawana also stood in this House and said that Crime Stoppers is closed. That is not the case. I will be writing to you, Mr Speaker, about the member for Kawana deliberately misleading the House. That is factually incorrect. Crime Stoppers will continue to operate with the same number, and the commissioner and the police minister have given me that assurance.

(Time expired)

Mount Lindesay Highway

Mr POWER: My question is for the Minister for Transport and Main Roads. Will the minister update the House on the Palaszczuk government's investment in the Mount Lindesay Highway?

Mr SPEAKER: Leader of the Opposition, I did not hear you, did I, during that question being asked?

Mr BAILEY: I thank the honourable member for his question. He is a great advocate for the Mount Lindesay Highway. This government and the member for Logan are responsible for doing the heavy lifting on the Mount Lindesay Highway with a \$74 million commitment—the vast majority an investment

by the Palaszczuk Labor government—after an underwhelming performance in terms of neglect by the previous government. That investment is going into a series of upgrades between Munruben and Jimboomba. Because this government is investing in infrastructure in this area, which has very strong population growth, in coming weeks we will see the commencement of the first of four projects at the North Maclean section of the Mount Lindesay Highway. This project will extend the eastern service road from the Chambers Flat Road interchange to a new signalised intersection at Greenbank Road.

In fact, last year we released a 10-year plan which is currently on the Transport and Main Roads website. It contains costings, priority projects and time frames. It has the lot, because we care about the Mount Lindesay Highway. You would think that would be easily locatable for the federal government, but no. At the last minute, with a federal election pending, the Prime Minister has come out with a desperate ploy to try and save the federal electorate of Forde by making a \$30 million commitment, but he could not tell anybody where that commitment was going. We have provided priority projects, costings and time frames which are all publicly accessible, yet the federal member for Forde, the Prime Minister, and his staff were unable to locate it. They are unable to do the hard yards to invest in the Mount Lindesay Highway. We also saw the same kind of performance from them when they invested another underwhelming amount into the M1 interchange, a 25 per cent commitment to the overall cost, again short-changing Queensland and short-changing South-East Queensland infrastructure. They did that under the M1 upgrades, where they gave 80 per cent to New South Wales but 50 per cent here. They come to Queensland doing the same thing over and over and wonder why they are not going anywhere in the polls.

This government will continue to invest in infrastructure in the growth areas that were neglected by the previous LNP government under Campbell Newman. We will work with the federal Labor government once it is elected under Bill Shorten because they understand the need for infrastructure in South-East Queensland; they understand the need for Cross River Rail; and they understand the need for adequate funding on the Mount Lindesay Highway. Even at this very late stage the desperate federal government still cannot get it right and they are leaving Mount Lindesay residents in the lurch.

(Time expired)

Mr SPEAKER: Member for Coomera, I was not going to interrupt the minister, like you were trying to interrupt the minister. You are warned under the standing orders.

Crime Stoppers Call Centre

Ms SIMPSON: My question is to the Premier. Last week Crime Stoppers had to close its call centre, meaning that 20 staff and 45 volunteers lost their jobs and our hardworking police needed to take up the slack. Given skyrocketing crime rates and a \$44 million cut to the Police budget this year, can the Premier guarantee that not one call that could solve a crime will go unanswered?

Ms PALASZCZUK: I thank the member for the question. I have been assured that Crime Stoppers will continue to operate and that calls will be answered. It operates like this in every other state. It has not been closed.

Energy Policy

Mr WHITING: My question is of the Minister for Natural Resources, Mines and Energy. Will the minister advise the House how the Palaszczuk government is leading the way on energy policy and whether he is aware of any alternative policies?

Dr LYNHAM: I thank the member for Bancroft for the question. He knows that the Palaszczuk government is setting the pace on energy policy, putting money back into the pockets of Queensland families. It is indisputable that Queensland has, on average, the cheapest electricity prices on the mainland, because we own our assets and Queensland policies foster the right blend between base load generation and renewable energy. Whilst Queensland leads the way, we have a federal government that is absolutely clueless on energy, with policies that will simply drive up energy prices. Its own hand-picked experts on the Energy Security Board said—

At a time when investment is needed ... it is not helpful for the Commonwealth government to be threatening powers of divestment, price setting ...

That is from its own experts. We are talking about a 'big stick' policy which federal Treasury officials have openly admitted has had no modelling done at all. The federal government has changed energy policy more often than it has changed prime minister. It is hardly surprising that its Queensland

minions on the other side of the House are just as bewildered, wandering around this state advocating an already discredited plan that will simply drive up power prices for regional Queensland families by on average \$400 per year.

There are some who love the 'big stick' energy policy from Canberra: bankers in New York and energy companies in Hong Kong and Geneva, and with them the members for Broadwater and Nanango. In fact, all those opposite love the 'big stick' policy because the 'big stick' energy legislation means one thing for Queenslanders—that is, privatisation by stealth. The only things certain about the Morrison LNP energy policy are confusion, lower investment, higher prices and privatisation of Queensland's power assets. It was perhaps Chris Richardson from Deloitte Access Economics who said it best—

The energy companies may not be perfect, but yelling at them isn't a ... substitute for ... a coherent energy policy.

A coherent energy policy from Canberra? Soon, very soon.

Racing Queensland

Mr LANGBROEK: My question without notice is to the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs. Will the minister advise the House why Victoria can deal with the Darren Weir matter within a week whereas Racing Queensland has 36 cases at QCAT, some nearly a year old, still to be heard?

Mr HINCHLIFFE: I thank the member for Surfers Paradise for his question in relation to the racing industry in Queensland. I am very aware that Racing Victoria is investigating Victorian horse trainer Darren Weir and that the Racing Appeals and Disciplinary—

Mr Watts: It's done.

Mr HINCHLIFFE: There are still investigations in hand, I can assure the member. The Racing Appeals and Disciplinary Board has disqualified the trainer for four years for four breaches of the Australian Rules of Racing. I am advised that Mr Weir has not nominated any horse in a race in Queensland since 12 January 2019 and there are no current nominations—

Mr Mander: That's not the question.

Mr HINCHLIFFE: I am providing some context. I thank the member for Everton for his advice; it is so useful on so many other occasions. As I was saying, there are no current nominations to race in Queensland and there is no evidence indicating any association or connection with Queensland at this time. However, I can assure the House that the Queensland Racing Integrity Commission will continue to monitor the situation closely.

I can say in relation to the situation regarding Mr Weir that, under Australian Rules of Racing AR7(iii)(f), stewards have the powers 'to confirm, adopt or enforce any penalty imposed upon any person by the Committee or Stewards of any Club in the Commonwealth'. Those avenues are open to be pursued in relation to instances that have been referenced by the member for Surfers Paradise.

The member for Surfers Paradise makes some broader reference to the circumstances of racing integrity here in Queensland and its management. The Palaszczuk government has established a fantastic regime in relation to racing integrity in this state by the separation of the racing integrity task from the racing promotion task and the establishment of the Queensland Racing Integrity Commission. I commend my predecessor ministers on that action and on the certainty and good quality of racing integrity that is delivered to the state.

I am equally aware of the concerns that some people in the industry have about the way in which it could appear that some people in the industry might use the appeal mechanisms that are available under that regime to game the system. I can assure the shadow minister and all—

(Time expired)

Regional Queensland, Flood Recovery

Mr HEALY: My question is of the Minister for Local Government, Minister for Racing and Minister for Multicultural Affairs. Will the minister please update the House on how the government is partnering with councils to deliver vital job-creating infrastructure projects in regional Queensland while assisting with flood recovery?

Mr SPEAKER: Minister, you have one minute to answer the question.

Mr HINCHLIFFE: Certainly flood-affected communities in Queensland's north and north-west have enough on their plates without the risk of being tripped up by some bureaucratic hurdles when applying for government infrastructure funding from the state government. The selflessness and in

many cases heroism that we have seen in those flood zones proves once again that when natural disasters strike Queenslanders stick together. I particularly acknowledge the efforts of Mayor Jenny Hill in Townsville and all the other mayors and councillors in those flood-affected communities where they have been working so well.


My department is working with affected councils to provide practical support wherever possible and working with them closely across other agencies. I particularly acknowledge that the assistance and support will include a flexible approach to the administration of funding programs—for example, the extension of deadlines and project time frames. Applications for the latest round of the highly successful Local Government Grants and Subsidies Program has now been finalised. That \$58 million program will—

(Time expired)

Mr SPEAKER: The time for question time has expired.

MINISTERIAL STATEMENT

Fardon, Mr RJ

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (11.18 am): During question time the member for Toowoomba South asked the Premier a question in relation to a text message and the Premier indicated that she would ask me to respond. Firstly, in relation to the court decision I make it very clear that it was the court that imposed the suppression order. It was not at the request of the government or an application of the government.


The court granted permission for information to be shared with relevant government and operational staff and, at the request of the state, the court granted permission for information to be shared with the victims. In doing so, it was a requirement of the court to inform people of the court's continuing suppression order and the operation of contempt of court if it is breached. In fact, that information and requirement to be made aware of the conditions of the suppression order were made clear to all of my ministerial staff, to me and to all officers who were granted permission to be aware of that order at the time.

In relation to Ms Tomlinson, I have no intentions of divulging private conversations which I have had or my office has had with her other than to state that she was verbally advised, after we sought permission from the court, of the decision of the court in the Fardon matter and of the suppression order and, as required by the court, advised what the consequences would be if there was a breach of that suppression order. It was entirely appropriate for those court orders to be followed in conveying the consequences of contempt and it would be irresponsible not to advise that individual of the consequences.

As I say, Ms Tomlinson was advised verbally by my office and asked whether she was happy to then have that forwarded on in a text to just confirm in writing what was required by the court and she agreed. That is the context of that text message. It is not to cause harm or in any way threaten a victim of Robert Fardon but to advise her of the consequences of the order if there was to be a breach, as we are required to do by the court. It is offensive and disgusting that those opposite would use the understandable pain and anguish of a victim for cheap, inaccurate political pointscoring. My thoughts are constantly with Ms Tomlinson and other victims of not just this individual but individuals collectively, and these individuals should not be used as political pawns in the public space.

MOTION

Business Program

 **Hon. YM D'ATH** (Redcliffe—ALP) (Leader of the House) (11.21 am): In accordance with sessional order 2B, I move—

1. That the following government business will be considered this sitting week, with the nominated maximum periods of time for each bill specified:
 - (a) the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill, a maximum of 5 hours 30 minutes to complete all stages, and
 - (b) the Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Bill, a maximum of 5 hours 30 minutes to complete all stages, and

2. The following time limits for the bills listed in paragraph 1 apply:
 - (a) the minister to be called on in reply:
 - (i) for the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 30 minutes before the expiry of the maximum hours
 - (ii) for the Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Bill 60 minutes before the expiry of the maximum hours
 - (b) consideration in detail to be completed by 3 minutes before the expiry of the maximum hours
 - (c) question on third reading to be put by 2 minutes before the expiry of the maximum hours
 - (d) question on long title to be put by 1 minute before the expiry of the maximum hours.
3. If the nominated stage of each bill has not been completed by the allocated time specified in paragraph 2, or by 5.55 pm on Thursday, 14 February 2019, Mr Speaker:
 - (a) shall call on the minister to reply to the second reading debate
 - (b) shall put all remaining questions necessary to either pass that stage or pass the bill or motion without further debate;
 - (c) may interrupt non-specified business or debate on a bill or motion to complete the requirements of the motion; and
 - (d) will complete all stages required by this motion notwithstanding anything contained in standing and sessional orders.

In moving this motion, at the outset I want to say happy new year to all members and staff of the parliament and wish everyone a very happy 2019 for the sitting year ahead. Having said that, our thoughts are also with those who have been affected by the natural disasters over the summer period—the fires, the floods and those Queenslanders who are still facing the impacts of floods in North Queensland. I thank the leader of opposition business for his cooperation in pairing the minister and shadow minister in order for them to go help those communities most in need that are facing those floods.

Turning to the bills before us, 5½ hours have been allocated for each bill to allow as many members as possible to make a meaningful contribution. Additionally, specified time has been allocated for the minister in reply and consideration in detail for these bills, and I believe that that is important. Last year during the debates we saw many members on the other side—the opposition and the crossbench—asking questions of the minister in relation to the debate. It is really important that we allow the minister to respond in reply to those questions and issues being raised by members and also allocating sufficient time in consideration in detail to allow any issues to be raised and any questions to be put to the minister or any amendments to be moved in consideration in detail. Once completed, the House will continue with other business on the *Notice Paper* if those two bills are completed within adequate time this sitting week.

As we are now in the second year of this term of parliament, I want to reflect on the achievements of last year and the new business model. Despite what we have heard in the past in this debate on the business motion, I have been advised that statistics now show that 674 individual second reading speeches have identified that 282 speeches were made by government members and 392 were made by non-government members. That equates to 42 per cent by the government and 58 per cent collectively by non-government members. This shows that the system is working. For those who claim that they are not getting the chance to be heard and to represent their community by having a say and speaking on the bills, the statistics speak for themselves. They are more than adequately getting the opportunity to put their views across—both the opposition and the crossbench—in the debates.

The way that we are now framing these motions means that they are not only getting time on the second reading but also getting the opportunity to hear the minister in reply and importantly to put questions if need be in consideration in detail. I am very pleased to move this motion this week to see these important bills being debated and to continue the fine work of this parliament.



Mr BLEIJIE (Kawana—LNP) (11.27 am): We start the year where we finished 2018—with a lazy government. Two bills! The ministers and government members are so busy that we might get through two bills this week, but I would say that that is a record, because there were sitting weeks last year where we only got through one bill. Those opposite are doubling the work capacity and doubling the debates in the parliament by one to two, so congratulations on that!

The Attorney-General and Leader of the House wants to talk about achievements of the last year and says that there have been 58 per cent non-government members speaking and 40 per cent government members speaking. If she did the statistics for the last 20 or 30 years, she would find that there were probably 80 per cent more speeches than there were last year because our members are being gagged. They are being gagged and they are being cut off. Not only are they being gagged; they

are being cut off midsentence. Who could ever forget the tourism minister jumping up and cutting off the member for Coomera midspeech just because she did not like what she was hearing? That is the new operative of the government: 'We don't like what we're hearing so we'll shut you down, and if we don't shut you down midspeech we'll ensure that there's not sufficient time.'

I turned up to the Business Committee meeting yesterday and it is like déjà vu in a revolving door. Although I did not have the courtesy of a message to let me know what was going to be decided yesterday at that meeting, I assumed that the government would come in and tell us and the crossbench what the government intended to do and seek our advice in a bipartisan way and then, having received that advice—which I have never given, other than to say that we want more time on everything—

Honourable members interjected.

Mr BLEIJIE: I did say hello. I was very cordial.

Mr DEPUTY SPEAKER (Mr Stewart): Order! Direct your comments through the chair, please.

Mr BLEIJIE: The Leader of the House stands here and says, 'We want to work in a cooperative manner with everyone in the chamber,' but the sad reality is that, when past governments of all political persuasions guillotined a debate, there was huge media scrutiny about that gagged debate. This government does not want to have that scrutiny. It is silencing members.

In the terms of past governments, whether it was two o'clock in the morning or four o'clock in the morning—whenever it was—there was always scrutiny from outside this chamber about governments gagging debates. Yet this government gets away with it by guillotining debates at the start of every week and shutting down members by saying, 'There is going to be only 5½ hours for debates on bills.' Yesterday in the bills committee meeting the time limit was six hours. Now it is 5½ hours. The members opposite cannot get the time limit right from the bills committee meeting to the moving of this motion. That is how fluid this process is. It changes all the time. The reality is that the government is ramming through its agenda—albeit not a very big agenda—because only two bills are going to be debated.


There are important issues that all members from throughout Queensland need to deal with in parliament. It is not acceptable for the Leader of the House to say, 'Fifty-eight per cent of non-government members spoke in the debates.' A lot of members did not get to speak in the debates. The member for Currumbin has raised with me the fact that her name has continually been cut from the speaking list. The list of speakers to a bill would be prepared, the names of all the members on this side of the House would be on that list and half, or less than half, of those members would get to speak to a bill. That is what happens when the government guillotines debate.

Mr Ryan interjected.

Mr BLEIJIE: The Minister for Police is interjecting over there. He does not understand that guillotining a debate at the end of the debate or at the start of the debate is the same thing. There is no accountability, no transparency. The minister was elected in 2009 and then, in 2012, had a short holiday. The last time he was in government, his party guillotined debates in the early hours of the morning, but we have this new team of Labor members who are so lazy that they cannot work past 7.30 at night. These Labor ministers cannot stay up. They cannot debate bills. They do not want the scrutiny.

From the Premier's performance this morning, it is clear that, other than natural disasters, she does not get briefed on anything. The Premier did not know about Crime Stoppers. She did not know about her own employee sending text messages about Robert John Fardon. She is clueless. We need to debate such issues, but we do not have the opportunity to debate them because this government is arrogant and gags the members of this chamber.

(Time expired)


 **Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (11.32 am): It is great to be back debating a motion about parliamentary business. As the Leader of the House outlined, this new process for managing parliamentary business is working. It is delivering ample opportunity for the opposition members to stand up in this place and raise concerns on behalf of their communities.

I enjoyed my regular catch-up with the member for Kawana at the parliamentary Business Committee meeting. The member for Kawana commenced his speech by saying that, at the start of this year, the opposition members find themselves in the exact same place as they found themselves at the end of last year. That is correct: on the opposition benches. They should get used to being there. During question time I heard some mumbling about a plan B. If any member opposite has a plan B, now is the time to use it, because plan A is not working out very well at all.

Last year, every time we had this debate the member for Kawana would stand up and say that we were rushing through the House too many bills and that the opposition members were not getting enough time to speak to them. Today, he is complaining that there are not enough bills to debate and there is too much time to speak to them. He cannot have it both ways. As the Leader of the House has outlined, this sitting week we will debate two very important bills. We will commit time in which to debate those bills so that members have an opportunity to contribute to the debate on them.

Again, at the meeting the member for Kawana failed to represent his side in any meaningful way. He had no idea how many members of the opposition wanted to speak to either of these bills. He did not say, 'Actually, we're more interested in one or the other. We have a long list of speakers to one.' There was no contribution from him at all at the meeting. Once again, he just sat and sulked.

The Attorney-General outlined how, in consideration of the challenges facing the community represented by the member for Traeger, the government had agreed to alter the business schedule to allow him to be absent this week and to deal with matters that he had raised on his return at the next sitting. That demonstrates how at least the crossbench is working with us on the important process of managing the business of the House. I acknowledge again the contribution of the member for Noosa in representing the crossbenches in that discussion. I look forward to a very productive week in this House.

 **Mr MANDER** (Everton—LNP) (Deputy Leader of the Opposition) (11.35 am): This government will go down in history as the government that has gone to the greatest lengths to avoid scrutiny. There is no greater example of that than the fact that tomorrow it will be three months since we have sat in this parliament. Despite the fact that there were many issues that needed to be looked at, in order to avoid scrutiny this government scrapped the parliamentary sitting week in December.

Every parliamentary sitting week we see the undermining of the principles of Westminster government, one of which is the opposition's role to keep the government accountable. We expect to have every opportunity to keep this government accountable so that it will make better decisions. There is no greater example of that than this morning when the health minister announced extra funding at the children's hospital. The only reason for that is the pressure from the opposition highlighting the fact that we had children receiving cancer treatment in the kitchenette of the Lady Cilento children's hospital. That is why each week we come in here to argue passionately our case to keep this government accountable. A good opposition will make sure that such an announcement, which was made this morning, will be made.

We also had the example of mental health patients being treated in the corridors of Logan Hospital. What happened? A week later, because of pressure from the opposition, because this opposition is keeping this government accountable, the embattled health minister made a late announcement about that hospital. At the moment, our Queensland hospitals are crying out for help. Just last week a senior doctor at Redlands Hospital was crying out for help, saying, 'Nobody is listening. We are bursting at the seams. We have ambulance stretchers at the doors queuing up waiting to come in and we have a government that continues to ignore what is happening in our hospitals.' Meanwhile, during the period that we have not had parliamentary sittings, this government went through with its commitment to change the name of the Lady Cilento children's hospital and wasted \$500,000 on doing that.

The services in this state are in crisis. There can be no better example of that than our services in our hospital system, which account for about 30 per cent of the budget—an incredible amount of expenditure. It is important that the opposition members get every opportunity to raise such issues. The Leader of the House expects us to be grateful and thankful that we are going to get an opportunity to ask questions of the minister at the end of a debate. I thank the Attorney-General for the great privilege of being able to ask questions of the minister. I totally agree with my colleague the leader of opposition business. The Attorney-General quotes figures. The next time she does that I will ask her to use another KPI. We already know how many speeches were made by opposition members and government members. Another KPI should be how many debates were gagged. How many members whose names were on the speaking list did not get the opportunity to be involved in a debate?

Ms Simpson: It is unprecedented!

Mr MANDER: I will take that interjection from the member for Maroochydore. It is unprecedented. It has never been done before in any Queensland parliament. It is making this parliament a mockery. It is making this parliament a joke. The opposition cannot ask the questions that it wants to. The time that is needed cannot be spent in the summing-up where the minister goes through those consideration in detail issues. It is simply not good enough. Every sitting day we will debate this issue until the situation changes.

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

AYES, 50:

ALP, 47—Bailey, Boyd, Brown, Butcher, Crawford, D'Ath, de Brenni, Dick, Enoch, Farmer, Fentiman, Furner, Gilbert, Grace, Harper, Healy, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lui, Lynham, Madden, McMahon, McMillan, Mellish, Miles, Miller, Mullen, B. O'Rourke, C. O'Rourke, Palaszczuk, Pease, Pegg, Power, Pugh, Richards, Russo, Ryan, Saunders, Scanlon, Stewart, Trad, Whiting.

Grn, 1—Berkman.

PHON, 1—Andrew.

Ind, 1—Bolton.

NOES, 37:

LNP, 37—Bates, Batt, Bennett, Bleijie, Boothman, Boyce, Crandon, Crisafulli, Frecklington, Hart, Hunt, Janetzki, Krause, Langbroek, Last, Leahy, Lister, Mander, McArdle, McDonald, Millar, Minnikin, Molhoek, Nicholls, O'Connor, Perrett, Powell, Purdie, Robinson, Rowan, Simpson, Sorensen, Stevens, Stuckey, Watts, Weir, Wilson.

Resolved in the affirmative.

CRIMINAL CODE AND OTHER LEGISLATION AMENDMENT BILL

Introduction



Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice) (11.45 am): I present a bill for an act to amend the Criminal Code, the Evidence Act 1977 and the Penalties and Sentences Act 1992 for particular purposes. I table the bill and explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Criminal Code and Other Legislation Amendment Bill 2019 [\[113\]](#).

Tabled paper: Criminal Code and Other Legislation Amendment Bill 2019, explanatory notes [\[114\]](#).

I am pleased to introduce the Criminal Code and Other Legislation Amendment Bill 2019. In doing so I acknowledge Hemi Goodwin-Burke's parents, Shane and Kerri-Ann, and Hemi's grandmother in the gallery and also Tiahleigh Palmer's mother, Cindy, and her aunt who are here today.

Under this legislation, killers whose callous disregard for their victims leads to their death will, if convicted, face life in jail. These are the people who are escaping murder convictions because intent is inherently difficult to prove in these types of cases. This bill will expand the definition of murder to include the unlawful killing of another if the death is caused by an act or omission with reckless indifference to human life.

The Palaszczuk government wants justice to be done: justice for the victims and justice for those left behind, their families and friends. We want to see strong sentences imposed when people take the lives of our most vulnerable—our children, our elderly and the disabled. The community must have confidence that this state has a criminal justice system that is robust in its protection of the most vulnerable members of our community. Some of the most vulnerable members of our community are, of course, our children. Every child has the right to be safe and live in a home free from violence. Every adult needs to remember that being a parent and a carer is not a right; it is a responsibility.

The Palaszczuk government recognises there is significant public concern about whether sentencing for criminal offences involving the death of a child is meeting the community's expectations. These deaths result in a deep sense of sadness for the death of a vulnerable child and a desire to ensure those responsible are held to account. That is why I requested that the Queensland Sentencing Advisory Council, QSAC, review the adequacy of penalties imposed on sentence for criminal offences arising from the death of a child. QSAC is an independent body with members from a diverse range of backgrounds and with a wide range of experience. Their role is to inform the community about sentencing in Queensland through research and education, to engage with Queenslanders to gather their views on sentencing and advise on sentencing matters. QSAC plays an important role in ensuring our sentencing laws are up-to-date and meet community expectations. QSAC's year-long review involving extensive consultation and research culminated in a thorough evidence based report, *Sentencing for criminal offences arising from the death of a child: final report* released on 21 November last year. The report makes eight recommendations and presents four areas of advice to improve sentencing practices and community understanding in relation to sentencing for child homicide.

As QSAC acknowledged, while the number of deaths due to child homicide in Queensland is small, these deaths are nevertheless felt deeply by the community. These children who have lost their lives as a result of homicide are not just a number or statistic; they represent a child lost and a young

life cut far too short. I thank QSAC for undertaking this significant and important body of work. I would also like to acknowledge the invaluable contributions of all who made submissions and contributed to the review, particularly those families bereaved by child homicide who shared their knowledge and experience with QSAC. While this involvement with the review was no doubt extremely difficult at times, it has been critical and ensures the human impact of these offences was not forgotten in QSAC's deliberations.

The focus of QSAC's review was on sentencing for the offence of manslaughter. QSAC's work highlighted that manslaughter offences occur in a diverse range of circumstances. A number of features of these cases make them particularly challenging to investigate and prosecute, including that they usually occur in private with no or very few witnesses and due to the physical vulnerability of young children it is often difficult to establish what injury or injuries were the substantial cause of the child's death, when these injuries occurred and who was responsible for inflicting them. The same features also make these cases among the most challenging from a sentencing perspective.

Ultimately, QSAC found that the system is not working when it comes to manslaughter sentences for children. The average custodial sentence for child manslaughter in Queensland is 6.8 years compared to 8.5 years for manslaughter of an adult. QSAC found that penalties imposed on sentence for manslaughter offences committed against children under 12 years, in particular those offences involving the direct use of violence, do not adequately reflect the unique and significant vulnerabilities of child victims. The Palaszczuk government will implement all recommendations in QSAC's report as well as expanding the definition of murder.

The bill contains amendments to amend the Penalties and Sentences Act 1992, the PSA, to provide that, in sentencing an offender convicted of the manslaughter of a child under 12 years, the court must treat the child's defencelessness and vulnerability, having regard to the child's age, as an aggravating factor. After considering a range of possible options, QSAC considered this to be the best approach. The aggravating factor will serve two primary purposes. It will:

- support the courts' treatment of these offences as more serious and therefore deserving of more severe punishment; and
- meet the sentencing purposes of deterrence and denunciation to send a clear message to the community that violence of any kind against children is wrong and will not be tolerated.

The new statutory aggravating factor in section 9 of the PSA inserted by the bill will apply to any sentence post commencement and is not intended to restrict the ability of courts to take into account other factors, including those applying when sentencing for offences involving violence. This reform has the advantage of applying not just to the setting of the non-parole period but also to the setting of the head sentence—that is, the total period of imprisonment imposed.

QSAC's report considers alternative approaches, including the stand-alone and specific offence of child manslaughter in Victoria, which carries a maximum penalty of 20 years imprisonment. However, research showed that since its introduction in 2008 only three people have been sentenced for this offence. Rather, the sentences imposed range from nine to 9½ years imprisonment. The evidence suggests that the implementation of a specific child manslaughter offence would do very little to increase penalties and satisfy community expectations. The report also addresses the unintended consequences of mandatory sentencing, particularly in respect of child manslaughter cases that occur in a diverse range of circumstances.

The report used the case of a father who abused both his child and the child's mother as one example of two people who were both jailed for manslaughter but whose actions were very, very different. The child's life ended before she was even two months old because her father broke four of her ribs, fractured her arm and caused skull fractures so severe that she received brain damage. The mother tried to seek medical treatment for the child, but her abusive partner actively discouraged her from calling an ambulance after he fatally injured their baby. Over a seven- to 10-day period, he tried to manipulate her so that she would not seek help, but she did. Unfortunately, when she took her child to the hospital it was too late. The child was not able to be saved. In that case, the mother did not physically harm her child. She was a mother who was subjected to domestic violence at the hands of a man whose direct actions killed their child.

To take another example from the report, a father forgot his nine-month-old child was in the back of his car and left her unattended for a number of hours. Tragically, the child died of dehydration. The father was greatly and understandably distressed when he realised what had happened. With respect to the two examples I have outlined to the House, all three parents appeared before the court and entered pleas of guilty to manslaughter. The cases against each of them were all very different and their levels of criminality were all very different. A fair-minded person could not reasonably argue all three should be sentenced to a mandatory minimum penalty of 15 years imprisonment.

The mother who pleaded guilty to manslaughter on the basis that she did not obtain medical assistance for her child quickly enough, in a domestic and family violence context, would be sentenced potentially to 15 years jail under the LNP's proposed mandatory regime for manslaughter, the same as her partner who violently assaulted their child and showed a callous disregard for their child's needs. Any proposal to apply minimum mandatory sentencing would see the father who tragically forgot about his child in the back seat of his car also receive a mandatory 15-year jail sentence. These examples demonstrate the unacceptable injustice that would follow if this parliament were to legislate for a minimum mandatory sentence for manslaughter.

Seeking to legislate a specific offence of child manslaughter with a mandatory sentence is a simplistic approach to what is a very complex sentencing matter. It is disappointing that the opposition released their policy prior to the release of QSAC's report, underscoring the fact that their policy is not compatible with QSAC's evidenced based findings. QSAC is best placed to provide recommendations in this area as an independent body comprised of legal representatives and community advocates with extensive experience in victims of crime and in conducting prosecutions.

As I have stated previously, many unlawful child killings in Queensland result in an offender being convicted of manslaughter rather than murder for a range of reasons, including difficulty in establishing intent even where the death is due to physical abuse. This present definition of murder was frequently raised with QSAC throughout its review.

The decision to include recklessness as to death in the definition of murder was the result of thorough consideration this government undertook via QSAC into how we can better protect our most vulnerable Queenslanders. It reflects that intention and foresight of probable consequences are morally equivalent—that is, a person who acts recklessly knowing that death is probable and with callous disregard is just as culpable as the person who intends to kill another person.

These amendments will provide police and prosecutors in the future with broader scope to charge killers with murder in circumstances where a child killer shows callous disregard causing a death. If convicted, such offenders will face mandatory life imprisonment or an indefinite sentence and will not be eligible to apply for parole for at least 20 years.

Including an element of recklessness in the definition of murder will bring Queensland into line with other Australian jurisdictions. In New South Wales, reckless indifference to human life is included in the offence of murder. The Australian Capital Territory and Tasmania also include recklessness as a basis for establishing murder under statute, and reckless murder exists under the common law in Victoria and South Australia.

The expansion is not designed to capture tragic accidents, such as a parent or guardian backing out of their driveway and tragically hitting their child or a parent who forgets to secure the pool fence and a child drowns. The expansion is not designed to capture conduct that today would not result in a manslaughter prosecution. Ultimately, what charge is preferred will be a matter for the prosecution and the verdict is a matter entirely for a jury. Consistent with existing laws and common law principles, the expanded definition will operate prospectively and apply to offences committed after commencement.

The bill amends section 324 of the Criminal Code to increase the maximum penalty for the offence of failure to supply necessities from three years imprisonment to seven years imprisonment. This offence may be charged when a child is injured but not killed or charged alongside murder or manslaughter if the facts warrant it. Further work undertaken since QSAC's report was released has highlighted the need to bring the maximum penalty for this offence into line with other jurisdictions and the maximum penalties applying to other similar serious offences in the Criminal Code, including cruelty to children. The increased maximum penalty will more appropriately reflect the community's condemnation of such offending.

The bill contains a number of necessary consequential amendments arising from the increase of the maximum penalty in section 324 of the Criminal Code, including listing the offence as a serious violent offence in schedule 1 of the PSA and in the definition of protected witness under section 21M of the Evidence Act 1977 to prevent an accused person from cross-examining a victim in person.

Another key area highlighted during QSAC's review was the need to ensure effective system responses to child homicide. I am pleased to advise members that work has also commenced on QSAC's non-legislative recommendations in this area to ensure, as far as possible, that the justice system is responsive to the needs and expectations of bereaved family members. The reforms in the bill presented to the House today and the associated work underway to implement QSAC's recommendations are another important step forward in ensuring perpetrators are held to account and to deliver an improved justice system for victims and their families.

Keeping communities safe is a key objective of the Palaszczuk government. We have a demonstrated track record through the investment of significant funding to reform the child and family support services that assist parents and families. We have strengthened the child protection and foster care systems to keep young, vulnerable Queenslanders safe from abuse and neglect. We are making wide-ranging reforms to improve the blue card system and implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Palaszczuk government also acted to strengthen the laws applying to child sex offenders.

Great progress is being made in our fight to protect children, but there is more work to be done. Everyone has an important role to play in protecting our most valuable asset—our children. These reforms will mean that, should someone abuse a position of trust they have in relation to a vulnerable person, demonstrate a callous disregard through the refusal to obtain medical treatment, inflict prolonged mental and physical suffering through persistent violence and that vulnerable person dies as a result of a reckless indifference to human life, the offender can expect to be charged with murder and if convicted will be sentenced to life imprisonment.

I strongly encourage members on all sides to take a bipartisan approach on these important issues and deliver the reforms in this bill which are based on the comprehensive and independent evidence presented by QSAC. In conclusion, once again I thank QSAC for its extensive and informative body of work. I also take this opportunity to acknowledge and thank all of the stakeholders for the time and resources they have generously continued to provide during consultation in development of the bill.

I also thank the family members who have advocated long and hard for changes to our law to ensure that sentencing adequately reflects community expectations and to work harder to provide support to victims' family members when they go through these most difficult times, and particularly while they are in the justice system. I commend the bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice) (12.02 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 Legal Affairs and Community Safety Committee

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

EDUCATION (QUEENSLAND COLLEGE OF TEACHERS) AMENDMENT BILL

Introduction

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (12.03 pm): I present a bill for an act to amend the Education (Queensland College of Teachers) Act 2005 and the Education (Queensland College of Teachers) Regulation 2016 for particular purposes. I table the bill and the explanatory notes. I nominate the Education, Employment and Small Business Committee to consider the bill.

Tabled paper: Education (Queensland College of Teachers) Amendment Bill 2019 [115].

Tabled paper: Education (Queensland College of Teachers) Amendment Bill 2019, explanatory notes [116].

Today I am pleased to introduce the Education (Queensland College of Teachers) Amendment Bill 2019 into the House. We know that education has the power to transform lives. That is why in 2015 the Palaszczuk government made a commitment to transform and modernise the teaching profession under the Letting Teachers Teach initiative. This commitment was to establish two new classifications called highly accomplished teacher and lead teacher, aligned to the Australian Professional Standards for Teachers, the professional standards.

The introduction of this bill today is another example of this government delivering on its commitments. The Palaszczuk government is committed to delivering a world-class education for all Queensland children. We know that Queensland teachers are empowering minds, creating

opportunities and supporting student development each and every day. Excellent teachers who feel valued and motivated are essential to our world-class education system in Queensland. To retain our excellent teachers, it is crucial there is an effective and efficient framework that identifies expert teachers and gives them the appropriate career opportunities without them having to leave the classroom.

This bill is not just about teachers; it also goes to the heart of maintaining a high standard of education in this state. The Palaszczuk government is focused on providing all Queensland children with a great start. We know that the education system we have today will shape the future of our state.

The Education (Queensland College of Teachers) Amendment Bill 2019 amends the Education (Queensland College of Teachers) Act 2005 to create a nationally recognised certification framework for Queensland that recognises high-quality teachers and encourages them to continue their role in the classroom as a teacher; enable the Queensland College of Teachers to perform the role of a certifying authority within the framework for the certification of highly accomplished teachers and lead teachers; and provide for an effective, transparent certification process with decisions subject to appropriate review.

Until recently, the structure of the teaching profession has often required teachers to choose between staying in the classroom or moving into administrative and school leader positions to further their careers. While we are happy when excellent teachers become excellent principals and school leaders, it should not be their only choice.

The primary purpose of the initiative is to allow high-quality state school teachers to be recognised for their work within the classroom and create a pathway to retain this expertise in the classroom. The need for common professional teaching standards across Australia is recognised by the Commonwealth and other state governments. The Australian Institute for Teaching and School Leadership, AITSL, was established on 1 January 2010 following a Commonwealth review of teaching in Australia and by a decision made in 2009 by the then ministerial council for education, early childhood development and youth affairs.

AITSL provides national leadership for the Commonwealth, state and territories government by promoting excellence in the profession of teaching and school leadership. In December 2010 Commonwealth, state and territory education ministers endorsed the Australian Professional Standards for Teachers developed by AITSL which provides a framework for the teaching profession. The framework is organised into four career stages, commencing at graduate, progressing to proficient which is required for full registration, followed by aspirational and voluntary stages of highly accomplished teacher and lead teacher. The professional standards have been recognised in the QCT act since 2012. The college is Queensland's teacher registration authority and in making registration decisions it assesses beginning teachers against the professional standards graduate requirements.

However, the QCT act does not provide for the college to certify expert teachers at the highly accomplished and lead teacher career stages. These are aspirational and volunteer career stages. They provide a step teachers can take should they choose to have their expertise recognised against the highly accomplished or lead teacher standards of the Australian Professional Standards for Teachers. This rigorous process will lead to new levels of remuneration.

Certification is not required for, nor has any bearing on, an individual teacher's registration. Under AITSL's guide to the certification of highly accomplished and lead teachers in Australia, certification has three primary purposes: to recognise and promote quality teaching; to provide an opportunity for teachers to reflect on their practice; and to provide a reliable indication of quality teaching that can be used to identify, recognise and/or reward highly accomplished and lead certified teachers.

As part of the framework, a certifying authority is responsible for administering the national certification process in that jurisdiction. Its role includes assessing and granting certification of teachers at highly accomplished and lead teacher career stages against the professional standards as a common national reference; conducting assessor training programs for assessors and jurisdictional officers; maintaining records of teachers who have applied for certification, and those who are certified and at which career stage; participating in quality assurance and review processes to support national consistency; and reporting to AITSL on implementation of the nationally consistent processes for certification.

In accordance with its commitment to ensuring quality education in Queensland, the government committed in 2015 to developing and implementing the highly accomplished and lead teacher career stages by 2019. The department of education worked in consultation with stakeholders and the college

to design and deliver a pilot of the certification process, which concluded in 2018. The college performed the role of certifying authority for the pilot under its existing legislative framework. However, this current legislative authority is not sufficient for an ongoing role as a certifying authority.

The college is an appropriate and viable body to act as an ongoing certifying authority. It is an existing independent external statutory body, which already has the function of approving registration of all Queensland teachers at the first two career levels of the professional standards. The college has gained experience from the pilot in undertaking the certification process and has established procedures and capabilities that allow it to continue to perform the certifying role on an ongoing basis. There is support from stakeholders for the college to perform this role.

In order to transition the college to the role of an ongoing certifying authority for highly accomplished and lead teachers, amendments are required to the QCT act to provide the college the function of a certifying authority, as well as providing for the associated application and decision-making processes, payment of fees and review processes. Accordingly, the bill amends the QCT act to prescribe new functions for the college to perform the role of a certifying authority in accordance with the professional standards, including being able to engage and deliver training to other entities to support the college to undertake the role; enable fully registered teachers who are employed in a prescribed school to be able to apply to the college for certification and renewal of certification at highly accomplished and lead teacher career stages; provide for fees to be paid to the college to help meet the cost of the provision of the certification services; allow the college to maintain a record of certified teachers; and provide for an internal review process for the college's decisions, with external review by the Queensland Civil and Administrative Tribunal.

The bill provides that a fully registered teacher who is an Australian resident or permanent resident, and employed by an employing authority for a school that is prescribed in a regulation, may apply to the college for certification and renewal of certification. An application for certification will be made to the college in an approved form. The approved form may require additional information and documents to be provided with the form to support the teacher's application for certification or renewal of certification.

The bill amends the Education (Queensland College of Teachers) Regulation 2016 to prescribe state schools and Catholic schools represented by the Queensland Catholic Education Commission as the employing authorities of teachers who may apply to the college for certification. The bill does not prevent other certifying authorities operating in Queensland. Therefore, Independent Schools Queensland, which is currently an AITSL recognised certifying authority, will continue to certify teachers from its member schools as highly accomplished or lead teachers.

The bill sets out a two-stage assessment process for certification. The bill also amends the regulation to prescribe the application fees. In line with the two-stage assessment process, the \$1,500 certification fee will be paid in stages: \$850 is paid by applicants for stage 1; and teachers successful at stage 1 will pay \$650 for stage 2. The bill also enables a regulation to prescribe particular processes should it be deemed necessary during implementation.

The bill provides for a high-level framework without prescribing processes in detail. This ensures flexibility in the way certification is administered over time to allow the college to be able to adapt to changes in national certification processes without needing significant legislative change. Consequently, elements of the certification process will not be prescribed such as the appointment of assessors, the procedures relating to assessment and the documentation required to be provided by applicants. These processes and procedures will be undertaken in accordance with the professional standards and guide to certification, which are available on the AITSL website.

It is important to note that whether a Queensland school employing authority recognises highly accomplished and lead teacher certification and how it affects matters such as remuneration and working conditions will be a decision for each employing authority and is not impacted by the bill. The bill ensures Queensland teachers have new career levels to which they can aspire while retaining the current registration system. I commend the bill to the House.

First Reading

Hon. G GRACE (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (12.15 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 Education, Employment and Small Business Committee

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

**CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES)
AMENDMENT BILL**

Resumed from 22 August 2018 (see p. 1969).

Second Reading

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (12.16 pm): I move—

That the bill be now read a second time.

The Palaszczuk government is committed to the safety of Queenslanders across the state. We have shown that earlier today with the introduction of the Criminal Code and Other Legislation Amendment Bill 2019. Now we will debate the Palaszczuk government's Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018, introduced to parliament in 2018.

Parliament referred the bill to the Legal Affairs and Community Safety Committee for consideration and requested the committee to report on the bill. The committee tabled its report on 5 October 2018 and made just one recommendation—that the Criminal Law (Non-consensual Sharing of Intimate Images) Amendment Bill 2018 be passed.

I thank the Committee for its consideration of the bill and for its careful consideration of the public submissions received. I would also like to thank those who made submissions to the committee, many of whom work tirelessly to support victims who have had their intimate images shared without consent, often within coercive and controlling relationships or as an act of domestic violence.

The bill before the House delivers on an election commitment of this government to create new offences related to the non-consensual sharing of intimate images or threatening to share intimate images without consent. The new offences contained in the bill will send a clear message that sharing or threatening to share an intimate image without consent is unacceptable, illegal and punishable by up to three years in prison.

The colloquial label 'revenge porn' is often attached to this behaviour—a label that brings to mind the non-consensual uploading of nude images to the internet by ex-partners for the purpose of revenge. The term 'revenge porn' is problematic because it labels the images themselves as pornographic, regardless of the nature of the image, which may not be made for the purpose of sexual gratification. Some would also argue that the term 'revenge' implies wrongdoing on behalf of the victim which may reinforce victim-blaming attitudes.

We do not use the term 'revenge porn' in the bill and we know this conduct is so much more. The government recognises that the non-consensual sharing of intimate images covers a broad range of conduct, relationships, motivations and modes of distribution. In some cases it may be a form of sexual abuse, image based abuse or technology facilitated abuse. In some cases it can occur as an act of domestic violence.

The non-consensual distribution of intimate images can amount to a fundamental breach of a victim's autonomy, trust, sexual integrity and privacy. However, perpetrators of this type of abuse are not always malicious. Intimate images can be shared non-consensually for the amusement of both the distributor and their audience, but this comes with callous disregard for the impact on the person depicted. The distribution can be humiliating and distressing for those depicted, regardless of how an image was created or obtained or the motivation for sharing an image.

In developing this bill we have been conscious that threats to distribute intimate images can also cause enormous anxiety and in some instances can be used to control or coerce the threatened person. This government is committed to preventing these types of behaviours, which have continued to increase with the evolution of modern technology and social media. This bill will ensure Queensland has comprehensive criminal laws in this area that are intended to cover the use of new and emerging technology to facilitate abuse.

The bill contains a new offence of distributing intimate images without consent, as well as two new offences of making threats to distribute intimate images or prohibited visual recordings. The offence will extend to threats to distribute intimate images without consent even in circumstances where the material may not exist, recognising the distress that such a threat can cause.

In recognition that the removal of an intimate image from online sources or mobile phones is a significant concern for victims, the bill provides that sentencing courts will be able to direct offenders to take reasonable action to remove or delete intimate images or prohibited visual recordings. What will amount to reasonable action will be a matter for the court to determine in the particular circumstances of each case.

The government is aware that responding to these issues requires a multifaceted approach. In addition to strong criminal laws, we are working across government to deliver education and awareness-raising initiatives directed at the non-consensual sharing of intimate images. We will work together to ensure that training and education materials are updated in order to inform Queenslanders about the new laws and to spread the message that sharing, or threatening to share, intimate images without consent is a crime. I will also be writing to the Commonwealth's eSafety Commissioner to ensure that Queensland's new laws are reflected accurately in their resources.

The Legal Affairs and Community Safety Committee considered that it would be beneficial for the new laws to be reviewed three years after they commence operation to ascertain whether they are operating as intended in light of continuing technological advances. I note this comment and thank the committee for its concern. Changing technology is an issue under ongoing consideration for the operation of criminal laws in Queensland more broadly, not just offences in this bill. Agencies involved in the criminal justice system will monitor the operation of the offences over time and will consider whether new technologies impact on the effectiveness of the bill.

I want to assure members of this House that the bill has been drafted with the future in mind. The broad definition of 'intimate image' is intended to apply to the use of digital technologies to facilitate intimate image abuse including deepfakes or pornography created with artificial intelligence that depicts a person in a sexual way.

The committee expressed some concern that the bill did not apply to the sharing of private contact details for the purposes of fake sex advertisements. I am aware of instances where individuals have advertised an ex-partner's contact details and advertised that they were available for sex without their knowledge or consent. The committee suggested that further consideration should be given to ways to combat this sort of conduct. I am sure all members would agree that this kind of behaviour is abhorrent and not condoned.

I would like to assure parliament that there are a number of existing offences both in the Queensland Criminal Code and the Commonwealth Criminal Code that may apply if a person posts information about another on the internet encouraging sexual contact from others and providing contact information, depending on the specific circumstances of the case. For example, under section 474.17 of the Commonwealth Criminal Code it is an offence to use a carriage service including the internet to menace, harass or cause offence. This offence applies if a person uses a carriage service in a way that reasonable persons would regard as being in all the circumstances menacing, harassing or offensive and carries a maximum penalty of three years imprisonment. In addition, under chapter 33A of the Criminal Code it is an offence to stalk another, punishable by a maximum penalty of five years imprisonment.

The laws contained in this bill are specifically targeted at the recognised prevalence of the non-consensual sharing of intimate images to fill an identified gap in existing criminal offences. I note the concerns expressed in some submissions to the committee regarding the operation of consent in the bill, particularly in regard to the defence of mistake of fact in section 24 of the Criminal Code. Section 24 of the Criminal Code provides that a person is not criminally responsible if they did something based upon an honest and reasonable but mistaken belief in the existence of any state of things. This excuse may be raised in any criminal prosecution except where the operation of this rule is excluded by the express or implied provision of the law.

Broader issues raised by some stakeholders about whether the section 24 excuse of mistaken belief should be available in situations of consent and sexual offending, and sexual violence more broadly, are outside the scope of this bill. However, I note that the New South Wales Law Reform Commission is undertaking a review on consent in relation to sexual assault offences, and the government will of course monitor developments in New South Wales and consider any finding of the New South Wales Law Reform Commission that may have relevance to Queensland.

I will now further outline the bill's significant reforms. The bill creates a new offence that prohibits distribution of an intimate image of another person without that person's consent with a maximum penalty of three years imprisonment. Distribution must happen in a way that would cause the person in the image distress reasonably arising in all the circumstances. Importantly, 'distribution' can include the

redistribution of an image without consent, even if it was originally shared prior to the laws coming into force. It will be necessary neither to prove that an offender intended to cause distress nor to prove that the person depicted in the image actually suffered distress. Rather, it will have to be proved beyond reasonable doubt that the distribution would reasonably cause distress in all the circumstances.

This objective test applies to standards of the common person to the consideration of harm in the actual circumstances of each case. The court may consider any relevant circumstance when determining if the distribution of an intimate image would reasonably cause distress. It is intended that distress will require a lower threshold of harm than that required by the offence of unlawful stalking. The distress element limits the scope of the new offences in order to ensure that conduct that should not be criminalised is not unintentionally captured. For example, an image of a streaker would not normally cause that person distress and would therefore not be covered.

The bill defines consent for the purpose of the new offence to confirm that consent must be free and voluntary and given by a person with cognitive capacity to consent. A child under 16 years of age will not be able to consent to the distribution of an intimate image under the bill. This recognises the greater vulnerability of our children. The bill includes defences that allow for the distribution of images for law enforcement purposes or for a genuine artistic, educational, legal, medical, scientific or public benefit purpose.

'Intimate image' is defined and captures moving or still images of an intimate sexual activity not ordinarily done in public; of a person's genital or anal region when bare or covered only by underwear; and of bare female breasts. The definition of intimate images explicitly provides for images depicting the bare breasts of a person who is female or a transgender or an intersex person who identifies as female. It is important that the provisions are robust in the face of technology, and the definition ensures that images altered to appear to show any of the things mentioned in the definition of intimate images or images of these things that have been digitally obscured but still depict the person in a sexual way are also included. There is no requirement in the definition or elsewhere in the new offences for an intimate image to be made in a private place or in circumstances in which a person had a reasonable expectation of privacy.


Threats to distribute intimate images or prohibited visual recordings without the consent of the person depicted in the image or recording are prohibited by two new offences. Each of the new offences will carry a maximum penalty of three years imprisonment. One new threat offence applies to threats directed at the person depicted in the intimate image or prohibited visual recording. The other new offence applies to threats made to distribute an intimate image or prohibited visual recording of another person such as an ex-partner threatening a person's new partner to distribute an intimate image of them. The threatened distribution for either offence must be without the consent of the person depicted and done in a way that would cause distress—either to the person depicted or the person who was subject of the threat—reasonably arising in the circumstances. Each offence requires the threat to be made in a way that would cause the person threatened fear, reasonably arising in the circumstances, that the threat would be carried out. Consistent with the new distribution offence, consent to share an intimate image cannot be given by a child under 16 years of age.

Amendments in the bill provide new powers to a sentencing court to direct a person to take reasonable action to remove, retract, recover, delete or destroy an intimate image or prohibited visual recording upon conviction of the new offences in the bill or the existing offences under sections 227A, 'Observations or recordings in breach of privacy', and 227B, 'Distributing a prohibited visual recording', of the Criminal Code. The question of what will amount to reasonable action will be a matter for the court to determine in the particular circumstances of each case. This may require consideration of the nature of the distribution that has occurred in a particular case. Failing to comply with an order to take reasonable action regarding an intimate image will be an offence punishable by a maximum penalty of two years imprisonment.

The bill increases the maximum penalty for the existing offences in section 227A, 'Observations or recordings in breach of privacy', and 227B, 'Distributing a prohibited visual recording', of the Criminal Code from two years to three years imprisonment. This government is not concerned with the sharing of intimate images between consenting adults. What we are concerned with, and will tackle with the aid of this bill, is the devastating invasion of privacy resulting from the non-consensual distribution of intimate images, and this is happening all too often with our young children in our schools. We want offenders to know that this conduct is a crime. We want bystanders to know that what offenders are doing is unacceptable. Finally, we want victims to know that it is safe to come forward, that they will not be blamed or shamed and that they will be supported by the new laws contained in this bill when they do so.

The introduction of the new offences in this bill will ensure that people who engage in this harmful conduct can be held properly accountable and reflects the community's condemnation of such hurtful and blatant interferences with personal privacy. I commend the bill to the House.

Mr DEPUTY SPEAKER (Mr Stevens): Before I call the member for Toowoomba South, there are several conversations going on in the House that are impeding the enjoyment of those speeches by other members. If you want to have conversations, please remove yourself from the House.

 **Mr JANETZKI** (Toowoomba South—LNP) (12.32 pm): I rise to address the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill introduced by the Attorney-General on 22 August 2018. The objective of the bill is to create a new offence related to the non-consensual sharing of intimate images that would apply to sending or threatening to send intimate material without the person's consent. The bill specifically amends the Criminal Code to introduce new offences and provide new powers to the court targeting the non-consensual distribution of intimate images.

The Legal Affairs and Community Safety Committee tabled its report on 5 October 2018 recommending that the bill be passed. From the outset I confirm that the LNP will not be opposing this bill, although I will raise concerns as I address key elements of the bill highlighted by the evidence given to the committee by stakeholders throughout the process.

The bill seeks to create new offences to protect vulnerable people from the distribution or threats of sharing intimate images or recordings without a person's consent. 'Consent' is defined in the bill to mean consent freely and voluntarily given by a person with the cognitive capacity to give the consent. There was a significant number of stakeholders who raised concerns with the definition of 'consent'. The Women's Legal Service held the view that the proposed definition was inadequate and that the New South Wales definition ought to be adopted together with an additional provision that true consent does not include the circumstances where the defendant is reckless as to whether the person consents or not.

Drs Henry and Flynn submitted that the bill should make it clear that consent given on one occasion does not apply to all other occasions. Rhys LG Michie also recommended that the definition be amended to read 'consent means voluntary and free agreement given by a person with sufficient cognitive capacity'. Lastly, the Gold Coast Centre against Sexual Violence raised concerns about the issue of consent, commenting that—

Within an abusive relationship, where power and control are the cornerstones, the victim will never have the power to freely and willingly give consent to any activity sexual or otherwise.

The bill extends protection to children under the age of 16 by expressly recognising that children under the age of 18 cannot consent. Although implied in the definition of consent, the bill does not expressly provide that persons who lack the capacity to give consent cannot consent. Some stakeholders were concerned about the impact the proposed offences may have on children, with some expressing support for alternatives other than prosecution. Notably, the Queensland Family and Child Commission observed that there is some concern that the bill may criminalise a large cohort of children under 16 who share intimate images in circumstances that should not be treated through a criminal response.

It is true that there is a real risk of children under 16 potentially facing charges for sending sexualised photographs of themselves. Research by the Office of the eSafety Commissioner shows that nearly one in three children between the ages of 14 and 17 had sexting experiences during 2016-17. The Bar Association went further, asking the government to enshrine defences for young people who send or receive intimate photos. There is merit in their claim that it would be an injustice if such children faced the criminal justice system and potentially placement on the child protection register.

The new offence of distributing intimate images will be contained in section 223 of the Criminal Code. It provides that a person who distributes an intimate image of another without that other person's consent and in a way that would cause the other person distress reasonably arising in all the circumstances commits a misdemeanour. It is immaterial that the person did not intend to cause the other person distress. An 'act of distribution' includes distribution in person, online or over the telephone. 'Intimate image' is defined to mean a moving or still image that depicts or is altered in a way to show the person engaged in an intimate sexual activity that is not ordinarily done in public.

While most stakeholders were pleased with the definition of 'intimate image', some stakeholders also expressed their concern. The Women's Legal Service was concerned that the proposed definition creates unnecessary loopholes and may undermine the achievement of the bill's objects. Rhys LG

Michie was concerned that the proposed definition is too narrow and constrained by past technologies. He mentioned that audio and 3D printed statues could also document a person's sexual communication, but these would not fall within the definition because they are not a moving or still image. I also note that the Women's Legal Service recommended that the definition of 'intimate image' be extended to reflect the different perspectives of intimacy of some cultures and religions as expressed in the recently passed federal Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018.

A further two offences are created of making threats to distribute intimate images or prohibited visual recordings. This includes making a threat to a person depicted in the image or recording or making a threat to a person to distribute an image of another person. For example, it will include an ex-boyfriend threatening a woman's new partner to distribute the image of the woman.

The bill also includes rectification orders that will empower sentencing courts to direct offenders to remove or delete intimate images or prohibited visual recordings. In the event that the prosecution cannot prove who uploaded the photo, a rectification order cannot be ordered by the court as this order can only be made when someone is convicted of an offence. The issue is whether there will be any restorative action that victims can rely on in circumstances where a person is not convicted of an offence. The Bar Association recommended that there be provisions so that the court must state the particular action the person convicted of the offence is required to take to rectify the offence. The Queensland Law Society recommended that a provision be included to permit a rectification order regardless of whether a prosecution that results in a finding of guilt is achieved. All offences carry a maximum penalty of three years imprisonment.

One of the major issues with the bill relates to the difficulty of prosecuting people who anonymously upload prohibited images or recordings. This may include instances where someone uploads material from a device that has particular anonymising qualities to it, such as a phone with a prepaid SIM card. This circumstance may result in the prosecution being unable to prove who the offender actually is. Similarly, there are concerns about the practicality of the bill and whether it will have application to offenders who live outside Queensland. If an offender lives interstate or overseas, they will be subject to any offences in that jurisdiction. While victims may make a request to the eSafety Commissioner, there are limitations attached to that process.

The bill only has prospective application, and offenders will only face prosecution for conduct that occurs after the bill is passed and becomes legislation; therefore, victims who are currently being threatened or who are trying to have the images or recording removed will have no remedy. The only option that victims have available is to invoke the Commonwealth jurisdiction and submit a request to the eSafety Commissioner to have the image or recording removed.

There was a need for the law to keep pace with rapidly changing technology and how that interfaces with societal behaviours. While there are concerns about unintended consequences as a result of the operation of these new laws, they are necessary. This is despite Queensland currently having offences that would cover some examples of the non-consensual sharing of intimate images. Research released last year revealed that one in five of all Australians have had intimate images or videos taken or shared without their consent. Publicly sharing sexual images of another person can destroy someone's life. It can hinder job prospects and family relationships and can strike at a person's overall health and wellbeing. There continues to be a major role for the Queensland Police Service, and the LNP supports the continued operational practices of the Queensland Police Service to educate our children and young people and increase awareness of the seriousness of the matters contained in this bill.

In closing, I believe that the issues raised by the opposition ought to be addressed by the Attorney-General. I add my support to review the laws in three years time as proposed so as to properly assess its operation and identify anticipated or unanticipated consequences of the bill.



Mr RUSSO (Toohey—ALP) (12.42 pm): I rise today in the House to support the passing of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill. This bill will correct serious breaches of a person's personal privacy. In May 2017 the then law, crime and community safety council agreed to non-binding best practice principles for offences criminalising the non-consensual sharing of intimate images. A number of Australian jurisdictions have introduced specific offences that criminalise the non-consensual distribution or threatened distribution of images. At the time of the introduction of this bill Queensland did not have an offence specifically directed at the non-consensual sharing of intimate images. There were, however, a number of existing offences under the Criminal

Code which may apply, depending upon the specific circumstances of the individual case. Notwithstanding the availability of these offences, a potential gap existed that will be filled by these amendments.

Whilst the bill is specific to the state of Queensland, the introduction and impending passage of this legislation today will align Queensland with the majority of other Australian jurisdictions that have specific provisions targeting the non-consensual distribution of intimate images or threats to distribute such images. In addition, New South Wales, the Australian Capital Territory and the Northern Territory have legislative provisions that allow a sentencing court to order the removal or retraction of relevant images upon conviction.

As outlined in the Attorney-General's introductory speech, the amendments in the bill fulfil the government's election commitment to create a new offence relating to the non-consensual sharing of intimate images which would apply to sending or threatening to send the intimate material without consent. As the Attorney-General outlined in her introductory speech, this is about sending a very clear message to those people who think that sharing or threatening to share an intimate image of another person without their consent is acceptable. Once the legislation is passed it will send a clear message to those who choose to engage in this type of damaging behaviour that they will face serious consequences.

Whilst the electronic age has brought with it many advantages, it has also ushered in a new era where a person's details and activities, once uploaded onto the World Wide Web, are often there for life, affecting the person's reputation, exposing them to ridicule and making it difficult to find meaningful employment. This sometimes occurs when people have uploaded personal information and images themselves. Sometimes, as some NRL players have found out the hard way when their mates have uploaded images of unsavoury behaviour, they have found successful NRL careers ruined or put on hold. Some politicians have also fallen foul of the new electronic age. Some of these examples include consensual behaviour between adults.

What we are talking about today has often been referred to as 'revenge porn'. When relationships break down, one of the unforeseen consequences for some people is that a partner who feels aggrieved may behave poorly and take revenge by posting images that at one time were personal to the relationship but which are now used to cause personal hurt and unnecessary harm to a person's reputation. This type of behaviour is never accepted by any clear-thinking adult, but with the passing of this legislation today the power imbalance that can sometimes occur when relationships break down is addressed with a clear mechanism to address the offending behaviour.

As the Attorney-General outlined in her introductory speech on the introduction of this legislation, the non-consensual sharing of intimate images covers a broad range of horrendous behaviour that causes humiliation and distress to victims. It is a form of cyberbullying and technologically facilitated abuse. In some instances it is domestic violence—the power imbalance that I was talking about earlier in my address to this House on this important piece of groundbreaking legislation. As the Attorney-General went on to state in her introductory speech on the legislation, this type of behaviour often represents a heartbreaking abuse of trust, as these intimate images are in many instances taken and shared as part of the most intimate personal relationships.

As a form of abuse, the distribution of intimate images without consent goes beyond the breakdown of the relationship. It is used as a weapon to cause hurt, humiliate, coerce and intimidate a victim and in countless other contexts. Perpetrators of this type of abuse are not always malicious. Intimate images can be shared non-consensually for the amusement or titillation of the distributor and their audience, but this is often done with callous disregard for the impact on the person depicted.

The impact on the victim of the non-consensual distribution of an intimate image can be devastating. Some of the most damaging consequences can be caused before an image is even shared. Threats to distribute intimate images without consent can cause untold fear and anxiety. Some of the cruellest incidents are where these threats are used to control or coerce the threatened person. This type of abuse can affect anyone, but unfortunately it would most appear to affect the disadvantaged and young in the community.

The Legal Affairs and Community Safety Committee handed down its report into the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill in October 2018. I will now deal with some aspects of the report that I feel are important to highlight to the House. I take this opportunity to thank my fellow committee members, Parliamentary Service staff and the Department of Justice and Attorney-General for their assistance throughout the committee's inquiry into the bill. I also thank anyone who provided a written submission to the committee and persons who took the time to attend the committee's hearings. Their contribution is very important to the process of government.

I refer to the RMIT report by Nicola Henry, Anastasia Powell and Asher Flynn titled *Not just 'revenge pornography': Australians' experiences of image-based abuse—a summary report*. In relation to image based abuse the committee report states—

It is also often labelled 'revenge porn' but research has shown that revenge is not the only motive underlying the sharing of, or making a threat to share, intimate images. Other motivations include 'control, intimidation, sexual gratification, monetary gain and social status building'.


The victim of image based abuse may know the perpetrator (eg. partner, ex-partner, family member, acquaintance, friend) or the perpetrator might be a stranger.

Examples of image based abuse include:

- *Your current or ex-partner sharing an intimate image on social media without your consent.*
- *A work colleague Photoshopping an image of you with an explicit image and sharing it broadly via email.*
- *A stranger taking an intimate image without your consent, also known as ... 'creepshots', and sharing it on a website or porn site.*

The *Queensland Times* reported on 21 February 2018 a case in the Ipswich Magistrates Court. The court heard evidence that the defendant had threatened to—and did—post intimate images of the victim, his ex-partner, because of a dispute over access to his daughter.

I acknowledge that the issue of consent raised by the Women's Legal Service is a live issue. Substantial empirical evidence was presented to the committee to support the committee's recommendation that the bill be passed. I commend the bill to the House.

 **Mr LISTER** (Southern Downs—LNP) (12.52 pm): I rise to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. Like the member for Toohey, I am on the Legal Affairs and Community Safety Committee. I acknowledge the great work that all of my colleagues have done on this bill and of course thank the committee staff, who have always supported us admirably.

I learned a great deal from sitting on the committee as this bill was considered. The scope, the prevalence and the complexity of this particular issue never really occurred to me. It seemed such a simple thing—someone taking an image of you that you do not want to be shared and sharing it. In terms of doing something about it, it is not necessarily a simple thing.

There were 18 submissions to the committee. I am thankful for that. I am particularly thankful for those interest groups that appeared before us at the public hearings. I acknowledge the Centre Against Sexual Violence, the Brisbane Domestic Violence Service, the Women's Legal Service of Queensland and the Queensland Law Society, which makes regular appearances before our committee.

The objective of the bill is to create new offences to protect vulnerable people from the distribution of, or threat of sharing, intimate images or recordings without their consent. On the offence of distributing intimate images the bill states—

- (1) A person who distributes an intimate image of another person—
- (a) without the other person's consent; and
 - (b) in a way that would cause the other person distress reasonably arising in all the circumstances;
- commits a misdemeanour.

The maximum penalty is to be three years imprisonment. The new offence of threatening to distribute an intimate image or prohibited visual recording includes making a threat to a person depicted in the image or recording or making a threat to a person to distribute an image of another person. A new rectification order provision allows a court to direct convicted offenders to remove or delete intimate images or prohibited visual recordings. I think these things are very worthwhile. This problem needed to be addressed and I think this bill is a good start.

I acknowledge that the Attorney-General said in her second reading speech that this bill proclaims that the sharing of intimate images without the consent of the person is unacceptable, illegal and punishable. However, a number of concerns about particular aspects of the bill were raised with the committee by stakeholders. I think it is appropriate that I give some voice to those.

There were concerns by some stakeholders that the definition of 'intimate image' will not go so far as to protect people in relation to audio material and that, therefore, the bill in its current form is confined to visual material only. I acknowledge that earlier the Attorney-General spoke about all kinds of digital material. I hope that in her reply to the debate the Attorney might be able to speak about the potential for offensive audio material to be included.

'Consent' is defined in the bill as 'consent freely and voluntarily given by a person with the cognitive capacity to give the consent'. Stakeholders would like to see an explicit provision in the bill making it clear that consent given on one occasion does not apply to all other occasions.

Regarding retrospectivity, the bill only has prospective application. Therefore, offenders will only face prosecution for conduct that occurs after the bill is passed and becomes legislation. Therefore, victims who are currently being threatened or trying to have images of themselves removed may have no remedy or protection. The only real option would be for victims to invoke the Commonwealth jurisdiction and submit a request to the eSafety Commissioner to have the image or recording removed.

Regarding the prosecution of people acting anonymously, the bill fails to reflect circumstances where a person acts anonymously to upload prohibited images or recordings. This may include instances where someone uploads material from a device that has particular anonymising qualities, such as a phone with a prepaid SIM card. This circumstance may result in the prosecution being able to be unable to prove who the offender is.

One important point regarded children under the age of 16. Given that in the bill children under the age of 16 cannot consent to the distribution of intimate images, there are concerns that a significant number of children aged under 16 will be prosecuted, even where the victim consented to the images being distributed. The Queensland Law Society raised this issue and recommended education for young people by the Queensland Police Service instead of resorting to investigation and prosecution. The Women's Legal Service requested that the permission of the Director of Public Prosecutions be required before the commencement of the prosecution of a person under the age of 16. I hope that our law enforcement authorities and the courts will treat this with the sensitivity required to avoid prosecutions where that would not be in the public interest on the basis of the age of the offender.

In relation to rectification orders, in cases where the prosecution cannot provide proof of who uploaded the photo a rectification order cannot be made by the court as this order can only be made when someone is convicted of an offence. The issue is whether there will be any restorative action that victims can rely on in circumstances where a person is not convicted of an offence. The Queensland Law Society recommended that a provision be included to permit a rectification order regardless of whether a prosecution is successful. In these cases, a victim may be able to rely on legislation enacted by the federal government—the Enhancing Online Safety Act 2015—and report the image based abuse to the eSafety Commissioner to have it removed.

Regarding the defence of mistaken belief, there were competing views from stakeholders about the utilisation of the defence of mistaken belief. On the one hand, it was argued by the Queensland Council for Civil Liberties that the defence of mistaken belief should be available to defendants. On the other hand, the Women's Legal Service recommended that the defence be explicitly excluded from the bill because of the potential for the effectiveness and protection of these new provisions for victims to be nullified and for the perpetrator to avoid accountability. The Women's Legal Service raised concerns about the court's willingness to interpret the defence in favour of the defendant.

In conclusion, the LNP opposition supports any measures aimed at protecting Queenslanders from the sharing of intimate images without their consent. Men, women and children should never be victims of such damaging conduct. The public sharing of sexual images of a person can destroy that person's life in so many ways. The shadow Attorney-General, the member for Toowoomba South, spoke very well about the impacts that these things can have on people's lives. As I say, I learned a great deal about the scope of those impacts in my role on the committee. We support the continued operational practices of the Queensland Police Service to educate our children and young people about these issues and to raise awareness. I think this is by and large a good bill and the LNP and I will be supporting it.

Debate, on motion of Mr Lister, adjourned.

Sitting suspended from 1.00 pm to 2.00 pm.

MATTERS OF PUBLIC INTEREST

Weather Events; Palaszczuk Labor Government, Performance



Mrs FRECKLINGTON (Nanango—LNP) (Leader of the Opposition) (2.00 pm): We all know that fires and floods are a fact of life in Queensland, but that does not make them any easier to deal with. Last week I saw the heartbreak that flooding has caused across North Queensland, but I also saw the hope of ordinary Queenslanders. With my deputy leader and the member for Burdekin, I spent several days visiting flood-hit communities around Townsville. We spent a day in Westbrook Drive in the

devastated Townsville suburb of Idalia where we joined the volunteer clean-up crew led by off-duty soldier Matt Anderson. Matt's own home on the street had gone under, but Matt and his wife, Marlene, were not just cleaning up their own place. Together with Army nurses and four blokes from the Burdekin, they were cleaning up three other homes in that street too. We all rolled up our sleeves and got to work carrying ruined furniture from homes, sweeping mud from floors, washing away the stench of the flood.

It was gut-wrenching to go through the belongings of Carol, who was alone because her husband was in hospital recovering from an operation. Her clothes and a lifetime of possessions were being thrown out. With Carol I even went through her treasured photos that all got wet and had to be thrown out. I met with flood victims and Salvation Army volunteers at a Townsville evacuation centre and met small business owners who had been flooded in the devastated town of Giru. There were tears in Idalia and Giru and everywhere else we went, but there was also courage and laughter and lots of love too.

From the bottom of my heart I want to thank every volunteer, every emergency service worker, every council worker, every ADF worker and every neighbour who rallied to help their community. They did not pass the buck when the going got tough. They got stuck in like true Queenslanders and I thank them all, but the disaster is not over. It is still unfolding in the north-west of Queensland, where an area three times the size of Tasmania went under. The loss of cattle, livestock and wildlife is unprecedented. Hundreds of thousands of cattle have perished and livelihoods are being destroyed as we speak. I have spoken to many friends from out that way—Julia Creek, Richmond, Cloncurry, McKinlay. They are all hurting. Mr Deputy Speaker Stewart, please let them know that we know what they are going through and our thoughts are with them and I look forward to visiting that area later this week.

The LNP has led the call for insurance firms to give Townsville flood victims a fair go. Some residences and businesses that paid their premiums have been repaid by nothing more than tricky tactics. Insurance companies must do the right thing for their customers and communities.

While the north and the north-west have been hit by floods, Central Queensland was hit by bushfires in late November and December. More than a million hectares of land were destroyed. Sadly, we believe mismanagement and bureaucracy worsened those fires and this week the LNP will call for a full parliamentary inquiry into the bushfires to ensure that lessons are learnt.

So much else has happened in the last three months since this parliament last sat. When the government cancelled the parliamentary sitting week in December, we knew that RTI documents would soon be released regarding the renaming of the Lady Cilento children's hospital. No wonder the ministers wanted parliament to be shut down to avoid public scrutiny. Labor's plot to rename the hospital was dubious from day one. It was petty, it was pointless and it was political, but then the work of determined journalists destroyed this government's integrity.

The Palaszczuk government's online poll was revealed to be massively rigged. Of the 23,000 votes to change the name, 18,000 votes came from just 74 IP addresses and those addresses belonged to the Queensland government. This sly and arrogant government has betrayed democracy, but worst of all it has betrayed the Queensland public. We expect to see poll rigging in places like Venezuela, but we do not expect to see it in Queensland. Voters are sometimes cynical about politicians, but they believe in democracy and when they are asked to vote they expect their vote to be fair. The Lady Cilento vote was not fair. It was a fraud. The health minister even admitted that to the Cilento family—that a smear campaign had taken place—and last year the hospital attracted record donations despite claims that the Cilento name was putting off donors. What a joke! In fact, this government is the one that is putting off the donors. Philanthropists Judith and Trevor St Baker have told the board to never call them again and that they will look after children in some other way.

Worst of all, the Palaszczuk government is failing patients. We know Labor has lost control of emergency departments that are the front line to our health system. Ambulance ramping is now the norm and we have seen disgraceful pictures of patients packed into corridors on stretchers. On the Gold Coast nurses are even paying from their own pockets to give elderly patients hot meals. In Redlands a doctor has revealed patients wait days in the ED before being found a bed. The AMAQ says that flaws in the ieMR system are putting patients in danger. The system has blown out by \$256 million and now the CEO of eHealth Queensland has quit. I was not surprised by the resignation of Richard Ashby. The only thing that surprises me is the fact that this health minister still has his job. He should have been booted from that position a long time ago.

Our nurses and our doctors deserve better leadership, and they deserve better protection too. At the PA Hospital the number of assaults on staff—on nurses—has almost doubled under the Palaszczuk government's watch since 2018. Where is the protection for the nurses and the health workers in our health system? It is not only nurses who are being attacked. This summer we learnt about the shocking violence faced by prison guards. We saw police punched in the street and being run over by criminals.

Queenslanders were chilled to the bone when paedophile and rapist Robert John Fardon was let free on our streets unsupervised—released unsupervised into our community. This monster of a man is now living amongst us and I hope to God that no woman and no child ever come to any harm because of this despicable human being and his release. I do not know how the ministers of the Palaszczuk government can sleep at night knowing that this man is free. If Labor had of worked with the LNP, he would still be under strict supervision. Those opposite should be haunted by what Fardon has done and what he might do again, because that is how the victims feel.

Under the Palaszczuk government, violence is increasing and criminal bikie gangs are back in business. What is Labor's latest plan to protect the people of Queensland? One of them is closing Crime Stoppers.

Government members interjected.

Mrs FRECKLINGTON: The members opposite may laugh about the victims of crime, but closing the Crime Stoppers call centre would be an absolute shame—crushing a charity that has helped solve over 25 murderers and brought thousands of offenders to justice. The government will not spend the money on Crime Stoppers, but it will spend it changing the name of Lady Cilento hospital. The Palaszczuk government's priorities are all wrong. They are totally twisted. No wonder the people of Queensland cannot trust—

(Time expired)

Mr SPEAKER: Before I call the member for Thuringowa, Leader of the Opposition, you need to refer to members by their correct title.

Weather Events, Floods



Mr HARPER (Thuringowa—ALP) (2.10 pm): Mr Deputy Speaker, as you know yourself, in describing what our Townsville community has endured over the past two weeks, let alone what they have ahead of them in terms of recovery, it is hard to know where to start. Before I go on, I must address the comments that the Leader of the Opposition made this morning during question time. She used that time to question our Premier, who showed great leadership during the floods, on the water releases from the Ross River Dam. The LNP is ignorant of the facts. I did not see LNP members at any LDMG meetings. While people are still hurting in my community, the LNP members are using the time of this parliament to muckrake and score cheap political points. It has been noted by many in my electorate that the LNP's behaviour in a time of crisis is disgraceful. I will take it as far as saying that it is un-Australian. The members opposite should hang their heads in shame.

Mr Deputy Speaker, as you have also witnessed, what I witnessed at the Townsville disaster centre and the LDMG in the lead-up to the peak of the flooding and now in recovery mode was truly outstanding leadership and all local, state and non-government agencies working together cooperatively to do their very best to ensure that my community and public safety was a priority. From the start, I acknowledge the outstanding leadership of Townsville Mayor Jenny Hill, as the chair of the LDMG; Mr Wayne Preedy, the local disaster coordinator; and the acting CEO, Mr Mike Chiodo.

The response from the Townsville City Council is hard to put into words. On Sunday at 5 pm I walked into the centre to find Mayor Hill speaking to 60 staff, giving them an opportunity to go home to their families before the peak of the floods. They all chose to stay. In the lead-up to the peak of the flood that Sunday night, over 800 council staff had been working in crews 24 hours a day, manning 18 sandbagging centres and responding to many other calls for assistance. On that fateful night, I saw the immense bravery of all of those assisting the thousands of people who were escaping unprecedented floodwaters. I would like to thank our volunteers, our mighty ADF and our emergency service for their amazing efforts in helping those in need. In recent days, along with the Premier, I visited the evacuation centre at Heatley where families have spoken of the outstanding rescue efforts of those volunteers and organisations. That night they saved many lives. No words can ever thank them enough.

Needless to say, the North Queensland spirit is alive and well. As a community, what knocks us down does indeed make us stronger. In recent days, having been on the ground in Idalia assisting friends and families, street after street, house after house, I have seen mates helping mates to move flooded and damaged personal belongings on to their footpaths. The area looks like a war zone. Many other suburbs have been severely damaged. Although accommodation is needed for many people in the evacuation centres, thousands of other families have been displaced and are staying with friends or families. In fact, it would be difficult to ascertain how many people are staying with others. At the height of the flood, I had 20 people in my own home, albeit visiting after a family tragedy. Many had their accommodation at risk in Aitkenvale and Mundingburra.

Having such a protracted rain and flooding event means that recovery will be slow, so we will need to put our shoulders to the wheel to help lift our community back up. Many sports facilities have been ruined or damaged, so our weekends can be put to good use in helping to clean up. We know that each home is being assessed by teams from QFES and the Queensland Reconstruction Authority. Ergon and the ETU are working very hard to ensure that homes are safe before electricity is restored to those who are still without power. That task alone is huge. I am grateful to the number of people from across Queensland who have arrived to help.


Yesterday, the bulk clean-up by the ADF began. Where would we be without our mighty ADF? I consider them each truly remarkable as many members of the ADF had their own homes damaged. I also thank the Red Cross, the Salvos, UnitingCare, the St Vincent de Paul Society and the many other community organisations that helped. Just months after fighting fires in Central Queensland, members of our state's Rural Fire Service are arriving in droves to help clean streets and homes. Amazing people are arriving from right across Queensland. All members should be proud of the SES and volunteers in their communities who are turning up.

We have a huge infrastructure task ahead of us as well as helping many local businesses get back on their feet. More help is on the way. This morning, Minister Fentiman—who I wrote to seeking assistance for the Townsville Business Development Centre, which has been flooded with calls of assistance—has responded by setting up a small business recovery centre in Townsville. I thank the minister.

Speaking of businesses, the corporate generosity is also hard to put into words. It is exceptional. I am grateful for those donations and they will all be needed. I thank our Premier and all the ministers for being on the ground in Townsville.

(Time expired)

Queensland Economy

 **Mr MANDER** (Everton—LNP) (Deputy Leader of the Opposition) (2.15 pm): Here we are for the first sitting in 2019, three months since the Labor government decided to take an extended holiday, and, unfortunately, the economic news that has been communicated over those three months tells us the damage that four years of a Labor government has done to Queensland. All the signs point to the Palaszczuk Labor government completely failing to manage the state's finances and the state's economy. Sadly, it is everyday Queenslanders—those hardworking people and businesses—who are paying the price for Labor's failures.

I will recap what has happened over the past three months. One of the most damning statistics of this government is that Queensland has one of the highest unemployment rates in the country. Queensland's unemployment rate is now at 6.2 per cent.

Ms Jones interjected.

Mr MANDER: I take that interjection from the member for Cooper, who referred to rates of unemployment. The relevant issue in relation to unemployment is not what is happening in our state but what is happening in other states in the nation. Comparatively speaking, we are just not cutting it. Queensland's unemployment rate is 6.2 per cent. The national unemployment rate is only five per cent. The economy that is being managed by the federal coalition government is thriving but, in this state, because of this Labor government, we have high unemployment, with around 165,000 Queenslanders looking for work. Heaven help us if Bill Shorten ever gets to control the reins of the federal Treasury. If he does, the national economy will go the same way as the Queensland economy.

There are 165,000 Queenslanders out of work. Since the last election, 9,400 Queenslanders have been added to the jobless queue—nearly 10,000 in one year. Whichever way we look at it, on average, over the past four years Queensland's unemployment rate is higher than it was under the LNP government. Queensland's unemployment rate goes against the trend of the unemployment rate of the rest of the nation. States such as New South Wales and Victoria have unemployment rates of 4½ per cent, if not less.

One of the reasons we have a high unemployment rate is that, under the Labor government in this state, business confidence has plummeted. The December CCIQ pulse survey continues to show that not only has Queensland's economic outlook taken a dive but also business conditions and profitability has rapidly weakened. For December 2018, business confidence in Queensland's economic outlook sat at 40.7 index points—a massive drop of 10 index points since the term of the LNP

government. According to the Sensis Business Index, for four consecutive quarters the Palaszczuk government has been rated the least popular government in Australia among small to medium sized businesses. Businesses in Queensland do not just think that the Palaszczuk government is out of touch; businesses believe that the Palaszczuk Labor government is implementing policies that work against them. No wonder business confidence has crashed.

According to the December NAB business survey, Queensland is tied for last place in relation to business confidence. Let us not forget the January CommSec State of the States report which again puts Queensland at sixth place amongst the states. The Deputy Premier's response to that is to shoot the messenger, shoot the people who are telling the truth about our economic outlook. After four years we have an economy that has performed the worst of any state in the latest national accounts data. In fact, we have fallen backwards by 0.4 per cent. The ABS trend building approvals in Queensland have fallen every month since 2018. Just today figures have come out showing that Queensland has recorded the largest fall in new home loans of any state.

This government has no idea how to manage the state economy. It is only a LNP government that instead of introducing taxes will say that we will not have new taxes. It is only a LNP government that will bring the cost of running businesses down. It is only a LNP government that will invest in the infrastructure that is necessary to get Queensland moving again. It is only the LNP that has a real economic plan to make Queensland an economic powerhouse once again.

Weather Events, Floods



Mr STEWART (Townsville—ALP) (2.20 pm): Today we have heard a lot about the impacts of torrential rainfall in Townsville and North-West Queensland. There are several of us sitting in this chamber who have experienced what it is like to have a major catastrophic event in their electorate or, in fact, in their region—bushfires, cyclones, storms and floods—and we all know how it impacts upon our communities. It is now our turn in Townsville: more than a year's worth of rain falling in just eight days. I would like to thank those members on both sides of the chamber who contacted me and wished me and my family all the very best as the rising floodwaters forced us from our home. We were the lucky ones in our street. We did not get the flooding into our house. However, it snuck in by stealth through an overflowing toilet. With eight days of no power, Jackie and I would lie in our bed at night unable to sleep with the guilt of our place being saved and yet all around us our friends and neighbours were emptying their life possessions onto the footpath to be later collected and dumped.

Each day would start and end with a meeting of the local disaster management committee headed by the mayor and accompanied by the core essential team. This group of high-performing professionals guided the city through one of the most devastating times. I would like to acknowledge all the members of the local disaster management committee. We have heard the Leader of the Opposition acknowledge many, many people and I would like to do the same. The highest praise must go to Mayor Jenny Hill. With her stoic leadership and strong determination, she led the city through a time of disaster. I would also like to acknowledge my brother Peter who took four days off from his work in Darwin, flew to Townsville and helped me help others clean up. Thanks, mate. We are a garrison city and thank God for the men and women in camos who have been absolutely astounding. I thank Brigadier Scott Winter for all the recovery work his thousands of troops are performing across our city right now. They will concentrate their efforts in the western region as of tomorrow.

There are hundreds, if not thousands, of unsung heroes in this story. There is the flotilla of tinnies who started a makeshift boat ramp at the intersection of the Bruce Highway and city access road. I bet the Minister for Main Roads did not expect that! Then there is my mate Gary Browning and his aviation fire rescue teams. These are the fireys at the airport. They worked a 30-hour straight shift, rescuing 250 men, women and children in pitch black darkness at night, pulling them to safety. In a scene a bit reminiscent of the *Titanic* movie, at around 2 am an elderly woman, so exhausted, resorted to blowing a whistle to attract the attention of those fireys. They rescued her and then led her to safety. Wrapped in a blanket the woman was then comforted by ambos. The fireys then returned to the same street to rescue neighbours of that woman. The kitchen bench where the woman was sitting was by that stage underwater. These rescuers are humble people saying they are just doing their job, but we all know they are more than that.


Now comes the hard work—the clean-up. Those of us who have been through disasters like this remember how our communities come together. They rise above all else. While I was out helping clean homes I had several people break down and cry on my shoulder. Losing everything, they were still

thankful they were alive. Their lives are in a scatter, not knowing what to do or where to start. They stare with hollow eyes into their houses; inch deep mud on the flood and black debris lines across the walls a constant reminder of the flood level. Some of those black lines were well above my head.

An army of volunteers swarm through the houses removing their ruined possessions and respectfully placing those possessions on the footpath. I think the thing that got me the most was the Oncology Children's Foundation teddy that was placed amongst the pile of possessions out the front of someone's home. Still other volunteers walked amongst volunteers handing out freshly made sandwiches, muffins or bread rolls. Someone else—a stranger—was handing out bottled water. Whether they are the rescuers, the volunteers or sandwich makers, they are the foundation rocks of our Townsville community which we are built upon. We thank you, Townsville, because we stand together.

Madam DEPUTY SPEAKER (Ms Pugh): Thank you, member for Townsville. Somebody give that man a hug.

Floods

 **Mr LAST** (Burdekin—LNP) (2.25 pm): To quote the iconic work of Dorothea Mackellar, 'I love a sunburnt country, a land of sweeping plains, of ragged mountain ranges, of droughts and flooding rains.' In recent weeks, North and North-West Queenslanders have longed for sun. We have seen the sweeping plains turn to inland seas, mountain ranges transformed into waterfalls and we have indeed seen flooding rains on a scale never before seen in the north of this state. As we celebrated Australia Day, in the north the skies began to open. What was initially celebrated soon turned to heartbreak. Over the ensuing 10 days we saw rainfall that was measured in metres. I know at my house at Alligator Creek I measured 1.5 metres in 10 days, with some areas in North Queensland measuring in excess of two metres of rain.

By 3 February, a week after the rain had started, Townsville was facing a disaster. The Ross River Dam was approaching 42.99 metres, or 247.6 per cent, and drastic steps were needed. Like an unfolding nightmare, that water had to go somewhere and, unfortunately, it spread out across Townsville suburbs downstream from the dam impacting almost 20,000 homes. Imagine the horror of waking up in your bed to find yourself lying in floodwater. The fact that more people did not lose their lives in this event is nothing short of a miracle and is testament to the emergency services and Defence Force personnel who, along with volunteers, risked their lives to save their fellow Queenslanders. Streets where cars usually jostled for position became waterways with a stream of boats ferrying people to safety, dump trucks became rescue vehicles, roofs became places of safety and Queenslanders became heroes.

I have seen the devastation in Townsville firsthand. Together with the Leader of the Opposition and the deputy leader I spent a few days last week helping with the clean-up—and what a heartbreaking task that was. To carry out kids toys, bedding, personal possessions and furniture and pile it on the footpath was both humbling and distressing. Many residents have lost everything—their homes, their cars, their possessions and, in some cases, their jobs. That heartbreak extends to the many small business owners who face financial ruin. They have seen their livelihood swept away in the floodwaters and now face an uncertain future.

Take the small town of Giru on the northern banks of the Haughton River. The locals there have seen their fair share of floods but this was one of the biggest. They are a tough lot in Giru and when I visited them last week they were getting on with the job of cleaning up, without fuss and without complaint—just as the residents were in Majors Creek, Woodstock, Groper Creek and on Rita Island. Just as we commit to help the people of Townsville rebuild, we must ensure that people in those small communities also get the help they need and deserve.


In recent days we have seen the disaster unfolding in the north-west of our great state. From the pain of drought to the agony of flood in such short time; it is proof indeed that we live in a state that can be generous in its gifts and brutal in its cruelty. The loss of up to 300,000 head of cattle in the north-west defies comprehension, with the impact of these losses to be felt for years to come. The recovery in this area needs to be swift, decisive and ongoing. Our farmers have gone from drought to floods and small communities, like Julia Creek, Richmond, Hughenden and Cloncurry, need our support if they are to survive this catastrophe.

For too many years we have seen the Bruce Highway closed by flooding and, in the past few days, we have seen thousands of people stuck on the side of what is supposed to be a national highway. People who were eager to return to their homes or who were trying to get in and help loved ones were

left to sleep in cars and pray for the waters to fall. Plantation Creek at Ayr is a perfect example. In 2019 there is absolutely no reason half a metre of water should block the Bruce Highway, there is no reason so many motorists should be stranded and there is no reason vital supply routes to devastated communities should be threatened.

In conclusion, I offer my thanks and the thanks of all Queenslanders to all those who assisted in this disaster and who will continue to play their part in the recovery. Their efforts are truly appreciated and their selfless commitment to helping fellow Queenslanders shall be remembered long after the last of the mud is washed away.

Mossman Sugar Mill

 **Ms LUI** (Cook—ALP) (2.30 pm): I rise to share some great news about the Palaszczuk government's support package of \$25 million to Far Northern Milling Pty Ltd. This package will assist in the establishment of an innovative biorefinery that will underpin a sustainable future for the Mossman Sugar Mill. It is with great pleasure that I stand here to share this wonderful story from my electorate. I personally thank the Premier and Minister Cameron Dick for their valued support in achieving this wonderful outcome. I am extremely proud to represent a government that showed great compassion in not only saving an industry but also taking the initiative and believing in its future potential to produce bioproducts and contribute to the state economy through the diversification of the agricultural sector.

I am particularly passionate about this issue because I know how challenging it is for locals to secure long-term employment. In 2018 it was brought to my attention that the Mossman Sugar Mill was at risk of closing its doors for good. The Mossman Sugar Mill is one of the main industries in the Douglas Shire and it supports local jobs, businesses and services in the region. The industry is at the core of Mossman and surrounding communities. It is an industry that has supported local economic growth and development through many generations. From talking to locals, I realised that this was more than just an industry; it was an intricate thread keeping the community fabric together.


The Cook electorate is a vast electorate. Everywhere I travel, locals in communities tell me they want jobs. In any one of my communities in the Cook electorate, to support local jobs the challenge is the obvious lack of industries in the region. The opportunity to help save as opposed to help build an industry was my No. 1 priority.

The uncertainty surrounding the future of the Mossman Sugar Mill had a huge effect on community confidence and everywhere in the Douglas Shire that I went locals wanted reassurance. It was inspiring to see a strong collaborative effort between all relevant parties from the community and local and state governments who all had one goal in mind: to achieve a positive outcome. I acknowledge the following people and stakeholders: Douglas Shire Mayor Julia Leu, who initially brought the issue to my attention and who has lobbied the state government; the Chair of the Tableland Canegrowers Association, Maryann Salvetti, for her efforts through this process—I saw her go from strength to strength; and the Canegrowers Association for not giving up on an industry worth saving.

While I have been securing funding for a long-term future for Mossman, we have seen Warren Entsch walk away from his commitment to the people of Mossman. After he so diligently stood in front of the cameras beating his chest to announce the federal government commitment of \$20 million, Warren Entsch is now missing in action. The member for Leichhardt said that his commitment was conditional on state funding, but when I delivered the funding we committed he has changed the goalposts and is missing in action.

It is quite disappointing that the member for Leichhardt is suddenly silent on the issue and is not saying a word about the \$20 million he was so eager to announce. I challenge Warren Entsch and his mates in Canberra to take responsibility and commit the \$20 million they promised to the Mossman Sugar Mill. Unlike the federal government, the Palaszczuk government kept its promise to the Mossman community because we are about getting the job done. I am no longer interested in words from the LNP government or Warren Entsch. I do not believe their words. I just want to see them deliver on the support they promised.

Member for Whitsunday; CFMMEU

 **Mr BLEIJIE** (Kawana—LNP) (2.34 pm): The people of Whitsunday deserve to know what their member has been up to. Recently in January, he arranged to stay with an elderly couple—they are over 80 years of age—on a remote farm interstate. He arrived late, at 1.30 in the morning, after phoning the

couple at around 10 pm. They had encouraged him not to come in but to stay at a motel because it was late. The next morning, the hosts departed at around seven o'clock and, from the discussion with him when he arrived, they assumed that he would leave early in the morning rather than linger.

Just after midday, their 18-year-old granddaughter arrived to collect some of her belongings following a short holiday after graduating from high school weeks before. When she arrived at the property, she did not know that he was there. She did not know who he was or why he was in her grandparents' home.

He met her in the living room before following her into the bedroom. He was half naked, having just had a shower. He closed the door behind her when they entered the room. He touched her on the back and stroked her hair. She did not ask him or invite him to touch her.

He told her she was pretty. He told her he liked young girls. He told her she should come to the Whitsundays to visit him and he would pay for her flights. He pressured her into taking selfies with him. It was an intimidating and frightening experience for her—a large 47-year-old man alone on a remote property with such a smaller and very young woman. She panicked.

She frantically gathered her belongings to get out as quickly as possible. In her rush, a piece of her underwear fell to the ground. He picked up the fallen underwear. He turned it over in his hands and told her he liked it. She grabbed her things and got out. His presence, demeanour and conduct were very scary and intimidating. She had a panic alarm in her handbag that she considered using, but did not because she knew that she was outside of mobile coverage. In the initial complaint from the mother of the young woman, she said that she feared she would be raped on the remote property by the member for Whitsunday. It was a traumatic experience for the young woman.

The people of Whitsunday need to know that their member is all selfie and no action. He loves grandstanding on the issues—for instance, the Goorganga Plains, and carping and moaning about road funding—but the truth is that when down here at parliament never once has he been to a party room policy committee meeting to talk about getting the proposal delivered. He is a lazy member who always talks but never listens. The LNP has tried to help him with policy support and advice, but he could never be bothered to sit at the table and talk about a plan.

Since he was expelled from the LNP, numerous other complaints have come to light. Another young woman has made a formal complaint of harassment of a sexual nature and stalking to the LNP about the member.

Another woman has come forward to say she witnessed the member sexually assault her friend at a music festival. She described him walking through a crowd. She saw the member look at her friend. She thinks he targeted her because he knew she had recently separated from her husband. He approached her from behind and rubbed himself against her. She wheeled around and told him to go away. Another woman has now come forward to say that she has screenshots of SMS messages the member sent to a then 16-year-old girl—messages that contained sexually explicit material and sexually suggestive lines about how she made him feel.

Recently, another woman told us of his leering and staring at a 17-year-old waitress to the point that she hid whenever he entered the cafe. The cafe manager intervened to protect the 17-year-old waitress from the unwanted attention of the member from Whitsunday. The young woman in the first complaint was so scared by the conduct of the member for Whitsunday that she has made a complaint to the police. The member does not meet the high standards of the LNP and the LNP leader. The people of Whitsunday deserve much better.

On a separate matter, I will talk about a matter that I have referred to in this place before, which involves the company Enco Precast, which is a precast company. Helen Burgess works in the IR department. She has been bullying the company Enco on behalf of the CFMMEU. I have referred the matter to the Crime and Corruption Commission. The Crime and Corruption Commission has written back to me, saying that the matter could be investigated by the Ethical Standards Committee. Helen Burgess came to a Sunshine Coast building site with 10 minutes notice. That is how long it took her—

Ms FARMER: Madam Deputy Speaker, I rise to a point of order. The member for Kawana is making some very serious allegations about the member for Whitsunday. I would like to know when the LNP became aware of the matters that he is raising now. When did the LNP know that this was occurring?

Madam DEPUTY SPEAKER (Ms Pugh): Thank you, Minister. I have noted your point of order. I will allow the member to continue. I will ask him to be very careful about the language that he uses around imputations.

Mr BLEIJIE: Madam Deputy Speaker, I am raising a matter about a public servant. That is what parliament is for. I am talking about a public servant. That is what parliament is for.

Ms Jones interjected.

Madam DEPUTY SPEAKER: Minister, I have given my ruling. I have asked the member to be careful about the language used. I ask the member to finish his speech.

Mr BLEIJIE: I am convinced there is a deliberate, coercive attempt by Helen Burgess in the industrial relations department to bully the business Enco on behalf of the CFMMEU. She turned up to a Sunshine Coast construction site. It took her 10 minutes to get from Brisbane to the Sunshine Coast after receiving a complaint or a phone call from the CFMMEU. It took her 10 minutes to get from Brisbane to the Sunshine Coast.

This should be thoroughly investigated by the ethical standards branch of the industrial relations department because I believe there is coercion and a deliberate attempt by the CFMMEU to infiltrate the industrial relations department of the Labor government.

(Time expired)


Ms Farmer interjected.

Madam DEPUTY SPEAKER: Minister Farmer! I will wait for the House to come to order before I call the member for Stretton.

Ms Jones interjected.

Madam DEPUTY SPEAKER: Minister! I have called the House to order.

Weather Events; Liberal National Party

 **Mr PEGG** (Stretton—ALP) (2.40 pm): It did not take long for the member for Kawana to resume his old tricks on the first day of parliament for 2019. I would like to wish you, Madam Deputy Speaker, and my government colleagues all the best for another wonderful and successful parliamentary year. I extend those wishes to those opposite. I acknowledge that a couple of members are having birthdays—the Minister for Child Safety and the member for Nicklin. They get to enjoy their birthday on the first day of parliament for 2019.

We have heard a range of contributions from those opposite. Being the first day of parliament for 2019 and having been born in Townsville it has been wonderful to hear of the efforts made by local members, ministers, emergency services and volunteers in relation to the rescue and reconstruction effort in Townsville. I know that Stretton is quite a long way from Townsville, but the thoughts and sentiments of my community are in support of the people of Townsville. I want to put that on the record. I am sure the people of Stretton will dig deep to support our friends, our brothers and sisters in Townsville—those in that great city.

It is a new year: 2019 is a new parliamentary year. They always say that the best predictor of future behaviour is past behaviour and past performance. When we look back on the LNP's—I was going to call them 'achievements', but I am not sure we can quite call them that. We finished the year with the members for Clayfield, Chatsworth and Currumbin under fire for exercising their conscience. They decided to support the decriminalisation of abortion. Unfortunately, as we have seen and heard in numerous public statements, articles, rumours and innuendo, the members for Clayfield, Chatsworth and Currumbin are under attack. It seems to me that if the name of a member's seat starts with 'C' and they are in the LNP they might be an endangered species. I wish those members all the best with their ongoing struggle with the far right forces within their party.

It is hard for me to go through the LNP's year in review in the short time I have available. In 2018 we had Campbell Newman go public again. He said—

Malcolm Turnbull and Deb Frecklington need to look at themselves and so do the hierarchy of the LNP. Stop blaming your current problems on what happened 3½ years ago.

So many of those opposite were part of the Newman administration. We hear so little from them about that. There we have the architect, the former premier, the most recent LNP premier himself distancing himself from the current Leader of the Opposition. I say to the Leader of the Opposition and those opposite: if Campbell Newman is criticising you then you are in serious trouble because he set the bar pretty low.

Mr Hart interjected.

Mr PEGG: I take the interjections from the member for Burleigh. Past behaviour is the best predictor of future behaviour. Who could ever forget the member for Burleigh taking a week off parliament. I hope he had a great time overseas. It seems like he has been on the maple syrup this morning. He has had a bit too much maple syrup at lunch.

It goes on and on. We had the \$45,000 wine trip to Albany. All the James Halliday wannabees over there went off on a trip. We have not read the wine reviews yet, but I am sure it has a pretty bitter aftertaste. Amongst all this infighting, amongst all these scandals, amongst all the backbiting and leadership rumours there has been one thing missing. That is policy. Very little policy was announced by the LNP in 2018 and we are now 20 months from the election. My question to those opposite is: when are we going to hear some policies?

We did hear one policy from the Leader of the Opposition, the member for Nanango, last year. That policy was in relation to the renewable energy mandate. She talked about having a policy to mandate investment in renewables in Queensland. That seems fairly reasonable ostensibly. Then the Liberal Prime Minister visited Brisbane and he gave an address to the Press Club. Then we had a situation where the Leader of the Opposition backflipped on that policy and said she agreed with the Prime Minister and then maintained her policy. I say to those opposite: it is a new year, will it be a new you or will the policy free zone continue?

(Time expired)

Member for Whitsunday



Mr MINNIKIN (Chatsworth—LNP) (2.45 pm): We need to talk about the member for Whitsunday.

Ms Farmer interjected.

Madam DEPUTY SPEAKER (Ms Pugh): Minister!

Honourable members interjected.

Madam DEPUTY SPEAKER: The House will come to order and the member will have his speech heard in silence.

Mr MINNIKIN: We do need to talk about the member for Whitsunday.

Ms Farmer interjected.

An opposition member interjected.

Madam DEPUTY SPEAKER: I cannot believe I am seeing this. I am on my feet. I will start naming members if this continues.

An honourable member interjected.

Madam DEPUTY SPEAKER: I am literally in the middle of speaking and you are interjecting when you are not even in your seat. I will have to start naming members if this continues. We have two more statements to go.

Ms Farmer interjected.

Madam DEPUTY SPEAKER: Minister Farmer, you are warned under the standing orders.

Mr MINNIKIN: Thank you for your protection.

Ms Farmer interjected.

Madam DEPUTY SPEAKER: Minister Farmer, you are warned under the standing orders.

Mr BLEIJIE: I rise to a point of order, Madam Deputy Speaker. You had just warned the member prior to warning the member. Under the standing orders, it is open to you to now expel the member for at least an hour or so.

Madam DEPUTY SPEAKER: Thank you very much. I do not need your guidance, member for Kawana. As you just said, it is open to my interpretation.

Mr BLEIJIE: I have a point of order, Madam Deputy Speaker. You had warned the minister under the standing orders and the minister continued—

Ms JONES: Madam Deputy Speaker, I rise to a point of order.

Madam DEPUTY SPEAKER: I will finish listening to the point of order from the member for Kawana, thank you, Minister.

Mr BLEIJIE: You had warned the member under the standing orders. She then straight away started interjecting again despite your ruling.

Madam DEPUTY SPEAKER: I appreciate your point of order. I will now hear from the Acting Leader of the House.

Ms JONES: Madam Deputy Speaker, I think you have it all in hand. As you say, it is open to your interpretation. The member for Kawana behaves that way every sitting week.

Madam DEPUTY SPEAKER: As I said, the minister has been warned. It is completely up to the chair as to whether the person is removed. The minister has been warned. The warning has been noted, I am sure.

Mr MINNIKIN: The member for Whitsunday has been kicked out of the LNP for conduct that does not meet the standards set—

Ms Farmer interjected.

Madam DEPUTY SPEAKER: Minister Farmer, I am on my feet. Minister Farmer, you are ejected from the House for 30 minutes.

Whereupon the honourable member for Bulimba withdrew from the chamber at 2.47 pm.

Mr MINNIKIN: He has in fact been kicked out of the LNP for conduct that does not meet the standards set by the Leader of the Opposition. The people of Whitsunday deserve to know the facts. The member said he was not afforded natural justice and he did not get a fair go. That is completely wrong.

The truth is that the member has been fairly dealt with by the LNP. Ultimately the people of Whitsunday will decide whether they think he is suitable to represent them in this House, but these are the facts. Three weeks ago the Leader of the Opposition received a very serious complaint against the member for Whitsunday. The complaint detailed how the member for Whitsunday harassed and intimidated a young woman on a remote property in country Victoria. She was only weeks out of high school. His conduct was described as 'predatory, sexual, unhinged and intimidating'. She says the experience has scarred her emotionally.

When the Leader of the Opposition received the complaint, she immediately instructed the LNP state director to investigate. The disputes committee, as established in the LNP constitution, was directed to open an investigation. The committee received the original documented complaint as well as a further statement and other evidence. The member was summoned to appear before the committee. He was provided with the statements and evidence that had been submitted to the committee. The member was given an opportunity to be heard. He ignored the request and two following requests to respond to the complaint.

The disputes committee considered all of the evidence and decided that the complaint in fact was substantiated. This was relayed to the member for Whitsunday and he was again asked to make a submission on the finding. He again chose not to make a submission in his own defence. The disputes committee referred its findings to the state executive of the Liberal National Party with a recommendation. The state executive accepted the recommendation and voted unanimously to terminate the party membership of the member for Whitsunday.

Since then, there have been more disturbing developments. The member for Whitsunday made the astonishing and reprehensible decision to release a photo of his victim to the media. He should be condemned for the way he treated this young woman and then selfishly breached her plea for privacy. His actions are contemptible.

I want to applaud the Leader of the Opposition for her handling of the issue. The Leader of the Opposition made the right decision to order the investigation into the member's conduct. Every leader faces tests. The Leader of the Opposition passed this test because of the strength of her convictions. She has set high standards and she held the member for Whitsunday to account for his actions. I commend her for doing the right thing.

Madam DEPUTY SPEAKER (Ms Pugh): Before I call the member for Maryborough, I would like to clarify that at 2.47 pm Minister Farmer was asked to leave the chamber for a period of 30 minutes under standing order 253A for disorderly conduct.

Maryborough Electorate



Mr SAUNDERS (Maryborough—ALP) (2.52 pm): I echo the words of the member for Stretton and, from the people of Maryborough, I pass on our regards to the people of Townsville and North Queensland. Maryborough knows what it is like to go through a flood. We went through various floods over a couple of years. Our thoughts, not only mine and those of my office staff but also those of the people of the Maryborough electorate, are with the people of Townsville.

It has been four years since the Palaszczuk government came to power in Queensland, and I am here today to talk about the great work that has happened in the Maryborough electorate. Let us talk about the trains. Two weeks ago I had the privilege to stand beside the member for Miller and welcome the first NGR train to Maryborough for the rectification work.

Mr CRANDON: Madam Deputy Speaker, I rise to a point of order. It does not appear that the clock is running. We do not want to give this speaker too much time.

Madam DEPUTY SPEAKER (Ms Pugh): Thank you very much, member for Coomera. The clock is now running. The member for Maryborough can resume his speech.

Mr SAUNDERS: I would like to thank the Premier, the Deputy Premier and the member for Miller, Minister Bailey, because this is a game-changer for the Maryborough community. This is a brilliant decision by the Palaszczuk government. This is a \$336 million contract. These trains will enable the work to continue at the Downer factory in Maryborough for many years to come.

If we listen to the other side, they say management and unions cannot work together. This was a collaboration of the management of Downer, the AMWU—great work from the delegate on site, Pete Killeen, and a fantastic job by the state secretary, Rohan Webb—and also the local community. It is great to work collaboratively to get the NGR trains to Maryborough. It is a fantastic shot in the arm for the Maryborough community.

A lot has happened in the four years since the Palaszczuk government has come to power and we can see the great change in the great city of Maryborough. It was once heading towards becoming like the city of Detroit; now it is back as the jewel in the Wide Bay crown because of the Palaszczuk government. We need only look at the \$14 million upgrade to Maryborough Hospital and the A&E which is halfway completed. It is absolutely fantastic. Credit should go to the former health minister and the current health minister who have done a marvellous job in making sure that the health facilities in Maryborough are A1. We can also look at Maryborough High. I see the former education minister sitting here. We opened the \$5 million performing arts hall late last year in November. It is a great bonus for Maryborough High. These are the things that have happened in four years in the Maryborough electorate under the Palaszczuk government.

The minister and I were looking at the brand-new wharf on the Mary River—a \$1.5 million commitment from the Palaszczuk government. The March Street jetty has been damaged since the last flood. The former LNP member was always going to do something about it. Who has funded and delivered this? The Palaszczuk government has. This is a game-changer for the Maryborough CBD. It will enable bigger boats to come up the river. The minister has listened to the people of Maryborough. The jetty will be longer, so we can get bigger boats in. It has three levels, so we can get large, small and medium sized boats up to the wharf. I thank the minister very much because we can now utilise the Mary River to bring more people into the Maryborough CBD. We can then show them the Duncan Chapman memorial. Once again, the greater funding for that came from the Palaszczuk government, which has revitalised the Maryborough CBD.

These things would not have happened if we did not have a Palaszczuk Labor government. This government has delivered in spades for the Maryborough electorate. We are talking about vital infrastructure that was needed. It was talked about for the three years of the LNP but was never delivered. It has been delivered by this government.

There is the upgrade of the intersection on Pialba-Burrum Heads Road near two schools, one being Yarrilee State School. That road is a major thoroughfare. Once again, that upgrade was funded and delivered by the Palaszczuk government. I congratulate the minister because things like that make a big change in people's lives. They are now no longer frightened to drop their children off at school or go through that intersection. It is a game changer.

We hear the other side talk and talk and talk but we have not seen any policy from them. We have not seen what they are going to do in 2020 or what they are leading up to. What I can say is that they will mirror the chaotic federal government that we have now that are cutting services to my electorate daily. They are hiding behind every bush they can find. They are blaming everyone else but their own chaotic federal government that we have in federal parliament at the moment.

In the Wide Bay area, which the Maryborough electorate is part of, we desperately need a change. It is time for a change. It has been 45 years since we have had a decent federal member for Wide Bay. We need a new member for Wide Bay. If we can get a federal member for Wide Bay who will replicate the work of the Palaszczuk government, we will have a bumper year in the electorate of Maryborough and in the electorate of Wide Bay.

CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES) AMENDMENT BILL

Second Reading


Resumed from p. 49, on motion of Mrs D'Ath—

That the bill be now read a second time.


Debate, on motion of Mrs D'Ath, adjourned.

MOTION

Suspension of Standing and Sessional Orders

 **Hon. YM D'ATH** (Redcliffe—ALP) (Leader of the House) (2.59 pm), by leave, without notice: I move—

That, notwithstanding anything contained in standing and sessional orders, the debate of private members' bills be postponed for this week's sitting.


 **Mr McARDLE** (Caloundra—LNP) (2.59 pm): Madam Deputy Speaker—


Madam DEPUTY SPEAKER (Ms Pugh): Do you have a point of order?

Mr McARDLE: No, I rise to speak to the motion. I oppose the motion, because it takes away the right of the opposition or, indeed, any member of this House to—

Ms JONES: Madam Deputy Speaker, I rise to a point of order. That motion has now passed. The motion was put to the House. Sorry, I am two steps ahead of you.

Mr McARDLE: Madam Deputy Speaker, I am concerned that the motion removes the right of a member of this House, whether it be opposition, crossbench or government, to put a bill into the House. In my opinion, this is a most unusual move. What I suggest is that, if that is the motion to be put, an explanation be given in relation to it before the House casts a vote upon it.

 **Mr LANGBROEK** (Surfers Paradise—LNP) (3.00 pm): As the member for Caloundra has pointed out, there is a longstanding tradition, and it is in the standing orders, that private members' bills are debated often in this place on a Wednesday night. As I understand it, without pre-empting any of that discussion, we have the marine VMS bill which the member for Gympie has been discussing with us in the shadow cabinet. It is something that this parliament should be able to discuss, as it normally does, on a Wednesday evening. With no notice the Leader of the House has come in and said that we are not going to have private members' business on a Wednesday night. It would be much appreciated if notice were given of this so we could have an agreement so that when these things come upon us we do not have members having to stand up to debate a motion without notice with no notice at all.

 **Hon. YM D'ATH** (Redcliffe—ALP) (Leader of the House) (3.01 pm), in reply: I did not seek to expand on this motion when I first introduced it because I did advise in the Business Committee meeting at the time that there would be a deferment of private members' business as a whole this week. I received correspondence from all three members of the Katter party—who are the members who moved all of these private members' bills—seeking to have these deferred to the next sitting week because they would not all be in attendance due to the floods, and I accommodated that request. This morning I was advised that the member who moved the disallowance motion would be in attendance so the disallowance motion could proceed. However, their request to have the bills deferred to next sitting week still stood. I have accepted that request of the Katter party and that is the reason this motion is being moved this afternoon. It is simply a request of those members whose bills they actually are.

Question put—That the motion be agreed to.

Motion agreed to.

**CRIMINAL CODE (NON-CONSENSUAL SHARING OF INTIMATE IMAGES)
AMENDMENT BILL****Second Reading**

Resumed from p. 61.



Ms McMILLAN (Mansfield—ALP) (3.03 pm): I rise today to make my contribution to the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill, which is currently before the House. I make comment particularly to the insertion of new sections 223 and 229A which aim to deter the distribution of, or threat to distribute, intimate images of a person without their consent. For the purpose of these offences, it will be immaterial whether the image which is the subject of a threat exists.

These legislative amendments will address the potential gap in the Criminal Code by creating new offences to reprimand criminal behaviour not yet recognised by the law. It should be noted that the Commonwealth Criminal Code does include telecommunications offences that may apply to the non-consensual distribution of intimate images—for example, using a carriage service to menace, harass or cause offence. The criminal behaviour to which I refer is colloquially known as ‘revenge porn’. This technology facilitated abuse can be described as the sending of, or the threat to send, intimate images of a person without their consent. Sadly, some of these victims are children coerced by a peer to send these images. The non-consensual sharing of intimate images is exploitative, it is humiliating and it is an extremely damaging form of abuse. It is often carried out by an ex-partner, a controlling partner or a perpetrator of domestic violence.

The eSafety Commissioner suggests that as many as one in three children in 2016-17 have engaged in the sharing of intimate images. Currently, Queensland does not have an offence specifically directed at the non-consensual sharing of intimate images. With the implementation of this legislation, Queensland—like several other Australian states and territories—will have offences specifically prohibiting the distribution of, or threat to distribute, intimate images without consent of the person depicted.

The prosecution will not be required to prove that the person depicted in the image suffered distress as a result of the distribution. Rather, the court must be satisfied beyond a reasonable doubt that the way in which the intimate image was distributed would objectively, reasonably cause distress to the person depicted in all the circumstances. The bill provides that a child under 16 years of age is incapable of giving consent to the distribution of an intimate image to provide additional protection for vulnerable child victims.

As a past principal, my colleagues and I frequently witnessed firsthand the long-term devastating impact that revenge porn can have on our young people. This criminal behaviour can cause its victims to feel shame, worthlessness and in some cases cause the victim to harbour suicidal thoughts and tendencies. A threat to send intimate images harbours similar human responses and in fact can be worse as this threat creates extreme fear in response to the anticipation that these images could be sent. This threat is then used to coerce, control and harm a person. The non-consensual sharing of intimate images can diminish a person’s dignity and self-worth and inhibit their dreams and their life opportunities. Many young people refuse to come to school after such an event, resulting in long-term absences, a decline in student achievement, social withdrawal and isolation.


My work on the Premier’s Anti-Cyberbullying Taskforce provided further evidence and reason for our government to introduce legislation to further protect both children and adults from the misuse and abuse of technology. I heard numerous accounts from people across Queensland where abuses of technology have created serious distress to not only the victim but also the victim’s family and friends.

In an age where access to technology is abundant and evolving, it is imperative that we create legislative safeguards to protect all Queenslanders. The fact that our current laws fail to recognise the damage and hurt suffered by some of the victims of this revenge is completely unjust. The Palaszczuk government considers the creation of new offences a prerequisite to address and deter such repetitive and destructive behaviour.

As rightly stated by my learned colleague the Attorney-General and member for Redcliffe, this legislative reform, among many others, intends to send a very clear message to perpetrators that sharing, sending or threatening to share an intimate image of another person without their consent is unacceptable and justifies serious consequences—namely, a maximum penalty of three years imprisonment. The act of revenge porn is not only abhorrent but also criminal, and our legislation should reflect this. While dealing with this issue requires a multifaceted approach including civil remedies,

education and awareness-raising schemes and the assistance of the community sector, comprehensive criminal laws in this area are an essential component to ensure offenders are held accountable and to reflect community condemnation for such activity.

This is yet another 2017 Palaszczuk government election commitment before the House today which will encourage and support Queenslanders to think about the decisions that they make and the consequences that these decisions have on the health and wellbeing of others. Further, I feel professional comfort knowing that our young people have greater legislative protection should they find themselves to be victims of this callous disregard, and perhaps one fewer child will suffer such humiliation as a result of this legislation. I commend this bill to the House.

 **Mr McDONALD** (Lockyer—LNP) (3.10 pm): Technology is a modern-day catch 22. Technological advances occur every day to try to make our lives easier. Put simply, we cannot live without technology. The catch, however, is that with every beneficial improvement that new technology provides us, there are potential new ways for it to take over our lives and, in some instances, cause insurmountable misery. An example of this is the recent phenomenon known as image based abuse, or revenge porn. Statistics compiled from a survey conducted by the Royal Melbourne Institute of Technology reveal that more than one in five Australians have been the target of image based abuse, while an almost equal proportion have had a sexual or nude image of themselves taken without consent. As technology progresses, new ways to abuse it follow suit and, as such, 80 per cent of survey respondents will attest that something must be done to stop this behaviour.

That is why I stand here to speak on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018, a bill that seeks to eliminate this abuse of technology and provide victims the justice they deserve. Before continuing, I would like to thank my fellow committee members of the Legal Affairs and Community Safety Committee, the members for Toohey, Southern Downs, Mirani, Macalister and Mansfield, for their contribution to this bill and our inquiry with the 18 broad-ranging submissions as well as our public hearings. Thanks also to our secretariat who have done another great job.

Like many of my colleagues on this side of the House, I will be supporting this bill. Its objectives are certainly noble. Put simply, it sets out to create these new offences which are targeted to protect vulnerable individuals from the threat or actual non-consensual distribution of intimate images or recordings. The LNP supports any measures aimed at protecting Queenslanders from intimidating and threatening behaviour, particularly when it involves the non-consensual sharing of images that are, and should remain, private. Men, women and children should never be victims of such damaging conduct. The sharing of sexual images of another person can destroy someone's life in many ways, from current or future job prospects to family relationships, and strike at a person's overall wellbeing. It is unacceptable conduct that people are currently engaged in, and victims need protection now.

I note for the House that other states in Australia began implementing similar legislation back in 2013 and only Queensland and Tasmania were yet to introduce this type of legislation. It is another example of a tired state government that needs a change. As I have mentioned previously, in 2016 RMIT University conducted an online survey of 4,274 participants, which gives an insight into how prevalent instances of image based abuse are in Australia. When considered alongside the results of a 2017 online survey by the Commonwealth Office of the eSafety Commissioner and the 2018 ABC's Triple J What's Up In Your World survey of over 10,000 Australians, these results show just how broad this problem is and why it is so critical that we get this bill to the highest standard possible. Amongst the multitude of items discovered by the survey were a few that really hit home. This bill seeks to protect the most vulnerable in society from abuse. Considering that in Australia one in two disabled or Indigenous Australians and one in three young Australians have at some stage reported image based abuse, getting this right is critical.

This deplorable behaviour is also, as statistics show, likely to affect women more than men. While similar numbers of men and women have at some stage sent an intimate image to another, this action has caused a negative outcome for women at twice the rate experienced by men. Women are also twice as likely to receive an unsolicited sexually explicit image, twice as likely to have images of themselves shared without consent and more likely to endure repeated requests or intense pressure to share intimate images of themselves. The statistics prove this is an issue affecting almost everyone. It is critical that we get this bill right to protect Queenslanders from abusive behaviour, and more can be done to make this bill as strong as possible.

As I mentioned at the outset, we recognise that technology is currently changing and we believe that these new laws should be reviewed in three years to ensure that they are meeting the community's expectations and the expected changes in technology. I look forward to being a part of that review in

three years time when we have a Deb Frecklington led LNP government in Queensland. While the bill's intention and basis are well worth introduction and most stakeholders express support for the bill, it is far from perfect, as most recommendations contain advice on how the bill could be improved.

The Office of the Information Commissioner drew the committee's attention to the growing social acceptance of the taking of intimate images, and the pervasive use of social media platforms means these images can be instantaneously broadcast to a potentially unlimited audience. The Centre Against Sexual Violence submitted that this bill is sending a clear message that the non-consensual sharing of intimate images is not acceptable and, therefore, showing support to victims of abuse. It is a shame it has not come earlier.


Consent is defined in the bill as consent freely and voluntarily given by a person with the cognitive capacity to give that consent. Many stakeholders were concerned with this definition and suggested a number of alternatives. Dr Henry from RMIT University and Dr Flynn from Monash submitted that the legislation should make it clear that consent given on one occasion does not apply to all other occasions, but the department noted that a person withdrawing consent for an intimate image to be distributed would need to be considered and determined on a case-by-case basis. This is an area where I feel the bill falls short.

The bill also provides that a child under the age of 16 years is incapable of giving consent to the new offences. This raised probably the most significant area of concern regarding the bill in terms of the vulnerability of children who may be caught up in the new offence. Despite some submissions suggesting other alternatives to prosecution when offences occurred between children, I support the removal of any potential confusion regarding consent between children that this definition provides as I believe it forms the basis of clear communication through education of the significant risks that this type of behaviour brings about.

Encouragingly, in relation to the element of the offence regarding the distribution offences—the way the person distributed the image would cause the person depicted distress—it is not necessary to prove that the person intended to cause or did cause the person depicted distress. This is a vital change.

The LNP supports the continued operational practices of the Queensland Police Service to educate our children and young people about this issue and to raise awareness. It is important for the community to recognise that our hardworking police and particularly the child protection investigation units, who primarily deal with these offences, are already dealing with the issue sensitively when dealing with victims and juvenile offenders under the current state and federal legislation. This legislation is sufficiently wide enough to capture these breaches of trust, but it is not specific. This breach of trust usually occurs between people known to each other with most offences being committed by people of trust, making it terribly distressing for those affected.

To me, this is one of the most critical pathways for the success of the bill and its operationalisation but, more importantly, in respect to halting the continued sexualisation of our community, particularly our youth. Like my fellow committee members, I am encouraged that this bill will see specific offences created. It will enable a court to order that an offender take action to delete these images or prohibited recordings. The bill may not be perfect, but with its improved targeted purpose and increase in penalties up to three years, I commend the bill to the House.

 **Mrs McMAHON** (Macalister—ALP) (3.19 pm): I am proud to stand here as a member of the Palaszczuk Labor government to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. This Labor government has been responsible for some of the biggest legislative advances and improvements in the prevention of domestic and family violence in a generation. Whilst implementing the recommendations of the *Not now, not ever* report has been the cornerstone of this achievement, continually introducing legislation, understanding the nuances of this troublesome epidemic and building on that work shows that we understand and we will strive to do more. Whenever there are victims caught in the terrible vortex of power and control there is work to be done, particularly by members of this House.

I have spent some considerable time working in this space with victims, stakeholders and law enforcement officials here in Queensland, interstate and overseas. In every forum I have attended it has been acknowledged that in the increasingly complex environment which offending behaviour seeks to exploit and expand into lawmakers must be responsive. As legislators we must acknowledge that relationship dynamics and pressures are constantly changing and that, in an overwhelmingly digital society, privacy and reputation is something that is precious and deserves to be fiercely guarded.

The non-consensual sharing of intimate images is more widely reported under the misnomer 'revenge porn'. I would urge all those who report responsibly on this issue to take a moment to consider how unhelpful and misrepresentative both aspects of that term actually are. 'Revenge' implies righting

a wrong and that someone who has been scorned—or not even that—deserves to have some sort of retribution and that they ‘had it coming’ to them. This is unhelpful and not representative of what we are dealing with here. Regardless of how you feel about pornography as a form of expression, the term ‘porn’ is used pejoratively in a way that is completely unrelated and demonises a field usually engaged in by consenting adults for commercial purposes. This is an entirely unhelpful term when we are dealing with the sorts of behaviours that are the subject of this bill.

Those who have worked in the field of domestic and family violence have long been aware of the prevalence of the use of intimate images to control and coerce victims. We now have a generation of teenagers and young adults who have not known life without a digital footprint. This brings us to a dangerous intersection between technology and attitudes. This is something that is prolific and on a scale that most people over the age of 30 would struggle to comprehend. A Triple J online survey of over 10,000 Australians showed that, of those under 30, two in three had seen a naked selfie and 61 per cent had themselves sent someone a naked selfie. This is not confined to listeners of a specific radio demographic. A national online survey conducted by RMIT showed that, of over 4,000 respondents, one in three people aged 16 to 19 reported image based abuse and one in two had experienced pressure or coercion to send sexual images. While strictly speaking this epidemic has both male and female victims, the eSafety Commissioner reports that women are twice as likely to have their sexual images shared without consent and they are more likely to experience image based abuse at the hands of a former intimate partner.

There can be no doubt that this is a gender based offence. I have heard comments from certain sections of the community who feel that, if you take a naked image and send it on, you only have yourself to blame. Not only is that position not helpful and wilfully ignorant of relationship dynamics and how coercion and control work but it is also blissfully ignorant of the malevolence that exists against women. A woman need never have taken a naked image of herself to find herself a victim of this. Women can now find their likenesses digitally imposed on other suggestive, lewd and downright depraved images. This is especially problematic for women who do have positions of authority and power within society. It is used as a deliberate tool to degrade and humiliate them simply for being a woman. Furthermore, even where these images do not actually exist, the threat to release or distribute intimate images can cause untold anxiety and stress.

A couple of years ago, as a senior project officer for domestic and family violence in the Queensland Police Service, I attended the inaugural tech summit held in Sydney by the Women's Services Network. This summit focused on how digital technology could be used to direct violence towards women and to equip people who work in the field with the tools to help empower women to reclaim their digital autonomy. We heard firsthand from women whose lives had been irrevocably changed because their privacy had been compromised and intimate images shared online. One woman continued to experience difficulty seeking employment because she had chosen to seek justice when her ex went online with intimate photos. Now potential employers see her name linked to revenge porn sites. Believe me, the internet still has plenty of dark places where intimate images are the stock-in-trade for people who are deliberately looking to generate humiliation and harassment for ex-partners.

One of the worst cases I have had the misfortune to follow was here in Queensland. A woman had her face digitally superimposed on a pornographic image and posted online with her name, address and contact details along with suggestions on how to approach her. These included, ‘Don't knock, just come in. She loves to be tortured and raped.’ Sure enough, men came to her home and knocked on her door, even when she had her three-month-old child with her. After years of putting up with this behaviour, the perpetrator was eventually located and charged with stalking because we did not have anything else. Today I say to that victim that I can only hope the action we take here in this House today will mean that future victims will have quicker police investigations and appropriate judicial recourse.

This bill will introduce specific offences under chapter 22 of the Criminal Code. The new section 223, distributing images, is supported by clear definitions of the terms ‘distribute’, ‘intimate image’ and ‘consent’. This section articulates a clear criminal act. The new section 229A, threats to distribute intimate image or prohibited visual recording, covers the threat to commit the act under section 223 where there is a real fear of that threat being carried out. The bill also provides for rectification orders to be issued by courts to persons convicted of these offences requiring them to remove, retract, recover, delete or destroy an intimate image. An offender who fails to comply with that order is guilty of a misdemeanour.


Listening to stakeholders during the public briefings and hearings reiterated the need for offences such as these. I also acknowledge that some stakeholders felt the legislation does not go far enough. In this regard I speak of the issues raised around the definition of consent and the intersection of the

defence provisions of section 24 of the Criminal Code, mistake of fact, particularly in relation to how it manifests in a controlling relationship. For the benefit of other members who may not be aware of how this works in the real world, particularly in harmful domestic violence relationships, the concern is that a victim who is in a protracted violent and abusive relationship and subjected to constant threats or fear of reprisal is not someone who can give consent freely and voluntarily. Even though the offender may record a verbal statement of consent at the time, a woman who knows what will happen if she says no—either on or off camera or otherwise—cannot be said to have given positive consent. Therefore, after this woman has left her relationship and seeks to claw back her life she is still faced with the possible tacit evidence of her consent.

The department acknowledged these concerns and that the definition of consent is only attached to the section 223 offence but notes that other jurisdictions are in the process of reviewing the concept of consent, and it acknowledges that any future changes to criminal law regarding consent may take these into consideration. Listening to the shadow Attorney-General's response today, I look forward to his support when that review occurs.

I thank all stakeholders for their submissions, I thank them for their tireless work with victims and I thank them for their advocacy in this area. I would like to thank my fellow committee members, committee secretariat and department staff.

I stand here in this House to pass this type of legislation. It is the reason I am here. While I may not be able to stand before the House every day and speak on issues like this, I will take every opportunity when it arises. I commend this bill to the House.

 **Mr ANDREW** (Mirani—PHON) (3.30 pm): I rise as a member of the Legal Affairs and Community Safety Committee to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. I thank the member for Macalister for her contribution, which showed why this bill is needed. I thank the other committee members who have spoken before me. I commend my committee colleagues and the secretariat for the time and effort put into the hearings. I especially commend the many agencies and members of the public who made contributions to help our committee make informed decisions.

I believe that the amendment bill delivers a range of outcomes that will serve to assist in upholding good moral standards for improved behaviour in the wider community going forward. The new offence related to sending or threatening to send intimate material without consent reflects the constantly changing world we live in, where the ability of modern technology to create, store and broadcast material of a deeply personal and private nature is so great.


This bill will need to be reviewed within a short time frame as technology is advancing at a very rapid rate. The way technology is evolving includes ever more varied ways for images and other forms of material to be shared. It is a shame that people, having had a relationship breakdown, would use what was once intimate and should be kept between themselves and indiscriminately share material to hurt and degrade each other through the internet and other technological means long after the actual break-up.

It has also been taken into consideration that schoolchildren have shown elevated susceptibility to sharing intimate images amongst their peers. It should not be treated lightly but the response should include education rather than incarceration, removing the possibility of lasting criminal records for young people under the age of 16 who dabble in this behaviour.

Understandably, these new provisions will allow the court to order the removal or retraction of the distributed images upon conviction of the new offence or offences under existing section 227A. Amendments will provide powers to a sentencing court to issue a rectification order such that the offender should take reasonable steps to remove, retract, recover, delete or destroy intimate images the subject of an offence. We would hope everyone would do that.

I highlight the New South Wales legislation. The default expectation should be that intimate images have a private quality such that an individual would reasonably expect them not to be shared. To allow implied consent focuses on the actions of the victim rather than those of the perpetrator and may lead to further victim blaming. Consent should only apply to the person it was given to, not ongoing consent for that person to continue to share. That came out of information given to us at the public hearings. This should be considered within the bill, as per the New South Wales legislation.

Understanding the importance of the bill in reducing the practice of non-consensual sharing of images to hurt and embarrass people within our society and recognising the fact that cameras are present on almost every phone or tablet in Australia, I commend this bill to the House and to Queensland.

 **Mrs MULLEN** (Jordan—ALP) (3.33 pm): I rise to make a short contribution to the debate of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. I begin by congratulating the Attorney-General and our government on tackling this important and growing issue within our community, firstly through the commitment made by Labor at the last election that we would address this serious matter and now through the development of comprehensive criminal laws in this area.

As the Attorney-General stated in her introductory speech, this is about sending a very clear message to those who think sharing or threatening to share an intimate image of another person without their consent is acceptable. This behaviour is not acceptable and will now have serious consequences. The bill creates a new offence that prohibits distribution of an intimate image of another person without that person's consent. This offence will now have a maximum penalty of three years imprisonment.

The bill seeks to define 'intimate image' whilst also capturing images that have been altered so as to appear to depict an intimate image. The bill also creates two new offences of threatening to distribute intimate images or prohibited visual recordings without the consent of the person depicted in the image or recording. I think this is an important element of the legislation. The threat alone to distribute intimate images and prohibited visual recordings can and does cause distress to an individual.

The legal affairs parliamentary committee found through its inquiry that, whilst this behaviour is often labelled 'revenge porn', research shows that revenge is not the only motive underlying the sharing of, or the making of a threat to share, intimate images. Other motivations include control, intimidation, sexual gratification, monetary gain and social status building.


A few years ago, along with the federal member for Oxley, I invited the Australian eSafety Commissioner, Julie Inman Grant, to an informative parenting workshop that focused on the issues of cyberbullying and keeping children safe on the internet. What was shocking through Ms Grant's presentation was the statistics of the number of adult women who were reporting or seeking the assistance of the eSafety Commissioner's office regarding image based abuse.

This seems to line up with the statistics referenced by other members here today of the 2016 national online survey conducted by RMIT University which found that more than one in five Australians have experienced image based abuse including sexual or nude images taken without consent—one in five Australians; distributing sexual or nude images to others without consent—one in 10 Australians; and threatening to distribute sexual or nude images without consent—again, nearly one in 10 Australians. These statistics are truly terrifying, particularly with the knowledge of how easy it is to upload these images.

As the eSafety Commissioner asserted through a submission to the parliamentary committee, the provision of some measure of privacy protection to a person depicted in an intimate image is essential. This is especially so in the context of a growing social acceptance of the taking of intimate images, the pervasive use of social media platforms and the ability for the image to be instantaneously broadcast to a potentially unlimited audience.

The parliamentary committee did recognise that the efficacy of the new laws could be impacted with changing technology. Whilst it is difficult to predict this, the suggestion that the laws be reviewed after three years to ascertain that they are operating as intended is sound.

I also believe that, along with this important legislation, we must continue educating our young people—both girls and boys—on protecting their digital identities in this ever-changing world. I would like to recognise the department of education's Cybersafety and Reputation Management Team, which is doing some fantastic work out in our schools, at both a primary and a secondary level. I was fortunate last year to see a presentation by the team to year 10 students at Springfield Central State High School. The presentation focused on ensuring our young people are developing a positive digital footprint whilst also creating an online personal brand. This was certainly a new concept to me—the need to have a personal brand at 15 years of age—but it showed just how important the online world and reputation management will be for the generations to follow. Ultimately, our education programs are aimed at creating responsible, respectful and respected online citizens—hopefully, citizens who are never captured by the legislation we are debating today but in the knowledge that these laws will be there to protect them should the need arise. I commend the bill to the House.

 **Mr O'CONNOR** (Bonney—LNP) (3.38 pm): I rise to make a contribution to the debate of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018 to create new offences for sending or threatening to send private images without consent. As a young Queensland,er,

I support this legislation. It is a bill that will close loopholes and bring us into line with other jurisdictions where it is already an offence to share or threaten to share private content without consent. More importantly, though, it shows that breaching someone's trust like this is not on.

Laws need to keep up with society and technology. Smart phones have been around for about a decade now. They have fundamentally changed the way we communicate. Our entire lives are run through these small rectangles. That of course includes how people communicate with their partners in the most intimate ways.

There is a dark side to all of this though. With so much being texted, sent, snapped and ultimately recorded, people have more opportunities to do the wrong thing. I do not think this is just an issue of having private content on a major social media site. That might have been a problem in the first days of social media, but now they all have automatic, in-built filters and ways of reporting inappropriate content in order to have it removed in a timely manner. There are of course websites that have come up in the media where people, particularly men, cowardly and anonymously post private content of their former partners. These are often with enough information to allow the victim to be identified, even something as basic as a suburb.

I think the real issue is what is sent within messaging apps—that is, ways of privately sending photos and videos among people who know each other. This happens on a smaller scale and it can impact people within their own circles, whether it is a school, a university or a workplace. The legislation has been dubbed the revenge porn bill, but in most cases this does not come down to a motivation of revenge or what could even be called porn. I can think of one example from a local school where a girl had sent an image to a male student. He shared it around via some of those messaging apps and suddenly practically everyone at the school and even at other nearby schools had seen it. He was punished—as he should have been—by being removed from the school, but that poor girl had to suffer the same fate and leave the school herself because it was too difficult to be around fellow students knowing that many of them had seen her so intimately.

This is a widespread problem, particularly for young people who practically live within their smart phones. The data on this is surprising given a 2016 RMIT survey and similar findings from an Office of the eSafety Commissioner survey. It is extraordinary to see that 23 per cent of Australians surveyed by RMIT had gone through image based abuse, with one in five having an image taken without their consent, one in 10 having images shared without their consent and about the same number of people having been threatened with the release of images. This is clearly an issue which disproportionately impacts women, who are twice as likely to fall victim than men, but the data also shows that 56 per cent of Australians with a disability reported being a victim of this type of abuse as well as half of Indigenous Australians and a third of gay, lesbian and bisexual people.

This is thankfully taken into account with the drafting of the definition of 'consent' with the inclusion of the need for the person to have the cognitive capacity to voluntarily give it. There is some issue around the inclusion of a distress test in section 223(1)(b) that was raised by stakeholders in the committee's report. It is a fair question to ask if it needs to be added on. It should be enough that a private image has been shared without consent. Distress is implicit. Is it not unnecessary and a potential barrier to prosecution to prove that it has caused distress?


The Commonwealth Senate Legal and Constitutional Affairs References Committee noted this and said that offences should not include intent to cause or proof of harm elements. The more detail an offence provision has, the higher the threshold for the prosecution to address and prove it. The main thing we are trying to address here is the non-consensual sharing of intimate images. I have doubts about whether it is necessary to prove distress has been caused. Perhaps a more established term like 'detriment' could be used, as was suggested by the Queensland Law Society.

I also note that the Office of the eSafety Commissioner has an easy to complete online form which is a good, practical solution to help combat this. It is a great resource that can assist to remove intimate images or videos and can even take action against the person who shared it without consent. There has been relatively recent reporting about a similar way Facebook was working with this government body to use its filters to block an image before it was even posted. If a person was being threatened with the release of an intimate image by a former partner, they could get in touch with the eSafety Commissioner's office, which would then flag the issue with Facebook.

It is already an offence for some ways of sharing these images using a carriage service, but people have been falling through the cracks or could potentially get caught out, particularly when it comes to a threat. It is important legislation to support victims, particularly those most vulnerable like women and young people. I hope the increase in penalties to a maximum three years imprisonment will

act as a deterrent to make people think twice before sending out private content without consent. If it does happen, having specific criminal provisions will mean that those impacted will feel that they can now ask for help and prevent this having a greater impact on their life. The law will back them. I hope these new laws raise awareness that this sort of behaviour is unacceptable.

I back the calls from R4Respect that every young Queenslander must receive mandatory respectful relationship education. I am proud to represent three high schools—Southport State High School, Coombabah State High School and AB Paterson College. I know they all have policies in place to deal with this, but the reality is young people all have phones and these sorts of issues will happen. They need to be aware of this new law to help them think about their behaviour and to stop this disgusting practice from happening.

 **Ms PUGH** (Mount Ommaney—ALP) (3.44 pm): This bill is critically important in putting another nail in the coffin of the culture of victim blaming that still exists in some quarters today. It changes the dialogue around revenge porn and non-consensual image sharing from, ‘Why did you take the photo?’ to making it clear that consent is non-negotiable. I am incredibly proud to be a part of the government passing this legislation and I really hope that it receives unanimous support in the House.

Once upon a time it was acceptable to ask victims of sexual assault in a court what they were wearing or about their underwear, as if a short skirt or lacy undergarments are some kind of unspoken justification for the deplorable act of rape. Today, thanks to the tireless efforts of many outspoken advocates, the tide is turning and victims are receiving the support they so deserve. It is important to note that this legislation sends a clear message to victims of these kinds of crimes: you are not responsible for having your trust violated. The perpetrators are responsible for violating it. It puts the blame squarely where it belongs—on the perpetrators of these disgusting acts—and they can now look forward to up to three years in prison.

The next generation—my son, my daughter and their peers—will grow up with devices everywhere—in their pockets, in their schools and in their homes. They are already ubiquitous in society, so we know that many people—and not just young people—use their devices already for the creation of intimate images. It is very unlikely that the taking of these images will stop, and indeed why should it? There is nothing wrong or criminal in sending an intimate image to a partner of your choice. Some 200 years ago young lovers would send each other letters when parted by distance because those were the tools that they had at their disposal. Today, people have digital devices fitted with cameras and can exchange intimate images in an instant and we need to legislate accordingly. The parliament needs to ensure that people who violate the trust of their intimate partners face the full force of the law.


Sadly, there are many examples of why this legislation is needed in Queensland. However, today I also want to paint the contrast of how attitudes have been changing over the last few years. Over the last few years we have seen that the release of intimate images knows no socio-economic barriers. Just last week the richest man in the world, Jeff Bezos, was threatened with sextortion and he chose to go public rather than submit to the blackmail. The fact that he felt able to do this shows how far our society has come in understanding that victims deserve our support, not to be interrogated about why these images were taken at all.

A few years ago, things were very different. I recall looking on horrified when Oscar-winning actress Jennifer Lawrence had images that she had shared with her long-term long-distance partner released globally by a hacker in a disgraceful violation of her privacy and autonomy that came to be known as The Fappening. Websites all over the world were filled with mocking for this woman who had been treated so poorly and brought so low. Over and over again in the media she was asked why she took the photos at all and she replied, not unreasonably, that in her long-distance relationship she wanted her partner to be thinking of her, not looking at other material easily accessible on the internet, and I think that we can all understand that. Sharing intimate images with somebody is an act of trust and people who have this trust violated deserve nothing but our support.

Last week I met with my local Mount Ommaney police officers Ben and Peta about domestic violence and the meeting coincided with internet safety day. We spoke as not only internet safety advocates but also parents of young children and both officers emphasised strongly to me the importance of not allowing digital devices in the bedroom of your children. That night I took the opportunity to discuss the no devices in the bedroom rule with my son and my daughter aged seven and nine. I also decided to explain why. It was an uncomfortable discussion—there is no getting around that—but I do not believe that I can protect my children or the children of Queensland unless they know what is out there. At their tender age, they are yet to fathom the kinds of disgusting predators who may decide to engage with them online.

I am so happy to see that the legislation states categorically that children under the age of 16 are unable to provide consent. Last week, police personnel in digital content spoke about some harrowing images they have had to see in the course of dealing with child abuse. Also last week on ABC Radio one officer spoke about how a 12-year-old girl had shared a compromising image online with someone, who then threatened to share that image with her parents. That girl was then coerced into performing degrading and intimate acts on film and could be seen sobbing throughout. The officer who had to watch this material was very disturbed. For that little girl and every other victim of this heinous crime, I say that this legislation is for them.

I want to finish with one message from the video that the QPS shared with us last week. Children need to know that, if they are ever the victim of this crime, their mums and dads love them, believe in them, and forgive them. There is nothing that our children should not be able to share with us, because the perpetrators of these kinds of crimes thrive on this shame and secrecy. I say to kids to please not try to get out of trouble by getting in even deeper and sending more images, to please know that their mums and dads love them and that the only person who is going to get in trouble is the monster who is trying to hurt them.

 **Mr CRANDON** (Coomera—LNP) (3.50 pm): I rise to make a contribution to the debate on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. The policy objectives and the reasons for them are outlined in the explanatory notes to the bill. There is a great deal of support for this bill, which is reflected in the committee's report. The only recommendation made by the committee in its report is that the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018 be passed.

The committee's report refers to the very thorough review that was undertaken of this bill. Page 4 of the report states that image based abuse is widespread in Australia and refers to a 2017 report by Asia Eaton, Holly Jacobs and Yanet Ruvalcaba titled *Nationwide online study of non-consensual porn victimization and perpetration: a summary report*. The report also refers to a 2017 national online survey of 4,122 people—and, obviously, that is a significant number of people—by RMIT. That survey found that more than one in five Australians—23 per cent—have experienced image based abuse, including sexual or nude images taken without consent; one in 10 Australians have experienced distributing sexual or nude images to others without consent; nine per cent, or nearly one in 10 Australians, have experienced threatening to distribute sexual or nude images without consent; one in two Australians with a disability—56 per cent, which is just a horrific statistic—have reported being a victim of image based abuse; and one in two Indigenous Australians, or 50 per cent, have reported image based abuse victimisation. The survey found further that one in three people aged 16 to 19 years—or 31 per cent, or almost one in three—reported image based abuse; and four in five Australians, or 80 per cent, agreed that it should be a crime to share sexual or nude images without permission. Indeed, it is a crime in Queensland to share sexual or nude images under certain circumstances.

In July 2018 the ABC's Triple J published the results of its What's Up In Your World survey of 11,000 Australians aged 18 to 29 years. That is the age group of people who are most likely to engage in this type of behaviour other than young people. The Triple J survey revealed that 61 per cent of respondents had sent a naked selfie. Surely, that is begging for trouble. In some regards, that is analogous to someone drinking and driving: they know what these things can lead to but, of course, in matters of passion their common sense can go out the window.

The eSafety Commissioner survey found that both men and women are victims and perpetrators of image based abuse but that women are twice more likely than men to have their nude or sexual images shared without consent.

The report on the bill states that the Women's Legal Service advised in its submission that non-consensual sharing or threatening to share intimate images is—

... a common occurrence that our clients face both in circumstances where they were completely unaware of the existence of the materials (ie. It had been undertaken without her knowledge) or if it was with knowledge it was in circumstances that the items were to be shared as a couple and not for wider distribution.

The report also states that in its submission the Centre Against Domestic Abuse Inc. stated—

We believe this amendment will go well toward filling the gap that falls between domestic violence protection order provisions, stalking provisions and the provisions regarding telecommunications/ digital communications contained in the commonwealth criminal code.

I want to bring to the attention of the House some comments that came about as a result of my involvement and that of the member for Mansfield in the Queensland Anti-Cyberbullying Taskforce. That task force travelled throughout Queensland and talked to many people, particularly those aged under 18 years of age, and school principals. Those school principals said that it was not a surprise to

them that image based abuse is occurring—in fact, it was quite common, that it was almost part of the culture of young people to take images of themselves, whether they had been coerced or not. The material gathered by the Queensland Anti-Cyberbullying Taskforce showed that it was quite common for young people to take selfies and send them. Of course, those images are then out there for anyone and that had a psychological impact on young people.


The Queensland Anti-Cyberbullying Taskforce report titled *Adjust our settings: a community approach to address cyberbullying among children and young people in Queensland* states—

Sexting—images of young people—while sexting (sharing intimate images) between young people is commonly consensual, it is an offence if the image is of a child (a person under 16). This includes the sharing of images between children.

The report then details the list of offences. This is a caution for all of us. If we do not get the message out very clearly to our young people that, 'This is not on. You cannot keep doing what you are doing,' we run the risk of criminalising them. I quote from page 75 of the report—

To limit the impacts of criminalisation of young people, the Queensland Police Service (QPS) advised the Taskforce that, in relation to potential offences under the Criminal Code, police preference cautioning and other techniques rather than charging young people.

It is very important for us to take on board that we need an education program for our young people to make it abundantly clear to them that this is not on, they cannot continue to do this. They cannot think that it is a bit of fun, that it is a bit of 'ha ha', because there are very serious consequences particularly given that those images are there forever. They are on social media pages and the internet forever and they can lead to further abuse.

 **Hon. DE FARMER** (Bulimba—ALP) (Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence) (4.00 pm): I rise to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. This government is committed to eradicating all forms of violence against women. Domestic and sexual violence are forms of violence that affect all Queenslanders, but we must acknowledge that domestic and sexual violence disproportionately affect women.

One in five women will experience sexual violence, as will one in 20 men. More than half of the women in Australia—a majority—will experience sexual harassment and if you are a woman with a disability you have a 95 per cent chance of being subjected to sexual violence. In four out of every five sexual assaults reported, women are the victims and yet only one in five women who are assaulted report it to police. It has to stop. It just has to stop. That is why this government is legislating to outlaw the non-consensual sharing of intimate images, so-called revenge porn. In a way that term is a misnomer. Whatever views or beliefs one holds about pornography, pornography implies at least some form of consent of all parties. When images are created or shared without consent that is exploitation, that is abuse. It is not usually about revenge at all, it is a systematic form of abuse designed to control and humiliate the victim. One more thing: this bill will make revenge porn a crime, as it should be.

We know that violence and abuse against women can be perpetrated across many different platforms. Some of those are clearly and easily identifiable, such as physical abuse. Others are more insidious. We have to adapt to new and emerging forms of sexual violence, such as technology facilitated abuse, so that we can push back, so that we cannot simply say this is not okay but we can actively hold perpetrators to account.

What makes revenge porn so terrible is the immensely negative impact it has on victims. When a perpetrator shares an intimate image without consent, it is not just a short-term embarrassment for the victim. Revenge porn is powerfully damaging. Victims can feel powerless, betrayed and violated. In fact, women who are victims of image based abuse suffer similar effects as women who have been subject to physical sexual violence. These effects are long-term. Many suffer anxiety and depression and, in the worst cases, women take their own lives. They may live in fear that those compromising photos could make their way to employers, co-workers, neighbours and family.

The member for Coomera was referring earlier to the number of young people who fall victim to this terrible offence. It is quite distressing to speak to many young people for whom sending a nudie or responding to a request for a nudie is quite normalised behaviour. I have heard young people talk about how they feel after that is actually used against them. One young woman said to me, 'After it happens to you everyone sees you in a different way. That is how you feel. You feel you have no control. It completely shakes your confidence.'

Some women have been contacted by strangers after explicit images have been shared leaving them afraid for their personal safety, even in their own homes. Sometimes it is the threat of releasing images which does the damage, with perpetrators blackmailing victims and threatening to release

explicit material if they do not comply. It is used as a tool by perpetrators of domestic violence to control their partner. What is most shocking is just how prevalent this criminal behaviour is. Research by RMIT and Monash University revealed that one in five Australians aged between 16 and 49 have experienced image based abuse. Women aged 18 to 24 are most likely to be targets and the risk is even higher for some marginalised groups. One in two Indigenous Australians has been affected by image based abuse and one in two Australians with a disability.

The most common types of abuse were taking sexual and nude images without consent, distributing images without consent and threatening to share images. Victims who were threatened with the release of explicit material and those whose images were shared without consent suffered the most with depression and anxiety. The Palaszczuk Labor government is absolutely committed to ending sexual violence in all its forms and in all Queensland communities and we are not alone in this. Queenslanders want to see the end of sexual violence across the state and beyond. We have started conversations around ending sexual violence and it has amplified the calls for a dedicated strategy to address sexual violence and the review of legislation around sexual assault.

We have been working steadily to reduce sexual violence and while a number of important steps towards preventing violence and supporting victims have been taken, there is so much more work to be done. That is why we have committed to a package of actions to address sexual violence which includes community conversations to increase awareness of sexual violence and sexual assault, the development of a sexual violence prevention framework, establishing a cross-sectoral sexual violence advisory group—I am very excited to soon be announcing the members of that group—and investing \$12 million in priority actions to respond to youth sexual violence.

To support these actions we have established a grants program to continue the conversation around sexual violence in the Queensland community. I am very excited about announcing the people who were successful in those grants. Even better was to see the enthusiasm from right around this state from across a range of community groups and individuals who all want to do something in their own communities to make sure that they are doing their bit to combat sexual violence.

Together all of these components will set a clear direction for preventing and responding to sexual violence. This bill sets out clearly our expectations as a community. The non-consensual sharing of explicit images or threats to share images or, in fact, any other kind of image based abuse is not acceptable in our communities. It should be treated as a crime and perpetrators should be held to account. Legislating will not only enable us to hold perpetrators to account, it says clearly—very clearly—if someone does this to you it is not okay, it is never okay and we will not stand by and let it happen.

At the heart of all of these issues, whether it be domestic violence, sexual assault, sexual harassment, sexting or revenge porn, is respect. It is respect for women and it is respect for men. When we come into this House we must be the role models for respect in the community. People in the community must trust that we will hold their dignity to the highest standards. I do not wish to comment any further on the matters that have been referred to in this House today around the member for Whitsunday, but I do want to say that there is at least one young woman out there who has been extremely brave. Her privacy and the way we manage these stories is so important. I say to all members, please do not drag this young woman any further into stress or trauma.

Mr DEPUTY SPEAKER (Mr McArdle): With all due respect, can you move on from those comments?

Ms FARMER: We hold the dignity of all people in this House to the highest standards and know that it is something that we must cherish. I commend this bill to the House.



Mr HUNT (Nicklin—LNP) (4.08 pm): I rise to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. It is important that this parliament keeps up to date with community needs in relation to laws needed to protect them. In this new digital age, just about everyone has a camera in their possession at all times. Images taken each day are shared with friends, family and the public on various social media platforms. We live in a time of unprecedented connection and communication, which brings challenges to lawmakers to keep up to date. These new laws are welcome but well overdue, considering that other jurisdictions acted in this space some five years ago.

A 2016 national online survey of 4,274 people conducted by the RMIT University outlined the extent of this issue. It found that more than one in five Australians or 23 per cent have experienced image based abuse, including: sexual and nude images taken without consent, one in five Australians; distributing sexual or nude images to others without consent, one in 10 Australians or 10 per cent of

the population; threatening to distribute sexual or nude images without consent, nearly one in 10 Australians or nine per cent; one in two Australians with a disability reported being a victim of image based abuse, which is 56 per cent; one in two Indigenous Australians or 50 per cent reported image based abuse victimisation; one in three people aged 16 to 19, or 31 per cent of our young people, reported image based abuse; four in five Australians or 80 per cent agreed it should be a crime to share sexual or nude images without permission; one in three lesbian, gay and bisexual Australians reported image based abuse; and one in two respondents had experienced pressure or coercion to send sexual self-images. That outlines the extent of the issue. It is a huge issue and it is timely that the House deals with it.

The bill seeks to create a new offence to protect vulnerable people from the distribution of or threats of sharing intimate images or recordings without the person's consent. It seeks to protect vulnerable people, but in truth we are really all vulnerable when it comes to the digital age. There are so many new threats, whether it be from theft of information and identity or fraudulent scams and emails, and online bullying comes to mind.

Most of our young people have access to the world like never before and, whilst this is an exciting time and presents great opportunities, it comes with dangers like never before, particularly for our young people, as outlined in the survey. That means that we must be ever vigilant and educate young people about the dangers they face from digital technology and the potential of being exploited or, indeed, committing an offence themselves under these new laws if passed by the House. Increasingly, we hear stories of young people being pressured to share intimate images of themselves under the guise of trust, but then then being exploited, embarrassed, bullied and betrayed at the hands of others. Hopefully, these new offences present an opportunity for conversations and education around this very important issue. When I worked in the child abuse unit in the late 1990s, this was just emerging as an issue. However, even back then we were beginning to see the harm caused by the taking and sharing of digital images and videos among young people.

During the committee process, the Queensland Law Society recommended young people be educated by the Queensland Police Service, rather than going down the road of prosecution. Currently this can be decided at the discretion of the police under the provisions for dealing with juvenile offenders. For example, if a 15-year-old shares the image of another 15-year-old, even with their consent, they are deemed unable to consent and, therefore, by definition an offence is committed. We see this with our current laws around consent and carnal knowledge offences. We still need the ability to prosecute or deal with offences under the Juvenile Justice Act, as well as the discretion of police as occurs with other offences, as I have outlined. I believe that we can trust the police who work in this area to use that discretion to deal with these matters in the appropriate way and at the appropriate time.

While the LNP supports the objective of the bill, a number of concerns have been raised by key stakeholders about particular aspects of the bill. One of those is the definition of intimate image. In the bill, the definition of intimate image does not include the distribution of audio material, which constrains the bill somewhat according to some stakeholder submissions. Other concerns were raised around the issue of consent. The bill states—

consent means consent freely and voluntarily given by a person with the cognitive capacity to give the consent.

Stakeholders called for a provision to explicitly state that consent given on one occasion does not apply to all other occasions. In the breakdown of a relationship, we can imagine instances where consent could be argued as a defence having been previously provided, maybe years in the past. However, the consent that may have existed previously, whilst not explicitly withdrawn, may reasonably be assumed to no longer apply.

In summary, the LNP supports the bill and any measures aimed at protecting Queenslanders from exploitation, harassment, intimidation or threatening behaviours, particularly involving instances of what has commonly been referred to as revenge porn, and the sharing of material that was always intended to be private. Men, women and children should never be subjected to such damaging conduct and it is right that finally we have an offence to deal with that here in Queensland. We also support the QPS undertaking important education of our young people about these new laws and the other dangers in our digital world, as I outlined earlier. The public sharing of intimate images can destroy a person's reputation, it can hinder job prospects, damage relationships and strike at a person's overall wellbeing. I commend the bill to the House.



Ms SCANLON (Gaven—ALP) (4.17 pm): I rise to speak in favour of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill. I am probably one of the few people in the chamber who went to high school and university with social media platforms such as Myspace,

Facebook, Snapchat, Instagram, Tumblr and the list goes on. In fact, I can distinctly remember being in year 7 when the Motorola razr flip phone came out that allowed my friends and I to take photos and text them to each other. There is no doubt that the evolution of technology has created some incredible advances, particularly in the way that we connect with others. However, that connection has been taken advantage of by some people in our community.

The sharing of intimate images seems to be becoming more and more prevalent. I have heard too many stories to mention where young women have been betrayed and humiliated after their partners shared intimate materials with other people in social settings and online without their consent. I am not going to share any of those stories today, because those victims have already been through enough. I will say that I will not tolerate that sort of vile behaviour and this side of the chamber will not tolerate that sort of behaviour. Hopefully, the passing of this legislation will mean that Queenslanders do not need to live in fear of having their privacy and dignity stripped away from them.

During the committee process, the Gold Coast Centre Against Sexual Violence identified the ease with which image based abuse occurs, stating—

It only takes a few seconds to upload a photo and share an explicit image of a person without their consent, robbing them of their privacy and exposing them to potentially millions of viewers.

Little is spoken about the pervasiveness of that digital image and the lifespan it has once it has been uploaded and shared. It is likely that the repercussions will follow that victim for many years after the offence.

In July 2018 Triple J published the results of its What's Up In Your World survey of 11,000 Australians aged 18 to 29 with the results showing that 61 per cent of respondents had sent a naked selfie and two in three respondents had seen a naked selfie that was not intended for them to see. A 2016 national online survey of over 4,000 people conducted by RMIT University found that one in three people aged between 16 and 19 years, so 31 per cent, reported image based abuse.

As the youngest member of this parliament, I am acutely aware of how important this bill is for my generation and for future generations of particularly women and girls. The eSafety Commissioner survey found that while both men and women are victims and perpetrators of image based abuse, women are twice as likely to have their nude sexual images shared without consent than men. Women are more likely to experience image based abuse at the hands of a former intimate partner than men. Experiences of stalking or threatening behaviour are higher amongst women than men, especially amongst young women aged 18 to 34 years.

Despite these numbers, the Centre Against Sexual Violence asserted that blaming women or girls for being involved in intimate photos is rampant. We want to change that culture of victim blaming. This bill sends a strong message to those individuals who send or threaten to send an intimate image without consent that their behaviour is abusive and unacceptable and they will be held to account. Threats to distribute intimate images without consent can cause untold fear and anxiety and in some cruel instances threats can be used to control or coerce a victim. This bill will ensure that this form of gutless behaviour will no longer simply be regarded as immoral, this behaviour will be illegal and treated accordingly.

The bill creates a new offence of distributing intimate images without consent and two new offences of making threats to distribute intimate images or prohibited visual recordings with a maximum penalty for each offence of three years imprisonment. The non-consensual distribution of an intimate image must happen in a way that would cause the person distress reasonably arising in all of the circumstances. The bill also defines that consent must be free and voluntarily given by a person with cognitive capacity to consent.

The Centre Against Sexual Violence broadly supported these reforms, stating during the committee process that this bill will assist as people will no longer have to prove consent or the absence thereof in the production of intimate images. This has always been a fraught area of prosecution. The bill also provides rectification orders that will empower sentencing courts to direct offenders to remove or delete intimate images or prohibited visual recordings.

Tasmania and Queensland are the only states that do not currently have a specific offence targeting non-consensual sharing of intimate images. This was an election commitment that the Palaszczuk government made. I am proud to be standing here today in support of this bill. This is the type of reform we see when a government has 50 per cent of women in cabinet and almost 50 per cent of women in the caucus. Today is just another step forward for the women and girls in Queensland. I commend the bill to the House.



Mr PURDIE (Ninderry—LNP) (4.22 pm): I rise this afternoon to speak on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill which was introduced by the Attorney-General back in August last year. The objective of the bill is to create a new offence related to non-consensual sharing of intimate images that would apply to sending or threatening to send intimate material without the person's consent. The bill specifically amends the Criminal Code to introduce new offences and to provide new powers to the court targeting the non-consensual distribution of intimate images.

The Legal Affairs and Community Safety Committee tabled its report on 5 October 2018 recommending the bill be passed, but I note that during the committee process some stakeholders did raise legitimate concerns about sections of the bill. Notably, there were a significant number of stakeholders who raised concerns around the definition of consent. The bill seeks to create a new offence to protect vulnerable people from the distribution or threats of sharing intimate images or recordings without a person's consent. Consent is defined in the bill to mean consent freely and voluntarily given by a person with a cognitive capacity to give the consent.

As a former detective with the Queensland Police Service's Child Protection and Investigation Unit, the section of this bill that I would like to focus on is that involving children. The bill extends protections to children under the age of 16 by expressly recognising that children under the age of 16 cannot consent.

Some stakeholders were concerned about the impact the proposed offence may have on children, with some rightly expressing support for alternatives other than prosecution. The Queensland Family and Child Commission noted that there are some concerns that the bill may criminalise a large cohort of children under 16 who share intimate images in circumstances which should not be treated through a criminal response.

Not only as a former CPIU detective, but as a father of two young girls, I am deeply concerned about the number of vulnerable young people who share intimate images of themselves. This is most often done in the privacy of their own bedrooms on a smart phone or tablet while their busy parents are outside thinking their child is diligently attending to their homework. These vulnerable young kids underestimate the hurt, the damage and the potential embarrassment they are subjecting themselves to. If these images find their way into the wrong hands, as they often do, they can result in terrible consequences.

When investigating a youth suicide on the Sunshine Coast a few years back, I was asked by the coroner to investigate any surrounding, potential online cyberbullying that may have contributed to the death. During my research in compiling this report for the coroner, I became familiar with the story of Amanda Todd. I am sure a lot of members might recall this tragic story. Amanda Todd was a 15-year-old Canadian girl who was a victim of cyberbullying and committed suicide.

Before her death, Todd posted a video on YouTube in which she used a series of flash cards to tell of her experience of being blackmailed into exposing herself via webcam. The offender later blackmailed her by threatening to give the photographs to her friends unless she gave him more photos. The flash card video went viral after her death, resulting in international media attention. Regardless of tragic examples like these, unfortunately, the sharing of intimate images between teenagers—commonly known as sexting—is occurring in epidemic proportions.

As we have heard other members highlight this afternoon, an RMIT University study conducted online surveyed over 4,000 participants. This, along with the results of a 2017 online survey by the Commonwealth Office of the eSafety Commissioner and a 2018 Triple J survey of over 10,000 Australians, reveals just how broad this problem is. It is reported that one in three kids have shared intimate images online.

From my own experience during a drug investigation at a large high school on the Sunshine Coast, not long before I left the CPIU, we had cause to seize and lawfully examine a number of mobile phones belonging to some high school students who were suspects in the drug supply investigation. I was gobsmacked to find that these phones were full of intimate images of young students at the school. I am not talking about a handful of kids or a small cohort of kids; I am talking about dozens and dozens of kids from that school and surrounding local schools who had taken and shared these images. It is an area that police have struggled to manage for some time.

Currently, essentially, every child who takes and sends an intimate sexual image is committing a serious offence under section 228 of the Criminal Code of possessing, producing and/or distributing child exploitation material. This is a serious offence that not only attracts a maximum sentence of 14 years imprisonment, but can also result in the offender being classified as a reportable child sex offender. I note this new legislation has a maximum sentence of three years.

When investigating CEM, child exploitation material, offences, particularly between consenting teenagers, police often rightly and most commonly use options available under the Youth Justice Act to caution these kids and to divert them away from the court system. As touched on earlier, an issue I have with this bill is that any child under the age of 16 is incapable of giving consent which would result in every sexting exchange essentially becoming a criminal offence.

Education is by far the best option. I note the committee has recommended that the Queensland Police Service be responsible for education around this issue and this new legislation. The Queensland Police Service, particularly the CPIU, who I can tell members now will be the ones left responsible for the rollout of this education, are already stretched past breaking point. The sexting epidemic occurring in our schools and communities at the moment is a whole-of-community issue—an issue for parents and schools as much as it is for the Queensland Police Service.

Another major issue with this bill from an investigative perspective relates to the difficulty of prosecuting people who anonymously upload prohibited images or recordings. This may include instances where someone uploads material from a device that has particular anonymous qualities to it such as a phone with a prepaid SIM card. This circumstance may result in the prosecution being unable to prove who the offender is.

Similarly, there are concerns about the practicality of the bill and whether it will have application to offenders who live outside Queensland. If an offender lives interstate or overseas, they will be subject to any offence in that jurisdiction. While victims may make a request to the eSafety Commissioner, there are limitations attached to this process.

In conclusion, there is a need for this law to keep pace with rapidly changing technology and how that interfaces with social behaviours. While there are concerns about unintended consequences from the operation of these new laws, I agree that they are necessary and I will not be opposing this bill.



Hon. G GRACE (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (4.30 pm): I rise to support the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. The bill proposes to amend the Criminal Code in order to implement a 2017 election commitment to create a new offence related to non-consensual sharing of intimate images, known as ‘revenge porn’. I start by congratulating the Attorney-General and I take the words of the member for Gaven where she said that this is what happens when we have a balance of gender in this House. We bring these issues forward, we address them and we bring legislation like this before the House. I congratulate the Attorney-General, the parliamentary committee and all involved in bringing this piece of legislation forward that will hopefully end this kind of terrible behaviour.

As technology develops we have a responsibility to address emerging threats posed by its misuse. At this point I want to thank my daughter, Ally. The first time I was alerted to revenge porn was through my daughter, Ally—I can see the Attorney-General nodding. I was not that aware of it. I knew about sexting and the different things that people could be threatened with, but it was Ally, my daughter, who was so distressed when she knew a victim who had had a photo placed on a terrible website and she rang her distressed, asking about what she could do. My daughter alerted me, as a member of parliament, and asked, ‘Mum, what can she do in relation to this?’ Of course, my advice was go to the police and see what could be done. Ally then showed me this website. We did not go into the photo out of respect for the victim, but she showed me the list of all of the things you could click on that people had placed on this particular website—photos and images, the vast majority of which were of young women, that had been placed on that site to somehow embarrass, humiliate and obviously distress them.

I immediately had a conversation with the Attorney-General about that. As both of us are mothers of daughters, we realised that this needed to be addressed. I thank the Attorney-General so much for bringing this forward. I thank my daughter for bringing this forward too, because from then I had a number of constituents who also came to see me. They raised distressing incidents where they had found themselves unable to take a lot of action against the people who used those images against them. It was a terrible set of circumstances. Constituents who came to see me were humiliated. They were distressed. They felt completely powerless to do anything about it. I am so happy to be here today supporting this bill as it will address all of those instances.

Often these images are acquired—and there are many ways they are acquired. It is incredible because, as we know, with mobile phones and the devices that we have, we are probably the most photographed generation in the history of the world. I think we are photographed more every day using these devices, mobile phones, than any other human beings in history. Consequently, legislation has to keep pace with this.

I remember the time when one particular constituent came to see me and she was not even aware that the photograph had been taken as she had apparently been asleep. She was not aware that her partner at the time was taking photographs of her when she was asleep, because she said, 'If I had known, I would have destroyed them or done something.' They are often not even aware that they are being photographed.

I believe that images can be acquired by hacking or being shared around. As the member for Macalister said, various photographs can even be doctored—heads can be put on different images and those kinds of things. It is amazing what we can do with technology these days.

I welcome the fact that the threat to distribute such images which can provoke fear or be used to threaten somebody else is also covered in the bill. I think that is important. Often victims do not even know whether there is material. I think this particular victim had no idea she had been photographed while she was asleep. The threat that this image had been placed on some website—which she eventually saw—distressed her immensely. She did not know whether it was legitimate. She could not remember it happening.


A lot of members in this House who have spoken have talked about the numbers of people involved. In my view one victim is one victim too many, and this bill will hopefully address that. There is no doubt in my mind that this is bullying in its worst form and it is harassment in its worst form. Humiliating another human being by making such threats is something we need to stop. I believe this bill goes a long way to doing that.

My Ministerial Student Advisory Council allows me to hear firsthand from our students what they think the solutions are to issues that affect them including bullying and cyberbullying and in some cases the elements that are being outlawed in this bill. It was great that those 16 students from very diverse backgrounds—we meet twice a year—were very supportive of anything that would eliminate this kind of despicable behaviour.

The three main elements of the bill which I support include a new offence prohibiting the distribution of intimate images without consent, two new offences prohibiting threats to distribute intimate images or prohibited visual recordings, and rectification orders that will empower sentencing courts to direct offenders to remove or delete intimate images or prohibited visual recordings. I very much agree with this. There are definitions in the bill in relation to this.

I think the bill strikes a balance. There is a new offence, as I said, prohibiting the distribution of intimate images without consent. The bill will criminalise threats to distribute intimate images. I think this is an excellent bill and is the right step. We need to make sure that we dot all of the i's and cross all of the t's. I really support that. In three years we are going to review this bill to see how it has worked: do victims feel more empowered by the ability to take action against perpetrators; are the courts streamlined; is it working? If we can improve on this bill then I would support that as well.

Before I stood up to speak I texted my daughter. I said, 'Darling, I'm about to get up and speak about the bill in the House to make revenge porn a criminal offence.' She texted me back and said, 'OMG, Mum! That's incredible. Congratulations. That makes me feel very happy and emotional. Let me know how it goes. I'm so happy this is happening.' Ally, my darling, this is for you. I commend the bill to the House.

 **Mr LANGBROEK** (Surfers Paradise—LNP) (4.38 pm): I rise to speak to the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. I know that this is a very topical issue. In fact, today the *Gold Coast Bulletin* has a story about the first successful prosecution in New South Wales of a woman in Pottsville, just over the border, who had been charged under New South Wales image based abuse laws that were brought in in 2017.

Of course, if honourable members go to the Parliamentary Library, as I did earlier today, in the glass display cabinet just outside the lifts there is a whole series of books on display about the internet era. There is a book by Susan McLean entitled *Sexts, Texts and Selfies*. It is the second, updated edition. Because this is an area where things move at a great pace, Susan McLean has written this book. The endorsement on the cover is given by Dr Michael Carr-Gregg, who is a well-known adolescent psychologist, who said—

This book is indispensable for any parent hoping to give their children the skills, knowledge and strategies to use the internet in a safe, smart and responsible way.

I note the member for McConnel, the Minister for Education, made the point about her own daughter's experience. As a parent of three children who are slightly older, at 29, 26 and 21, it is still something that I have also worked hard at trying to stress to my own children, especially the youngest

one, my son. Sometimes young folk—I know, Madam Deputy Speaker McMillan, that as a former principal you would understand this—do not understand the potential consequences of the things they are doing and the long-term potential ramifications. We have heard from many members today that these issues can come back over a long, long time. These are simple things that they do, often due to peer pressure. We heard from the member for Ninderry about his investigation of a school where dozens of children had these types of images. Yet there will be many people in this chamber who would say that they had no knowledge of that and they would never have done that sort of thing themselves. That shows that between generations there can be such a difference in the way that people behave and yet the long-term effects can be quite deleterious because of the things that have been done.

I want to thank the committee for their work in putting this report together as well as stakeholders who have had some valuable input into the committee report. The Gold Coast Centre against Sexual Violence Inc. said—

It only takes a few seconds to upload a photo and share an explicit image of a person without their consent, robbing them of their privacy and exposing them to potentially millions of viewers.

There is no doubt that harm done by image based abuse, also known as non-consensual sharing of intimate images, is far reaching and devastating. While it is colloquially known as revenge porn, the committee report highlights that this is somewhat misleading since the motive to share such content sometimes is not revenge. The report highlights control, intimidation, sexual gratification, monetary gain and social status building as other motives.

The committee report draws upon the results of a 2016 national online survey of 4,274 people conducted by RMIT University. The study found more than one in five Australians have experienced image based abuse. The report goes on to give the following statistics, which I know we have heard from others: 20 per cent of Australians have had sexual or nude images taken without consent; one in 10 have experienced sexual or nude images being distributed without consent; nine per cent of Australians have been threatened with the distribution of sexual or nude images without consent; over half of the Australian population who have a disability, one in two Indigenous Australians, one in three people aged 16 to 19 and one in three amongst the lesbian, gay and bisexual community have experienced image based abuse. Eighty per cent of Australians agree that it should be a crime to share sexual or nude images without permission, and I am proud to be part of the LNP team that agrees with that.

Distributing or threatening to distribute sexual or nude content is a sickening act that has impacted far too many Queenslanders. I am going to quote from a *Gold Coast Bulletin* article written by Sally Coates, a journalist who has now left and gone to the *Daily Telegraph* and is only in her mid-20s. It was published online on 28 October last year. The headline is 'New revenge porn laws will result in a 'flood' of cases going through the courts'. The expert quoted is Bill Potts, who is now the Queensland Law Society president. He said—

I haven't had any that have been charged under the new legislation—

he is speaking about cases—

but I expect there'll be a flood. ...

It's about police becoming aware of the legislation and being trained in the evidentiary necessities to prove it—remembering this is an area where you need to have significant knowledge of cyber procedures.

It's also the type of matter. While it is prevalent and ubiquitous, it is often difficult to prove because of the capacity for people to hide under fake identities.

I think what that also highlights is what the members for Ninderry and Nicklin mentioned, and that is that police will need more resources because they are the ones who will have to apply these laws out in the real world. There is another quote I want to mention from that article. The article states—

Fiona Grieve, a social media senior counsellor with Kids Help Line, said a significantly greater number of teens had been seeking help and requesting information about sexting this year.

That was 2018. It goes on—

From the first to third quarters this year, the number of inquiries rose from 7000 to 12,500 per quarter.

That was the year 2018 and here we are now with phones that are even better—they are constantly improving—and there are ongoing issues for these young people. I will table that article.

Tabled paper: Article from the *Gold Coast Bulletin*, dated 28 October 2018, titled 'New revenge porn laws will result in a "flood" of cases going through the courts' [146].

The article also tells the story of a young woman still at school whose then partner convinced her to share graphic images of herself. Her partner then proceeded to share them on a group chat with his friends. I will read a few of the comments from the young woman. She stated—

... the worst part is it always resurfaces. It feels like every few months it gets around again or someone brings it up behind my back.

...

I will feel anxious and paranoid about this my whole life and he's just totally fine.

This is just one of the many stories which illustrates how beyond a doubt non-consensual sharing of intimate images can destroy someone's life. It can have adverse impacts on their mental health, relationships, job prospects and overall wellbeing.

I would like to acknowledge the work of the Queensland Police Service, who educate our children and young people about this issue to raise awareness. Of course, the Queensland and Australian of the Year was a senior policeman who has been working very hard in the area of child paedophilia for some time.

I want to recognise the parents, teachers and community leaders who discuss this issue and the importance of respectful relationships with young Queenslanders. Our laws must reflect community expectations and I know the constituents of Surfers Paradise would expect that these laws not only work as a preventative measure but ensure that perpetrators get more than a slap on the wrist. As such, I have some concerns about the bill in its current form. There is a grey area surrounding the application of the law for children under the age of 16. Under the bill, children under 16 cannot consent to the distribution of intimate images. Therefore there are concerns that a significant number of children may be prosecuted. In this circumstance, the Queensland Law Society suggested education over prosecution. The Women's Legal Service submitted the suggestion that permission from the Director of Public Prosecutions be required before commencing the prosecution of an offence against a person under the age of 16 years.

On a wider scale, more must be done to address scamming and manipulative conduct on social media. Our laws must keep up with the capabilities of modern technologies. Last night's *Four Corners* program was called 'Meet the Scammers'. It put the spotlight on cyber criminals who are manipulating Aussies out of an estimated \$340 million per year. Given that embarrassed victims often do not report the amounts, it could add up to billions of dollars.

According to reporter Sean Rubinsztein-Dunlop, the operations of these scammers are becoming increasingly sophisticated with some scammers even setting up operations here. A scammer in Ghana admitted that the best people to target are divorced and widowed people. This is an issue that my sister has been educating her listeners about in her podcast, *Scamming the Scammer*, taken from her radio show *Hughesy & Kate* on the Hit network. Using an alter ego 'Barb', Kate set up a profile on an online dating site to delve into the dark world of romance scams. The stigma and embarrassment associated with falling victim to such a scam has resulted in some Aussies not reporting their losses. She also mentioned that romance scams are the second most lucrative con worldwide behind investment fraud. Many of these victims are smart, hardworking people like Carolyn and Jan who comment in the podcast.

We need to keep working hard towards a suite of laws that are going to keep Queenslanders and our children safe into the future.



Hon. MC BAILEY (Miller—ALP) (Minister for Transport and Main Roads) (4.48 pm): I rise to support the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill. In doing so, I congratulate the Attorney-General on bringing the bill to the House. I also acknowledge the hardworking advocacy of the Minister for Employment and Small Business and Minister for Training and Skills Development, the member for Waterford, who has been a great advocate for reform in this area.

Technology is amoral; it can be used appropriately and well, and of course it can be used unethically and maliciously to cause great damage and distress to others. The digital distribution of intimate images and the threat to share those images are certainly forms of abuse that have been available to people seeking to control or to harm others. To have personal images taken with the consent of another and then shared in public without permission is a gross breach of trust and consent, two things that do not change when a relationship ends.

When an individual puts images out in a public forum with the intent of causing harm to a person's reputation it is more than a breach of trust: it is absolutely a form of abuse. It is a deliberate act designed to damage and harm a person, and in my view it is a digital form of violence against women which is

driven by hatred. Today we live in a hyperconnected world. Today's technology provides us with broad opportunities to communicate and create; however, with those opportunities come great responsibilities to those in our lives or who have been in our lives. That responsibility to each other does not cease at the end of a relationship.

We now live in a world where intimate images can be digitally altered within seconds using free apps on phones and sent out into the world via the web. A vengeful violation of trust puts these images in front of people who clearly should not have access to them. Whether it is one person or a million people who see them, the damage is done. It is not just reputational damage but the psychological damage to the victim that follows such a public violation of trust. Victims of this kind of action may suffer consequences for the rest of their lives. This suffering and loss in the ability to trust others disproportionately affects women and girls, who are most commonly targeted and betrayed in this way. Of course it does affect some men as well.

Often this kind of behaviour is blamed on the end of a relationship and the toxic aftermath of a spurned lover, but the term 'revenge porn' simplifies what this amendment bill seeks to achieve and is in itself an inaccurate term. The term wrongly implies wrongdoing on behalf of the victim and potentially supports victim-blaming attitudes. It is simply a fact that many relationships end. This bill makes very clear what our society expects are minimum standards, both within and after a relationship.

The amendment bill also recognises that the motivation to share intimate images can be non-consensual for the amusement of both the distributor and their audience. Whatever defenders of this kind of behaviour may claim to justify themselves, this act shows no respect or regard for the impact on the person depicted. This bill makes it clear that those seeking to damage others for those reasons will have to answer for their behaviour before a court. Other Australian states—New South Wales, Victoria, Western Australia and South Australia—already have laws to deal with this issue, and I commend them for doing so. The Palaszczuk Labor government is committed to bringing these laws before the House because we particularly support the equal rights of women and their right to live a life free of harassment, abuse and malicious humiliation in a rapidly changing technological society.

This bill contains the new offences of distributing intimate images without consent and making threats to distribute intimate images or prohibited visual recordings. That will also include threats to distribute intimate images without consent. That last part is an important distinction, as the implied threat that images may be shared can be used as a form of control over someone over time and is also simply another version of the same betrayal of human trust and dignity as the actual act itself. That fear deprives a person of the freedom to live their life in a way that is their basic right.

This bill sends a strong message that this kind of hateful behaviour is not only unacceptable but from now on in Queensland also illegal. It will ensure that those who deliberately set out to harm others by sharing intimate images in the digital world, or doctoring those images to cause distress, or threatening to do those things will be accountable under Queensland law. I commend the bill to the House.



Mr WATTS (Toowoomba North—LNP) (4.53 pm): I rise to make a brief contribution on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. I make this contribution both as a father of four children and a husband and as someone who has been involved in an industry where often jokes and a bit of banter are bandied around. I worked in hospitality running pubs and clubs, and over the years it has moved from banter and a bit of a joke, to intimidation, to making people feel very uncomfortable. This technology has grown in our community and legislation needs to keep up, so I am pleased to see that we are here debating this. I am also pleased to see that it will be reviewed, because this legislation will grow old very quickly. We need to be aware and afford our young people in particular the opportunity to be protected from themselves and others who might prey on their innocence without them even realising it.

The objectives of the bill are to protect vulnerable people from the distribution or threat of sharing intimate images or recordings without a person's consent. There are a couple of issues there. I think there is a missed opportunity in relation to audio because it could easily have been included here and also defining consent so that we have the ability to know when consent is given and the ability for consent to be withdrawn. Upon review it will be good to tighten up some of those areas. Under new section 233, the new offence of distributing an intimate image provides that—

- (1) A person who distributes an intimate image of another person—
 - (a) without the other person's consent; and
 - (b) in a way that would cause the other person distress reasonably arising in all the circumstances;
 commits a misdemeanour.

I think we can all agree that that is a good thing.

We have heard plenty of people talk about situations where these kinds of things are used to control, harass, intimidate and coerce. As I say, I have two daughters and I hate to think they would have distributed these kind of images. If someone had such images and was using them to try and coerce them or intimidate them into doing something they did not want to do or behave in a particular way, that would be dreadful. As far as I am concerned, three years is exactly what I would want to see brought down upon someone who did that.

Two new offences have been created: prohibiting threats to distribute, without consent, intimate images or prohibited visual recordings. It is important that these include making a threat to a person depicted in the image or recording or making a threat to a person to distribute an image of another person. The threat of doing it is as important and deserves the same punishment as actually doing it. That is a good thing, because obviously if you are trying to intimidate and coerce someone, to a certain extent once it is out there the capacity for intimidation is lost. Making it an offence to both do it and to threaten to do it is important.

The rectification order provision allows the court to direct convicted offenders to remove or delete intimate images or prohibited visual recordings. That is a good thing, although because these images live pretty much forever on the internet the retrospectivity that could have applied to this might have been useful, particularly in relation to getting some of those images down. At the moment, victims will have to invoke Commonwealth jurisdiction and submit a request to the eSafety Commissioner to have the image or recording removed. We should have had the capacity in our jurisdiction for someone to be instructed to remove that, even if the image existed before this bill sees assent. Consent is defined in the bill as consent that is 'freely and voluntarily given by a person with cognitive capacity to consent.' The issue that I want to raise about consent relates to 16-year-olds.


As our young people grow up in this world of sophisticated electronics we need to provide them with protections not only from others but also from themselves. The fact that an under-16-year-old can be criminalised as a punishment for their behaviour concerns me a little. We definitely should be focusing on education. Having heard the contribution of the education minister, I would like to think that is something that will find its way into our schools. In particular, police officers and community safety officers will be charged with the operation of this legislation. I hope that the legislation is supported by some dollars on the ground—not only for police and the education department to provide education but also for officers to be trained in exactly what the enforcement of this legislation means for them and their ability to use it to stop this kind of harassment and coercion that has the potential to come from these images being shared in our community.

Others have spoken about the issue of children under the age of 16 so I will not go into it in any great detail, but I think it is an area that may need to be tightened up so that people do not find themselves having committed a criminal offence because they were consenting 15-year-olds without the capacity to give consent. It is definitely a tricky area. It will be very important to review this legislation and keep it up to date.

For me, this legislation represents the first step along a path. We know that other jurisdictions have been moving in this space for some time so Queensland is playing a little bit of catch-up. We need to make sure that the police are educated in how to administer the legislation, that police have the capacity to provide education and training to both police officers and outside groups and that the people we are aiming to protect are educated about the fact they can bring charges and have this material removed. People may find themselves in quite desperate and very frightening circumstances with someone trying to intimidate and coerce them. We need to ensure that the objectives of this bill are communicated to both the general population and our young people so that they understand the implications of what they are doing through technology. We also need to ensure that officers have the training and education they need. If we do those things and keep the legislation up to date and review it regularly then it can serve well.

I do not like constraining people's freedoms in any way at all, but someone who is being bullied, coerced and intimidated deserves the protection of this House. This legislation will provide that. I think there are some areas that need to be tidied up and reviewed. Going forward, we should remain vigilant and not just put this on a dusty shelf somewhere and say, 'Yep, done that. Tick that box. Let's move on.' It is a matter of asking questions. Is it working? Is it having the desired effect in the community? Are we making sure that people understand the implications of their actions? With regard to consent, we need to make sure that holders of images have a clear understanding that if someone withdraws consent they no longer have consent and are committing an offence.

Madam DEPUTY SPEAKER (Ms McMillan): I remind members to take their conversations outside and keep noise to a minimum.

 **Mrs GILBERT** (Mackay—ALP) (5.04 pm): I rise to make a contribution to the debate and speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. This bill is not large in volume but is hugely significant for vulnerable people who find intimate images of themselves being shared or threatened to be shared. I cannot imagine the angst and distress any person would feel if they found intimate images of themselves posted on the internet or what it would be like to live under the cloud of a former partner threatening to post intimate images as revenge for a relationship breakdown.


This bill was a Palaszczuk government election commitment and a commitment to our community that I am very proud of. The digital age is changing at a rapid rate, so it is necessary that we keep our legislation relevant and current to capture crimes evolving in modern media. Unfortunately, the internet and social media can easily be used for cyberharassment and cyberstalking. It is appalling that there are those out there who do not have the moral compass to know that the non-consensual sharing of intimate images through social media or to family and friends would cause considerable distress to the person depicted in the images.

I am pleased that this bill not only covers the distribution of images but also contains offences which specifically prohibit threats to distribute intimate images. The new offences will operate alongside and complement existing Criminal Code offences that may already apply to criminalise the non-consensual distribution of intimate images.

Revenge porn has been widely spoken about in the community—a new way of stalking and harassing a former partner or someone a person has an obsession with. The sharing of intimate images is a cruel breach of trust in a way that the perpetrator knows will cause severe anxiety and harm to the victim. Whether the images were made with the knowledge of the person in the images or not, it is wrong to distribute those images without consent. The passing of this bill will also make it illegal, with very strong penalties.

This bill defines ‘intimate image’ broadly to ensure the offences have wide-reaching application, subject to other elements of the offences being satisfied. The definition includes moving or still images that depict a person engaged in an intimate sexual activity that is not ordinarily done in public or that depict a person’s genitalia, whether covered or not covered by underwear, or that depict the bare breasts of a female, transgender or intersex person who identifies as female. The definition explicitly extends to images that have been altered to appear to depict any of the above or that have been digitally altered to obscure the thing depicted but continue to show a person in a sexual way. A new offence will prohibit the distribution without consent of an intimate image of another person in a manner that would cause distress reasonably arising in all of the circumstances. A maximum penalty of three years imprisonment will apply, which is certainly welcomed.

This bill provides that where the image is of a child under the age of 16 that child is incapable of giving consent. The application of two defences will provide additional certainty to the operation of the offence. New powers will allow the court to order removal or retraction of distributed images upon conviction of the new offences. Failure to comply with such an order will be an offence, with a maximum penalty of two years imprisonment. I commend the bill to the House.

 **Ms SIMPSON** (Maroochydore—LNP) (5.08 pm): The betrayal and abuse of vulnerable people is not new, but the opportunities to use technology have brought untold hurt into people’s most private worlds. The sharing of intimate images without someone’s permission heightens this abuse in cruel and disrespectful ways. It was always wrong, but now these laws we are debating will make the pathway to seek justice easier by strengthening laws that acknowledge that it is wrong to distribute such images without someone’s consent.

This bill provides new offences, specifically distributing intimate images. Any person who distributes an intimate image of another person without the other person’s consent and in a way that would cause the other person distress reasonably arising in all the circumstances commits a misdemeanour and the maximum penalty for this is three years imprisonment. There are two new offences with regard to threats to distribute an intimate image or prohibited visual recording. These include making a threat to a person depicted in the image or recording or making a threat to a person to distribute an image of another person and there is now also in this legislation a rectification order provision to allow the court to direct convicted offenders to remove or delete intimate images or prohibited visual recordings.


It has been mentioned that one of the challenges in this legislation, while heading in the right direction, is in the area of children in that this legislation affirms that children under 16 cannot give consent, so potentially they can be criminalised if they distribute such images. There are already provisions in law which mean that they can face quite significant penalties for distributing such images with or without the consent of another child because children under the law cannot provide consent. I agree with colleagues in this parliament who have said that education is preferable to prosecution with children, and I believe that that is largely the case. It is preferable to educate rather than to prosecute, particularly when there are tales such as a child possibly being deemed to be a child sexual offender under these provisions.

However, we should in no way be light about whether it is a child or an older person who distributes these images in terms of the damage that is done and we must strive beyond just the letter of the law to get the message through in whatever way we reasonably can about how distributing such images, particularly without someone's permission, is so damaging in the long term. It may have been a long time since people were young but, regardless of people's age, to wear and carry the embarrassment of circumstances that people feel that they cannot escape—where they feel they have had stripped away their power to control how they present themselves to the world, where they feel they are being ridiculed beyond just their immediate circle and in fact to an untold larger world—is a damage that in some cases quite tragically leads to people's permanent distress and ultimately, as we have heard in this House, to suicide. It cannot be underestimated just how damaging these offences are in terms of their impact upon people and their personal wellbeing. It is such an incredible abuse of their trust.

There are some difficulties with the legislation but, as we have said, the bill largely goes in the right direction. Other jurisdictions have legislated in Australia in this area in the last few years. One thing that we have to do is keep the legislation as up to date as possible. Coming back to that issue of education, we cannot expect that the police can do all of the education and I would say to the state government that we need to see resources in terms of not only the police but also the educational field in our schools and in our broader community about not only these new laws but also the need for respect. It should not have to rely just on a law for people to respect others, but it is because of the level of harm of this issue that we have to see these laws come before the House. The issue of education and understanding that the images that are taken can potentially be replicated and never got back is a very serious one.

I want to talk about the issue of the rectification order because it has been raised by the Law Society. The only application people have to get a rectification order is if there has been a conviction. I would ask for that to be clarified, but there is a lot of reliance for people to go to the Commonwealth jurisdiction and submit a request to the eSafety Commissioner to have the image or recording removed. We need people to know that there are opportunities through the eSafety Commissioner, but the legislation in this state could also assist people to have orders made regardless of whether or not somebody has had a successful prosecution. We want to see it made easier for victims to have material removed from public distribution.

In closing, people have used the term 'revenge porn' to do with some of the applications that this legislation is seeking to stop. It has also been recognised that it is far broader than that and it is not about trying to blame the victim. It is in fact trying to give victims back some dignity by having the opportunity of justice when they have had such an incredible injustice brought against them.

 **Mrs LAUGA** (Keppel—ALP) (5.15 pm): I rise to speak on the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. It has never been easier for people to meet others, date and connect online. Apps like Tinder, Bumble, Grindr and Snapchat have made flirting online or on a phone much more common, but sometimes things can go wrong. Sexts might get sent to the wrong person by accident in the heat of the moment, shared with someone who later proves not to be trustworthy or shared with friends or posted online to try to hurt or embarrass someone. A little bit of fun can turn into shame, depression and, in some cases, significant financial loss and even suicide. This is an issue that affects many girls and boys, men and women. Children and adolescents are particularly vulnerable as they explore their sexuality. Curiosity, peer pressure, obliviousness to the consequences and to express love are just a few of the reasons people chose to share intimate images. Sometimes they are shared by mistake.

More young people are choosing to provide intimate photos online and there is a growing expectation that they will share those photos. Research by the Office of the eSafety Commissioner shows that nearly one in three children between the ages of 14 and 17 had experiences with sexting during 2016-17. Leading sexting researchers Dr Nicola Henry from the Social and Global Studies

Centre at RMIT University and Dr Asher Flynn, senior lecturer in criminology from Monash University, found in their 2016 survey of over 4,000 Australians aged 16 to 40 years that one in five respondents—almost 23 per cent—reported experiencing at least one form of image based sexual abuse or revenge porn.


The most common types of image based sexual abuse reported were nude or sexual images being taken without the respondent's consent—just over 20 per cent of respondents—and this is a crime under the Criminal Code and I am pleased that the maximum penalty is being increased from two years imprisonment to three years imprisonment to bring the penalty in line with other states. I am particularly pleased with respect to this because I myself have been the victim of image based sexual abuse. At a workplace before I was elected to parliament we found a hidden camera in a staff toilet. It was hidden in a coathanger and it had been recording men and women. We never found the culprit, but the impact on us all in the office was substantial. We all felt that our privacy had been invaded. We do not know if the video recording had ever been shared with anyone, but it is good to know that the retrospective provisions of this bill would mean that if it ever was discovered that the recordings were shared the perpetrator could be sentenced to up to three years imprisonment.

The research also found that, sadly, 10.6 per cent of respondents had nude or sexual images sent on to others or distributed without consent and, finally, 8.6 per cent of respondents experienced threats that a nude or sexual image would be sent on to others or distributed without consent. Upskirting and downblousing were also commonly experienced by women in the survey. Revenge porn and sextortion have significant social, financial, physical and psychological impacts, with some victims reporting post-traumatic stress disorder, anxiety, depression and suicidal ideation.

Although most sexting is done on purpose, sometimes intimate images can be passed on accidentally. It is important to educate and warn young people about the risk of accidentally passing on intimate images. It is a good idea to not send the message to the wrong person by accident. Young people should be careful when syncing their phone and remember to keep their phone locked and safe, because if their phone is stolen the images can be accessed by the thief.

If a person makes the informed decision to send a sexy picture, I think the advice of headspace to make the photo so that the image cannot be identified is sound advice. Headspace recommends people cropping out their face and head and any identifying piercings or tattoos.

I want our young people to know that, if images are shared without their consent, it not their fault; the person who shared it is in the wrong. I urge all parents to have the conversation with their sons and daughters about porn, sharing pictures and rights to privacy and consent. I commend the bill to the House.

 **Mr BERKMAN** (Maiwar—Grn) (5.20 pm): I rise to speak in support of the Criminal Code (Non-consensual Sharing of Intimate Images) Amendment Bill 2018. This is an important bill as it is an important acknowledgement that our current laws are failing people in this state, most often women, when it comes to image based sexual exploitation and violence. Although these acts of exploitation and violence are often dubbed revenge porn, we know that revenge is certainly not the only motivation for perpetrators. Other motivations include control, intimidation, sexual gratification, monetary gain and social status building. Whatever the perpetrator's motivation, the acts that this bill seeks to address are a disgusting violation of trust and privacy. They are acts that are designed to humiliate and intimidate.

Both the act and the threat that this bill seeks to address are an extreme form of privacy invasion and abuse of power. As was highlighted in a number of excellent submissions, this unauthorised sharing of images can be a particular issue for women who are victims of domestic violence and who often also face technology facilitated stalking and abuse. Even when women are physically removed and physically protected from these perpetrators of violence, the perpetrators continue to perpetrate the violence online and the offence that this bill will create is an important step in addressing this issue.

The Greens and I agree wholeheartedly that this legislation fills an important gap in the current legislative framework and we support that step. It is important to stress, as others have in this debate, that the bill alone is not enough to prevent and address these acts. If we are to properly address the issue, prevention strategies, education and cultural change must come with this bill. In the world today digital technology is ubiquitous. In parallel with that, our concepts of and expectations around consent are changing and evolving. There is the potential for great harm when those two changing landscapes intersect. As others have mentioned, as legislators, it is vitally important that we remain live to the changes in that landscape and maintain a vigilance about further change that might be required. Importantly, a lot of submitters recognised the nuance that exists within the concept of consent. That is one issue for us to focus on in the future.

I want to also highlight the point made by many submitters, including R4Respect and Micah Projects, that these new laws must be accompanied by community education and mandatory respectful relationships education. That education could include strategies, particularly for young people, to challenge image based abuse rather than simply being a bystander.

Whether intimate images of this nature are being taken or shared by an intimate partner, ex-partner, friend, family member or stranger, consent to the way in which the material is used is the crucial element. This facet of the bill is to be applauded. As highlighted by a number of submissions by abuse survivors and DV support services, it is important that consent lies at the heart of the new offence that this bill will create. Promoting a culture of consent and respect in the digital age will take more than this bill alone.

As is the case with most forms of abuse and discrimination, it is worth noting that some groups are subject to this abuse more than others and the patterns of abuse mimic the experience of marginalised groups more generally. The 2017 research that we have heard much about suggests that one in two Australians with a disability—more than that; 56 per cent—report being a victim of image based abuse. One in two first nations people report image based abuse and victimisation and one in three people aged 16 to 19 years report being a victim of this kind of abuse. Therefore, education and support programs must acknowledge and cater to the different experiences of our diverse community.

The bill also comes at a time when violence and abuse against women across-the-board in this country remains despicably high. There is an urgent need to address this issue. The bill draws attention to one act of violence and fills that void in the framework. It is one terrible way that modern technology can be used and manipulated to perpetrate age-old crimes.

As I noted, the patterns of image based exploitation are gendered in a similar manner to other forms of violence and abuse where both men and women are most likely to experience abuse from male perpetrators and where women are more likely than men to experience abuse from an intimate partner, or ex-partner. It is crucial to highlight that female victims of revenge porn are significantly more likely than men to report feeling in fear of their safety as a consequence of the act of sharing images and, given more broadly the context of the national domestic violence crisis that we are facing and the despicably high rates of physical violence and murder perpetrated against women in particular, these are vitally important factors to bear in mind.

We should all hope that the mechanisms contained in this bill are an effective tool to address and end this behaviour and are an important piece of the puzzle in ending domestic violence more broadly in our community. I commend the bill to the House.



Ms RICHARDS (Redlands—ALP) (5.26 pm): I rise in this House to speak in support of the bill. We have seen and heard the devastating impact of what is often referred to as revenge porn can have on individuals. The statistics indicate that revenge porn is particularly not good for young women. Revenge porn has been used as a vicious tool in the infliction of domestic and family violence.

I would like to take this opportunity to thank all of the domestic and family violence service providers in the Redlands electorate, particularly the Centre Against Sexual Violence and the Red Rose Foundation, which both made submissions to the committee's inquiry into the bill. Those organisations do incredible work in our communities. They are at the coalface. I would particularly like to thank Betty Taylor, a founder of the Red Rose Foundation. Betty states in her submission—

Non Consensual Sharing of Intimate Images by its name clearly implies a relationship or at least an intimate encounter. For this relationship to then lead to the deliberate distribution of intimate images clearly shows not only an absence of all respect but a desire to harm and a need to control.

The Red Rose Foundation commends the State Government on the timely creation of this 'Non Consensual Sharing of Intimate Images' Bill in response to the growing community concern for how people; especially women and girls, can be protected from the harmful and lingering effects of this technologically facilitated act of violence.

...

This method of abuse takes the impact of Domestic Violence to another and frightening new level of fear because an image that they may or may not have 'consented' to being taken or not even aware has been taken.

The member for Keppel alluded to that. At the press of a button, it is out there and in the public domain. The submission states further—

Apart from the obvious distress and humiliation the victim would experience they may also find themselves being the targets of unwanted attention or even stalking by viewers who have been misled as to the origin and purpose of the publishing of such images.

We heard the member for Macalister in her contribution recount that very horrendous and real story. This legislation is just another way the Palaszczuk government continues to tackle the scourge of domestic and family violence in Queensland.

Like Minister Grace and her daughter, Ally, I have a teenage niece who has a phone and a social media account. We have spoken at length about how images can be used as a tool to bully, threaten and intimidate. In this digital age, it is important that we put in place the necessary protections. The challenges that we face are continually highlighted. Last year, I hosted an anti-cyberbullying forum with students and teachers from the Redlands electorate. We talked about everything—from being able to be tracked and stalked via social media through to images and that constant need to be vigilant about how we provide protection.

Two weeks ago, I also attended a Soroptimist International forum, hosted by Catherine Heiner, on e-safety with the eSafety Commissioner. That forum reminded me of how easy it is to not have the right mechanisms and controls in place and for the misuse of information to be undertaken easily. These laws are paramount to making sure that we are protecting our community.

Regardless of the intention of the distributor, the impact of the non-consensual distribution of an image can be absolutely devastating. Some of the most damaging consequences have been caused before the image has even been shared. The issue is not just about the action; it is about the threat and the potential to do harm. In some of the cruellest instances, these threats have been used to control and coerce. As the Red Roses Foundation pointed out, victims are disgraced and sadly often blamed for their part in revealing themselves to a trusted party but the offender has rarely been punished, not because society approves of revenge porn but because to date the legislation has not been there and we have not kept up with technology.

Debate, on motion of Ms Richards, adjourned.

FISHERIES (VESSEL TRACKING) AMENDMENT REGULATION

Disallowance of Statutory Instrument



Mr DAMETTO (Hinchinbrook—KAP) (5.29 pm): I move—

That the Fisheries (Vessel Tracking) Amendment Regulation 2018, subordinate legislation No. 179 of 2018, tabled in the House on 13 November 2018, be disallowed.

The commercial fishing industry forms part of the backbone of our vital export industries in Queensland. Commercial fishing sits up there with cane farming, small crops and grazing. Under the Queensland Labor government we have seen every aspect of food production attacked in a bid to be more sustainable, from the radical vegetation management laws imposed on our farmers that have been a direct contributing factor to our state's worst fires and drought, to sugarcane farmers who have taken up best practice growing, drainage and run-off methods and still find themselves under the microscope, constantly being vilified as environmental vandals.

Now the Labor government and the department of fisheries have turned the blowtorch on the commercial fishing industry in a bid to appease Greens voters and their counterparts at the Great Barrier Reef Marine Park Authority just so they can secure votes in marginal green-leaning seats in the south-east corner, not to mention being seen to be doing something to keep UNESCO off their back. The industry has no reason to trust the government. Every time they hear from the government it is to take something else away. Why is it necessary to be collecting every vessel's movements? I can only assume this information will be later used as evidence to squeeze even more operators out of the industry. Now is our opportunity to blast the spotlight into the government's eyes.

Before I start, I think it is inappropriate to be debating this subject while the Minister for Agricultural Industry Development and Fisheries is absent on important ministerial business dealing with Queensland's flood crisis, but I will ask the question anyway on behalf of every primary producer and person who works in our fisheries: do you want us here? The track record of the past year indicates no.

The people of Hinchinbrook who fall under the agriculture and fisheries portfolio have had enough. Can you imagine the contempt these people have for a minister who is governing how they run their business when he himself finds it difficult to hold a fishing rod the right way up? To really understand the outrage of the people affected by the introduction of the vessel monitoring system one only needs to get out there and talk to the people on the ground in the seaside fishing communities. Head down to where the line fishermen and crab fishermen dock to unload their catch and ask them how it will affect the day-to-day running of their business. Ask them about their fears in relation to installing a tracking device on their vessels.

The Introduction of this regulation attacks the very fabric of fishing. It erodes the only thing that defines a good day on the water or a bad day, the difference between making a wage and going broke. Fishermen's fishing spots are their intellectual property and no less important than the patent a big pharmaceutical company has on their billion-dollar product. Fishing spots are gathered through generations of research and thousands of hours of trial and error looking for good ground. In its first month of operation the vehicle monitoring system, VMS, has already put that IP into jeopardy as this system has already been successfully hacked. The maximum proposed fine for noncompliance is \$130,000 and the fine for a DAF employee for sharing information sits at about \$6,500, which is barely a deterrent when it has been well noted that some fishing marks can sell for upwards of \$50,000.

Now everyday Queenslanders will be tracked like criminals. At a cost to the operator they will now have to sign up to a plan that cannot be suspended or turned off, to be tracked like sex offenders, with unreasonable conditions imposed on them if a unit was to fail at sea or before they are to leave port. Yes, there are options to buy extra supplementary units and have a spare, but the costs mount up on what can be an already struggling business. With the new regulations taking effect, a commercial fishing vessel cannot even pass through a green zone without being pinged for committing an offence. A grave concern is the polling costs of the service providers and the fear of contract price hikes into the future.

I hold a current Coxswain (Grade 1 NC) certification. For those in the House who do not know what that is, it is the entry level ticket that you need to skipper a commercial vessel. As a skipper you are in charge of not only the vessel but also the crew. Keeping everyone alive and safe, coupled with the task of operating the vessel, is a massive task. While learning these skills you are taught to navigate without electronic aid, only a compass, navigational charts and lights to guide your way. The reason we do that is because it is not only a requirement by law but also we know the reality is that no-one should rely on electronic equipment at sea. Salt water ruins everything it touches and eventually electronic equipment will fail.

A government member: How do ships get around then?

Mr DAMESTO: Charts, mate! They chart every part of their operation for when it fails. Wait times for repairs and a lack of reputable service suppliers is unacceptable. It would be naive of the government to think rolling out something as complicated as this will run smoothly. Let us be honest here, consecutive federal governments have not even been able to figure out how to provide full mobile service along the Bruce Highway and here we are trying to log every movement of every commercial fisherman in Queensland without a drama.

In the event of a VMS failure, having to return to port or being unable to leave port will cripple some businesses. Days out on the water are already limited by quotas and further dependent on tide, moon, weather and now VMS functionality. It makes sense why DAF has pushed so hard to have VMS regulated in Queensland: it is a lazy way of policing their responsibility to ensure people are doing the right thing. Instead of having personnel on the water, they can now do this job from a computer screen. Sitting back and watching a screen does not fix the problem. It is a simple case of being seen to be doing something. This system has many flaws which opens holes for unmonitored international fishermen going undetected and raping our fisheries. Are we going to have a situation where the seafood we enjoy at Christmas and other occasions will all be imported? Is that what we want?

I would like to talk about the public consultation over the introduction of VMS. A public meeting cannot be called in the middle of the fishing season with an expectation that the people that this change impacts most will turn up and defend their industry. I have talked to fishermen. To get a grip on what they deal with day to day and gain an understanding of what these people are going through, I challenge anyone in this room to sit on a commercial vessel for three weeks at sea. This regulation has been rushed and rammed down their throats, with a put up or shut up attitude from government. If the government wants the public to take public consultation seriously then perhaps it should start listening to those mostly affected. Do not send departments to meet with the community just to tell them what is going to happen regardless. This is not a dictatorship.

Vessel monitoring will not only affect the commercial fishing industry. We will also see this rolled out across-the-board for tourism operators that partake in game fishing or sports fishing charters. Once again small business is being affected. In many cases sole traders trying to help build a tourism industry will be dragged into this fiasco. Just like those who hold commercial fishing licenses, they will be classified in the same category. The problems are the same. Fishing spots are your livelihood and people are constantly trying to steal your spots. My father owned and operated sport fishing charter vessels. While growing up, on multiple occasions I witnessed customers trying to sneak on board GPSs to mark our spots while at sea. I can assure the House that those GPS units are still on the bottom of the ocean.

Imagine that you have not been able to go out on the water for two weeks. You are already struggling financially when finally some clients arrive from interstate and book your fishing charter boat. All of a sudden, as you are about to leave the dock, your VMS fails and you have to cancel the trip. Who picks up the bill? Who gets the bad TripAdvisor or Facebook review? Who tells the bank that this week you will not be paying your mortgage repayment because your VMS failed? It will definitely not be the government.

A full review of this regulation is required and should include an investigation into the units being recommended and supplied to users. I have read many damning reports on these units and I would like to quote one to back up my claim. It states—


The unit is fitted with Obflex Robust 210 wiring. This wiring is designed for use in the food and beverage industry and for use in freshwater environments. This inferior grade wiring will degrade immediately upon exposure to a saltwater environment.

The report states that the unit's ability to carry current would be immediately affected, potentially causing a fire. It further states—

Industry has raised this concern for many months, Fisheries Queensland refuse to take action against the supplier and demand a rectification of this issue, and the supplier stands by his original opinion that this inferior product is fit for purpose in the marine environment.

As business owners we have nowhere to turn on this issue and so now, we demand that FQ impose sanction on the further rollout of this unsafe product and compromise with industry for a safe and workable solution.

Alternatively, DAF could work with the government to cover the polling costs for the first 24 months. That would mean no fee for users during the teething stage, potentially making it easier for the commercial fishing industry to swallow this bitter pill. Once again I urge the government to retract this regulatory change and reverse the unnecessary burden imposed on the fishing industry.

 **Mr WHITING** (Bancroft—ALP) (5.41 pm): I rise to speak against the disallowance motion. Already tonight we have heard some hyperbole about intellectual property. I start by saying most forcefully that what we are talking about is the resources of the people of Queensland, that is, resources that we all own. We have a responsibility to our future generations and, indeed, to people throughout the world to protect those resources. The use of modern technologies such as vessel tracking will ensure the sustainability of Queensland's fisheries and this regulation supports the rollout of vessel tracking. Vessel tracking will lead to more informative and responsive management and it will benefit the marine resources upon which many operators and regional communities depend. That is why vessel tracking is a key element of the Queensland Sustainable Fisheries Strategy 2017-2027, which will pave the way for a world-class, first-class fisheries management system.

Already tonight we have heard about public consultation and we will hear more about public consultation. I note that this process started in 2014 under the previous LNP government. It has been going on for many years. We will also hear a list of calamities that may happen to VMS units operating on boats at sea. I point out that the trawler industry has used those units for 15 years. The system has been in use in Queensland for 15 years. It is easy to point out potential calamities that may happen to those units, but we should look at what has actually happened on the trawlers over many years.

Our government has invested over \$20 million in the Sustainable Fisheries Strategy, which includes provision for the recruitment of 20 additional Queensland Boating and Fisheries Patrol officers and the reopening of their Gladstone base. I know that my friend the member for Gladstone is very appreciative of that. They do great work in our regional communities.

Mr Butcher: After Newman sacked them all.

Mr WHITING: That is exactly right: they have been returned after being dismissed by the previous LNP government. Compliance officers need tools to protect our resources and vessel tracking or VMS is one of the most important of those tools. I point out that this is not about officers lazily sitting in front of computer screens; those officers will be out as much and potentially even more than they ever were, using information from the VMS system to ensure that we have sustainable fisheries. One of the benefits of the VMS units is that compliance officers can know in real time where individual fishers are and they can target their compliance activities in a much more precise way. Instead of spending days wandering all over the ocean looking for vessels, they can go straight to where the fishing is actually happening.

In submissions to the committee we have heard that Queensland trawlers have used VMS units for 15 years. The sector has long experience in working with VMS units. Certainly I rebut the charge that we have been treating those people like criminals for 15 years. Some operators may say that on their particular boats the conditions can be too tough for the units, but we know of great experiences with the VMS units. During the committee hearings we also heard that charter boats have a similar tracking system. Mr Bladin, a witness in Cairns, said that they use an AIS system on their dories. The

member for Mount Ommaney has recalled that. In our hearings we heard that worldwide the industry has used VMS units for many years. In Cairns, Mr Bobbermen said that globally the use of VMS units is an accepted practice. He said that all around the world large-scale fisheries have VMS systems attached. We need to catch up with what everyone else is doing.

Tonight we will hear concerns about the security of information and how fisheries officers may try to use or sell information or that other fishers may get a hold off it. Once again, let us hear about what is happening on the ground. In Cairns, Mr Bladin said that everyone guards their spots but everyone knows where everyone else's spot is located and it is only an issue if it goes outside the industry. As he said, it is a matter of cooperation within the industry. The executive director of Fisheries Queensland said that very few people would have access to that data and PricewaterhouseCoopers is reviewing the safeguards. The data is aggregated and plotted on 30-nautical-mile grids, so no individual is identified.


We will hear concerns about the costs and we have already heard a bit about that. I point out that a \$3 million rebate scheme has already opened and it will be open for two years. Fishers can apply for a rebate for unit costs and installation costs and they can get up to seven units. We have heard concerns about what happens if a unit breaks down in a variety of potential situations. We have also heard that there are many different ways to deal with those situations: they can carry a spare; if the unit breaks down, they can call in every four hours or use a commercial fishing app that has been developed; failing that, they can come back within five days; and failing that, they can report back. There are a variety of ways that unit failure can be dealt with. It was made very clear that all of those contingencies have been well thought through. However, we must bear in mind that this is a new system and there will be some hiccoughs. I congratulate the department for the work that it has done to build in those contingencies.

The benefits of the VMS system include the real-time monitoring of commercial fishing, which assists compliance officers to target fishers who are not following the rules, which may mean fishing in closed areas or during closed seasons, using excessive gear, operating in a fishery not permitted under their licence or avoiding reporting. That information is already proving invaluable to our compliance officers in targeting people who are not following the rules. That specific targeting is one of the benefits of the VMS system.

We need to also bear in mind that the information around which concerns have been raised is already recorded in logbooks. It is already passed on to fisheries officers. That system already exists with logbooks. Vessel tracking will help validate logbook information as well.

The information gathered by VMS is going to be used to protect our national maritime treasures. That is what Queenslanders expect our authorities to do. The Great Barrier Reef will benefit from better regulation and better enforcement. There are very high standards for operating in World Heritage areas like the Great Barrier Reef. Vessel tracking helps fishers and the department measure and demonstrate those sustainable practices.

I urge all members to consider the future of the reef and our fishing industry. Vessel tracking is an important part of maintaining that sustainable future. Everyone knows that we need to protect our fisheries. VMS is one of the best tools to do that. It is a technical solution that can help us better regulate and help our industry demonstrate that it can operate sustainably and in line with best practice standards. I emphasise again that this is what Queenslanders expect and support and that is why I do not support this disallowance motion.

 **Mr KNUTH** (Hill—KAP) (5.50 pm): I fully support the disallowance motion moved by the member for Hinchinbrook. The Labor Party has acted like a thief in the night by smashing through the regulation to implement VMS on 1 January 2019 while everyone was on their Christmas holidays. This is a copy of the arrogant Newman style of government where the government does what it pleases. I heard the minister say on radio that there would be opportunity for debate on this before Christmas and it is not the government's intention to smash this through by regulation and by stealth.

This is viewed by the public as another attack on one of our primary industries. This follows hot on the heels of last year's vicious attack on farmers through the hurried introduction of the vegetation management laws. We all saw the results of that—last year's bushfires which were the worst in Queensland's history.

I find it troubling that while the Department of Agriculture and Fisheries prepared and corresponded with the Queensland Productivity Commission on forcing VMS on fishers—the previous member mentioned what a wonderful job the department did—they clearly failed to mention several pieces of vital information that may have altered the outcome of the commission's decision. The commission clearly recommended the department undertake further impact analysis on the impacts for

commercial fishers, including their ability to pay for vessel tracking. They also outlined to the department that an impact analysis would be very important to present to the government prior to the regulation being pushed through without debate. As we know, the recommendations were totally ignored by the state government.

Further to this, fishers have advised that the department did not complete any studies regarding the economic or social impacts on the industry and communities. At no point did the government look at any alternative options for monitoring and compliance. Even the little consultation that occurred last January and February was of no use because at the time no-one knew what the costs of VMS were going to be. At these consultations concerns were raised by fishers such as the cost, contract length, number of units required for those with dories, breakdown and confidentiality issues. It is very clear that the state government ignored all these concerns and instead listened to the so-called experts who reside in the government tower in Brisbane—the one constructed by Campbell Newman.

I attended a meeting in Innisfail recently. They asked what the point of consulting was if their concerns were going to be completely ignored? The misleading estimate of a cost of \$30 to \$40 per month for VMS units was released during this consultation. However, the true cost came out with the approved units list in June. It blew out to \$44 to \$80 per unit plus administration costs. This verifies fishers initial concerns about the costs. However, this cost does not include maintenance, replacement, administration fees, hosting and activation fees nor a provision for the loss of income during unit malfunctions.

Another huge concern is the serious issue around the safety of the intellectual property of fishers, including GPS marks, VMS locations and fishing patterns. To top this off, the years of hit and miss and research to find good fishing spots is now going to be handed to Big Brother. That is a big concern for commercial fishermen.

I have also been advised that the department undertook an audit of its IT systems regarding safety of the VMS data. This was apparently completed by PricewaterhouseCoopers. Why has this report not been made public? To further illustrate fishers' concerns, I have been informed by those in the industry that the flagship system of the department—FishNet Secure—was breached and left open for anyone to access without a password for 17 days over the Christmas period. It is not a great look or a confidence boost for fishers.


There is also a lack of transparency around the VMS trials conducted by the department. The trials reported that VMS was a success. Based on feedback from fishers already, this is not the reality. There is also no consideration for the loss of income when a unit malfunctions and fishers cannot go out to sea while they wait for a technician to fix the VMS units.

I was informed by one fisher that his unit failed to poll twice in the first three days and needed two magnets rubbed over the surface of the unit to get it back online. This was the solution suggested by the supplier. Again, this is in direct conflict with DAF's 'exhaustive trials on units' statement.

As those of us who live in regional centres know only too well, connectivity is very poor. Already some fishers have complained that they do not receive the 'unit is polling' SMS before they leave for work, impacting further their ability to earn any income. To put it bluntly, the tide waits for no man nor text message.

If local seafood operators are affected, what is going to happen? There is the potential to lose an industry. We will have to further import seafood from overseas. The cost will be passed on to consumers who like a piece of fish at a restaurant.

Rushing through regulation is poor government and a stark example of 'do as I say and do as you are told'. We urge the government to go back to those in the industry, listen to their concerns and issues and work with them to develop proper, good policy.

 **Mrs GILBERT** (Mackay—ALP) (5.57 pm): I rise to speak against the disallowance motion. On this side of the House we think that our natural resources—our public resources—need to be managed in line with the best available technology. On our side of the House we believe that everything should be evidence based. That is what we form our policies on. That is why I am proud to support the sustainable fishing strategy. This will help build a legacy of a sustainable fishery for our children and grandchildren.

Vessel tracking is an important part of modern fisheries management. Vessel tracking provides critical information about how and where vessels are operating to the relevant authorities, giving our fisheries managers a much better understanding of the kinds of pressures being put on our resources. Vessel tracking provides critical information that helps to demonstrate the sustainability of the fishery, including for the purpose of operating in our World Heritage areas.

Vessel tracking provides greater integrity in ensuring that our commercial operators are doing the right thing while extracting private profit from a public resource. I note that vessel tracking is a significant change for many operators. I understand and appreciate that there is a section of the Queensland commercial fishing industry that is opposed to vessel tracking. Much of this opposition is ideological. However, the feedback from commercial fishers across the state has been incorporated into the vessel tracking guidelines.

A draft vessel tracking policy and operating guidelines, which describe the responsibilities and rules associated with the use of vessel tracking, were released for industry comment. Officers from Fisheries Queensland have met with over 280 fishers at 22 locations across the state to discuss the policy and guidelines.

Together with the Great Barrier Reef Marine Park Authority, Fisheries Queensland has pooled up to \$3 million to assist industry with the implementation of vessel tracking. Rebates are available to assist industry in covering the purchase and installation costs of vessel tracking units. The rebate scheme is being administered by the Queensland Rural Industry Development Authority. The scheme commenced on 30 August 2018. All commercial fishing boats, harvest fishery and charter fishery licence holders will be able to apply for a rebate. All approved units purchased from 1 June 2018 will be eligible as long as they meet the rebate eligibility criteria.

The rebate scheme has been designed so that the majority of fishers should not be out of pocket for a unit purchased or the installation costs. Reimbursements of up to \$300 will be available for smaller units, while reimbursement of up to \$750 will be available for larger units. Reimbursements of up to \$220 will also be available to help with the installation costs. There will be no costs to the commercial fishers.


Change is rarely easy, even for worthwhile resources. Progress does not come easy without transition. Our government took a decision with the Sustainable Fisheries Strategy and its funding package to provide a better fishery for Queenslanders now, for our children and for our grandchildren. Vessel tracking is an important step in reaching these goals.

I can remember when we implemented the net-free zones. When talking to commercial fishers, they thought the sky would fall in. I have a net-free zone in my area and I can report that the fish quality has improved out of this world. Fish do not just stay in the net-free zones. They do not know where the borders are. They swim out into areas where the commercial fishers are fishing. The number of dolphins and birdlife has improved, and we have more turtles nesting and breeding. The change that came about from having the net-free zones was actually a benefit for the commercial fishers.

Vessel tracking has been part of the trawl fishery for nearly two decades, as the member for Bancroft has alluded to. Vessel tracking for key fisheries was proposed in the MRAG consultants' report commissioned by the former government. The LNP received the report but did not release it. In fact, it was the incoming Labor government that took the decision to make this report public.

The reform was announced as a key measure of the Sustainable Fisheries Strategy in June 2017. This reform is already in place with hundreds of units purchased, registered and in place. Individual information collected is used for internal fisheries management purposes and is shared only with the compliance partners—marine parks—under strict conditions. Real-time monitoring of commercial fishers will assist compliance officers to target fishers not following the rules—for example, using excessive gear, operating in a fishery that is not permitted under their licence, avoiding quota reporting. The information is already proving invaluable to our compliance officers in targeting people who are flouting the rules. This makes it better and easier for those who are doing the right thing.

We should be commending those fishers who are embracing the reform process and sustainability—supporting fisheries to benefit our children and grandchildren. It is our role to make sure that our fisheries resource is there for generations to come and also there for our recreational fishers. We need to leave the world a better place than we found it. I oppose the motion.

 **Mr ANDREW** (Mirani—PHON) (6.05 pm): I rise to speak in support of this disallowance motion. I have been a fisherman in one way or another since I was 17 years old, fishing around the Mackay-Whitsunday area and down as far as St Lawrence—whether it was crabbing or fishing for Spanish mackerel or coral trout. I believe this situation is born out of what happened when the government buyback scheme was in place. I think that real money should have been offered to people and that they should have signed contracts to stay out of the industry when that money was put forward. I believe that all of their associated equipment should have been bought off them so that they could not re-enter the industry and cause trouble. The local knowledge in my area is that that has led us, in some part, to where we are at today.

Trawlers have a large battery bank. They are concealed in a large wheelhouse in an engine room. Small punts will have maybe 40 crab pots, which is an allowable limit for some professional fishermen. They will be dragging up mud. They will be dragging up sticks. They will be pulling the pots around inside the boat. That will lead to a lot of issues to do with electricity and damage to the device itself. I have spoken with Minister Furner's representatives at length. I have also written a letter today that outlines some measures that I would like to see implemented through this regulation as it was introduced through the 1992 regulations.

We may have missed some situations to do with mullet fishermen and even some of the net/L2 fishermen who have access to line fishing, crabbing and also netting barra and crab. They have three different vessels and most of the time they are only in one depending on the fishery they are participating in.

In relation to reef boats and dories, I asked that only the reef boat itself be adorned with the VMS unit. We have laws that protect the dories from going more than five miles or out of the line of sight. Anyone who was using dories who participated in or was fined for breaking into green zones would have to have a VMS as part of their probationary period to be able to monitor what they were doing as far as illegal activities were concerned.

In relation to taking pressure off the resource—the member for Mackay will back this up—we have 35,000 vessels registered in Mackay. If 15,000, or 50 per cent, of those vessels went out and caught their Spanish mackerel quota in the months of May through to September and they took three fish every time they went out, we would be looking at a very heavy take on the resource and the biomass that is out there. If you put that alongside the quota and then times that by all of the towns up and down the coast, it would make the quota system look absolutely insignificant. For the number of fishermen who are doing that, considering that they are under a quota system, it does nothing to take the pressure off the resource when it is outside what is going on in the recreational sector. That is fine. I do not think we should be using that as an excuse to say that we are taking pressure off the resource.

Every person I talk to speaks about the cost of registration of their trailer and anything to do with their boats. Those costs are all going up in the fishing industry as well. This happens annually. They have been monitoring this. On top of that, we are throwing in the VMS, which in some respects is probably unproven on the smaller vessels. On the vessels that we change out and put together, that will make a difference.

Today before he left I handed the minister a letter. In that letter I proposed that the Queensland government waive the first 12 months—and I know that the member for Hinchinbrook asked for 24 months—of operational costs to Queensland commercial fishing operators so that the reliability of the VMS equipment can be adequately demonstrated and proven reliable. I say that because of the different vessels that they will be putting it across. It is not like the trawler industry where there are large boats that have sealed wheelhouses and large banks of batteries; in their situation it is easier for electronics and electrical instruments to run and be reliable.

Secondly, I asked him to further amend the Fisheries (Vessel Tracking) Amendment Regulation so as to better accommodate reef-fishing operations, which often involve a number of smaller vessels each requiring VMS equipment. In effect, the primary vessel should be equipped full-time and only the dory operators that have green zone or other violations should be required to run VMS for a specific or prescribed probationary period at their cost. In the spirit of it, that should be the way it is. I know myself that a lot of the vessel operators who go to the reef strictly adhere to the rules surrounding green zones; they are very aware of them.


The final measure is more to do with keeping secure the information that comes in from the vessels that are going to be monitored. In the early days we always did our logbooks. When we went to the quota system we were told that the logbooks would never be used against us. Now they are the basis of the regulation of green zones and other zones that are in place. We do not rotate those zones, which I think is a shame for the zones themselves. We should be looking at that. If we want to manage our industry properly, we should be doing that. I have heard lots of feedback that on the shelf where people go diving there can be 50 big Maori wrasse and not another fish to be seen. That situation has come about because we are just pushing things around, and it is not working. When we used to fish for coral trout, if we stuck a big wrasse in the bottom of the tank, we would wake up in the morning to see a big fat wrasse with no coral trout. We ended up having to take measures to try to stop the wrasse from eating the coral trout. I have also heard that from experienced divers.

The third measure I asked the minister about is to ensure the necessary risk assessments and continual compliance of VMS data are in line with the Queensland Government Enterprise Architecture, the QGEA, policy to ensure commercial-in-confidence and privacy concerns of all industry stakeholders

are met. I believe that is important. I believe it is important that no data gets out to other people. If that data did find its way to fishermen overseas, they could potentially come in and fish the waters, or other people in recreational sectors might want to go and take those spots. When I was growing up we would go to one spot to fish. Then we would leave it for six to eight months and let that spot replenish. That was the way we sustainably worked. Then we would go back and only take what we needed. Because of the area on the sounder, we took what we thought would not knock the area around and let it regenerate and rejuvenate. That is how we worked. People do not tell you that, but that is how the old fellas did it all the time. That is why there was always fish on the table in the old days—and plenty of it.

The final measure recognises that the VMS equipment transmits sensitive data which is regarded as commercial in confidence via overseas entities. Such an arrangement provides limited legal recourse, the risk of significant commercial losses and wider economic impacts should the data be misused by third parties.

I put this to Minister Furner's office today recognising that the disallowance motion will not be passed because we do not have the numbers for it to go any other way. I am sure that the crossbench and other members agree that we need to find common ground to make this work properly for the fishermen. The cost factor needs to be understood, the confidence factor needs to be understood and everything else that I have mentioned needs to be taken into consideration before we put the regulation through. I do believe that is going to take 12 months. I am hoping that the \$3 million that has been put aside can be used for that so that we can move forward. We need to ensure that we are doing the right thing and that all the vessels that are monitored are monitored properly and that we get good feedback.

 **Mrs WILSON** (Pumicestone—LNP) (6.14 pm): Unlike the Palaszczuk Labor government, I and my colleagues on this side of the House support the commercial fishing industry. That is why I rise to make a short contribution in support of the disallowance of the Fisheries (Vessel Tracking) Amendment Regulation 2018.

Prior to the legislation passing on 13 November 2018, representatives of the commercial fishing industry pleaded with the Department of Agriculture and Fisheries to postpone the vessel tracking until the policy could be amended to address the many concerns that the industry had. Commercial fishermen from my electorate of Pumicestone, like the Savige family and others, have said it is a blight on democracy to expect an industry to comply with regulations that are unfair, unethical and potentially unlawful.

Safety concerns are now being raised by fishermen for their crew members after commercial fisherman Scott Stevens' VMS unit in his boat 'melted out' and the wiring on two other units overheated. Whilst Mr Stevens' incident took place on land, take a moment to think about what could have happened if this had occurred well out to sea. Lives could have been lost. Other concerns raised by the commercial fishermen centre around the security of the FishNet Secure system, which tracks and collects the catch data for the Department of Agriculture and Fisheries. In a letter written to all members, one commercial fishing representative said—

You may have heard about the recent breach of DAF's online portal, FishNet Secure, where fishers' personal and business data was accessed by unauthorized persons. Last year, DAF commissioned a report from Price Waterhouse Cooper to audit the safety of their online systems, and despite assurances that data is safe, the recent breach proves that data is NEVER 100% safe and as such, better protections for commercial fisher VMS data need to be in place before VMS continues.


The rep went on to say—

This is not how the Queensland public expect their government agencies to operate.

I will go further to add that this is not what Queensland expects of a government.

This government believes that vessel tracking will assist the department in its compliance role and that it will ensure commercial fishing is sustainable into the future. What they fail to see is the cost involved to the commercial fishing industry and to seafood consumers, including those in my electorate. The government rollout of VMS trackers is ill conceived and a blight on our commercial fishing industry in Queensland. Commercial fishing is a competitive and tough industry and this government just wants to make it tougher. They are working against the industry for political gain.

This is yet another example of Labor putting politics ahead of responsible policy. We have seen that in Canberra just this afternoon and now again in Queensland.

 **Ms PUGH** (Mount Ommaney—ALP) (6.17 pm): I rise this evening as a member of the SDC to speak against this motion. Queenslanders deserve a sustainable fishery. Queenslanders expect that our fisheries—because they do belong to each and every one of us, like any of our natural resources—are managed using modern tools and technology. In fact, they should be managed using the most modern tools and technology that we have at our disposal. We on this side of the House know that the

use of modern technologies like vessel tracking will help ensure the sustainability of Queensland's fisheries. It will lead to more informed and responsive management which will benefit the marine resources upon which many operators and regional communities are dependent.

The regulation that we are talking about tonight is one small but important piece of the overall suite of fisheries reforms. The regulation that we are talking about does not operate in isolation. The regulation introduces a change to make vessel tracking compulsory within priority fisheries from 1 January 2019. The regulation complements the \$3 million in rebate funds made available by our government and the Great Barrier Reef Marine Park Authority. The regulation complements the \$20 million that our Palaszczuk government has invested in better science and monitoring, better engagement and better compliance resources through the Sustainable Fisheries Strategy. The regulation complements our ultimate goal, which is a sustainable fishery now and as a legacy for our children and grandchildren.

In debating the regulation we need to be aware of the benefits of vessel tracking. For our officers on the ground, it means the real-time monitoring of commercial fishers to assist compliance officers target fishers who are not following the rules. Mr Deputy Speaker, you and I had the opportunity last year to go out with members of the compliance squad so that we can see how they go about undertaking their duties. I want to place on record my thanks to the secretariat for providing us with that opportunity. It was a unique opportunity and certainly very helpful in forming the overall suite of regulations.


We know that the information is already proving invaluable to our compliance officers in targeting people who are flaunting the rules. Removing this technology now would compromise the operation of our Fisheries officers going forward. Introducing vessel tracking allows us to validate commercial fishers' logbook information by crosschecking and referencing that fishers were in the spots they said they were in their logbooks on the days they nominated. From a governance perspective vessel tracking provides much better data on fishing efforts; for example, the number of hours fished in specific locations. As a government this helps us assess the status of fish stocks and demonstrates the sustainability of our fisheries in the community. It also helps us make better informed decisions about management changes, as we can use finer scale data on catch and efforts compared to the current logbook data, which is a whole day fishing on a grid up to 30 square nautical miles.

Vessel tracking meets international best practice standards. It is widely used in other Australian and international fisheries. This tracking also helps us demonstrate sustainability in the Great Barrier Reef World Heritage Area. We have seen this with the trawl fishery over the last two decades. Benefits can also be seen for commercial fishers by acting as proof of legitimate activity and to continue to allow export approvals and other approvals to operate in ecologically diverse areas. The rollout of this reform was accompanied by a long program of consultation. Three million dollars has been made available in rebates. By maintaining our current course of reforms we can support a sustainable fishery and meet the needs of fishers, consumers and Queenslanders now and into the future.

I will conclude by making some observations about the importance of fisheries to an industry that is very familiar to me, and that is the hospitality and tourism industry. In my previous life as the restaurant and business manager at Restaurant Two, we were incredibly proud to feature beautiful Queensland produce on our menu. Most of that was Queensland seafood. We had Burdekin barramundi, beautiful plump Hervey Bay scallops, Mooloolaba prawns, gold band snapper and much more.

An honourable member interjected.

Ms PUGH: I take that interjection from the member. Many Queensland restaurants are really proud to serve Queensland produce. It is the best in the world; there is no other way to put it. That is why we serve it. We owe it to our hospitality and tourism industry to ensure that these beautiful species are there for generations to come. This suite of reforms will work to do just that, so I cannot support this motion.

 **Mr LAST** (Burdekin—LNP) (6.22 pm): I rise to speak in support of the motion to disallow the vessel monitoring system amendment regulation. There have been many words used to describe this regulation: shambles, debacle, fiasco, and the list goes on. To say that this regulation has been poorly implemented would be an understatement. What makes it worse is that this legislation is yet another case of this government selling out Queenslanders to appease green groups.

On face value, a reasonable person would think that the intention of the legislation is to ensure the long-term sustainability of the commercial fishery in Queensland. One could be forgiven for thinking that this legislation might also be about ensuring the safety of workers in the commercial fishing sector. After all, these are men and women who often work in isolated areas and they, like all workers in Queensland, deserve a safe work environment.

It does little to ensure sustainability and even less to ensure the safety of workers in the sector. Unfortunately, commercial fishers are easy targets and that is because they are already so heavily regulated. Make no mistake: this legislation has caused a lot of angst in the fishing industry. I have been inundated with complaints from commercial fishermen in my electorate who are beyond frustrated with the problems this legislation has caused. They have brought in their faulty transponders and burnt-out wiring on units, and they have told me time and time again of the difficulties when these units malfunction and they can no longer go out to work. That is their livelihood, and their livelihood is being directly impacted by this legislation and the way it has been implemented.

Just like we saw with the vegetation management debacle, consultation was nothing but a buzzword. Departmental staff fronted meetings of commercial fishers without finalised information. The regulatory impact statement? Well, there wasn't one. This government wants to be seen as saving the environment, when the implementation of this legislation is more like a viewing of *Finding Nemo*. Regulations were passed without penalties, there are authorised suppliers who cannot be contacted and VMS units that just do not work.

Instead of providing some form of safety net, this legislation has placed commercial fishers in danger. Wiring that is not designed for a marine environment could easily have led to a tragedy, but does the minister recognise the problem? No. Just like Dory, the minister blindly follows. Well, Minister, in the words of Nemo 'it's not funny.' Well-respected commercial fishers have seen their livelihoods threatened because this government blindly follows the instructions of green activist groups. A proud industry that provided the best seafood in Australia—if not the world—has been hobbled by this government and tied in knots by a minister who does not understand fishing.

Instead, the minister says that this legislation is designed to protect the environment. As is the case with the graziers in our state, the environment is the most precious resource our commercial fishers have. Instead of working cooperatively and embracing the vast knowledge our fishers have, this government has turned a blind eye whilst steering yet another Queensland industry closer and closer to the brink of destruction. This legislation will do nothing to prevent illegal fishing. The law-abiding fishers will install faulty systems and put themselves and their families at risk whilst the illegal operators continue doing what they have always done: disregard the law.

The absurdity does not end there. As anyone who has taken the time to speak to a commercial fisher would know, the value of their business is in the knowledge they have. You would think that a government that wants an industry to flourish would acknowledge that. Not this government. As a commercial fisher it is mandatory for you to install a VMS unit. You bear the ongoing costs. Commercial fishers should be able to sell the data back to managers, not the other way around. The commercial fishers that I have spoken to value our environment and the fishery they work in. Without the fishery they do not have a business or a job. Commercial fishers have nothing to hide. They are proud, hardworking Queenslanders. They do not deserve to be forced to carry dangerous transponders installed by shonky suppliers.

They do deserve a full and proper review of this legislation and a properly implemented rollout. They deserve to feel safe as they go about their work, not scared that the unit this government told them to install is rubbish. If the minister is so sure that these units and this system are suitable, speak to the commercial fishers around Karumba or other areas. They often live and work in remote and isolated areas, and mobile phone coverage in many of those areas is patchy at best. Would the minister put his family in a boat fitted with one of those units? No, he would not, so why is he asking commercial fishers in Queensland to put their families at risk?

In closing I say to the minister: stop the rollout immediately and review the program. Our commercial fishing operators deserve better. They deserve to be safe at work and they deserve proper consultation and respect. They certainly do not deserve this shambles.



Mr HEALY (Cairns—ALP) (6.28 pm): I rise to speak against the disallowance motion.

Opposition members interjected.

Mr HEALY: Thank you, gentlemen. I appreciate your comments, but I want to mention a few statistics. Mr Deputy Speaker, so rarely we learn anything whilst talking.

I stand very proudly as a member of the Palaszczuk government, which is prepared to take the time and, more importantly, make the effort to consult with communities and industries before reforms are put in place. Putting these fishing regulations together involved a long and genuine process of listening to Queensland fishers, discussing these reforms and finetuning them to make sure we were getting the best possible outcome. Contrary to what some may say, this has not been a secret process.

There have been a number of opportunities for people in the industry and the broader community to have their say, including consultation with some 280 people who were met with to discuss this entire topic.

What we hear from those on the other side of the House is nothing but fear. They fear that maybe, just maybe, we might have to change something if we want future generations to enjoy sustainable fisheries. They are trying to raise fear of change. Whilst I can understand that approach, it is certainly not sustainable. The disappointing thing is that there are those on the other side of this chamber who know that introducing vessel tracking is the right thing to do. When they were in government they did their own report that supported the introduction of vessel tracking.

Mr Knuth: Shame.

Mr HEALY: These are the findings. It would be wrong for anyone to suggest that the state government has been heavy-handed in the implementation of these regulations. I commend those fishers who have got on with their business, have accessed the rebate scheme and are out there showing that sustainable fishing can be done, with vessel tracking.

The Queensland Boating and Fisheries Patrol has been clear from the outset that it would take an initial approach of education rather than the prosecution of any fisher who has made a genuine attempt to comply with the regulations.

Mr Knuth: Unheard of.

Mr HEALY: I will repeat that: the Queensland Boating and Fisheries Patrol has been clear from the outset that it would take an initial approach of education rather than the prosecution of any fisher who has made a genuine attempt to comply with the regulations. That has been said before. We have committed up to \$3 million for rebates so that fishers do not bear the burden of supply and installation of tracking devices.

Mr Harper: \$3 million?

Mr HEALY: \$3 million. It is a significant investment.

Mr DEPUTY SPEAKER (Mr Whiting): Member for Cairns, please pause for a moment. There is a high level of audible conversation. I know that people are coming and going at the moment but can we please keep quiet so we can hear the speaker with the call.

Mr HEALY: Once again, we have committed up to \$3 million for rebates so that fishers do not bear the burden of supply and installation of tracking devices.

We understand that some in the commercial fishing industry feel pressure as well. Their fisheries in some cases do not produce the same catch they once did. This is change. Unfortunately for those who do not acknowledge it, change is inevitable. This is the very reason we need to put our comprehensive fisheries reforms in place in full, including extending vessel tracking, as we have done with this regulation.

If we want to have a sustainable fishery for our children and our grandchildren to enjoy, we need to make the right decisions now to maintain that fishery. I encourage members to vote against this disallowance motion and to support the reform process. The reform process inevitably will address the concerns highlighted.


Queenslanders want and expect best practice from their regulators and for our precious public resources. Real-time monitoring of commercial fishers will assist compliance officers to target fishers not playing by the rules. It also helps demonstrate that the vast majority are following the rules and gives a better idea of what is happening under the water. The information is already proving invaluable to our compliance officers in targeting people who are flouting the rules and showing those who are doing the right thing—and, may I say, they are the majority. We need to keep moving towards sustainability in our fisheries. We will not have a legacy for our children or our grandchildren if we do not.

Mr Knuth: How about us?

Mr HEALY: It is not all about us. I will outline the benefits of vessel tracking. Real-time monitoring of commercial fishers will assist compliance officers to target fishers not following the rules. It will validate logbook information by crosschecking that fishers were actually fishing on the days stated in their logbook and in the areas they nominated. It leads to better data. It also meets international best practice standards. Vessel tracking is widely used in other Australian and international fisheries. Coming from Cairns, the gateway to the Great Barrier Reef, I can say that meeting the high standards of operating in a World Heritage area demonstrates sustainability in the Great Barrier Reef World

Heritage area. In 1998 the former minister for primary industries, Henry Palaszczuk, oversaw the rollout of mandatory vessel tracking in Queensland's trawl fishery. Many trawl fishers would argue that this information in particular has enabled them to demonstrate that trawling in the Great Barrier Reef World Heritage area is sustainable. That is a pretty good plug.

There are also benefits to commercial fishers. Owners can track their own vessels. We hear far too often of tragedies taking place. Family members, boat owners or fleet managers can view where their boat is through the web platform if they are worried about family members or if they want to look at where the vessels have been. Just as importantly—this is a government that wants to reduce red tape—it means the removal of unnecessary reporting requirements. Once vessel tracking is in place and operational, Fisheries Queensland will look to remove some of the existing reporting requirements; for example, having to report one hour before landing for quota species. That is why I support the Sustainable Fisheries Strategy and these very important reforms.


 **Mr SORENSEN** (Hervey Bay—LNP) (6.36 pm): I rise to speak in support of the disallowance motion. There is a huge difference between a trawler and a crabber boat. Trawlers have a cabin where people can sleep and equipment can be stored out of the weather. Crabbers that go up the creeks, up narrow gutters and so on, are just open boats. There is nothing in the boat except what is needed for crabbing, such as crab pots and boxes to put the crabs in. How will you fit some of these devices to a little boat like that and how long will they last? They will not last very long on some of the little crabbing boats that go up the creeks around Hervey Bay. They are going up creeks where mangroves scrape at them and so on. There is a big difference between the trawl industry and the small commercial crabbers.

Tracking devices on trawlers have not been that successful when you consider the trawlers that have gone down around Fraser Island. In one case, the tracking device dropped right out but nothing happened for seven or eight days until somebody realised that the trawler was missing. The tracking device was on the trawler and it stopped working but nobody bothered to raise the alarm. Even the department did not raise the alarm. If these tracking devices were monitored properly, those people might still be alive.

People wonder why the fishing fraternity is so suspicious about all of this data being collected. This data will be used against them. Green zones will be created in the areas where most of the fishers go. It is something fishers are really petrified of. There are go-slow zones, where you have to putt along. If somebody is caught in those areas they get a \$400 or \$500 fine. Some of the regulations that are coming in are just ridiculous.

If the government wants to do something for the fishing industry, it should do more studies on how fish breed. One of the best things was the barramundi fishing closure whereby barramundi were allowed to breed at certain times of the year—in the summer months. If we want sustainable fishing, I think that would improve fishing a lot more than monitoring a crabbing boat going up the creek and especially others such as line fishermen. What about some of the boats that go out with a couple of dinghies behind them? Does each dinghy have to have one of these monitoring devices on it or does just the mothership have to have the device? What is happening?

When we look at it, the fishing industry has been going backwards for the last 20 years and who has been in government for most of that time? We are not doing anything for that industry whatsoever. All we are doing is putting out more green tape and more red tape and nothing is happening. I support this motion and I wish it would pass, but I do not think we have the numbers. Poor commercial fishermen are getting dragged down all of the time and getting kicked out of here and kicked out of there. With this information, I will bet that where they fish most of the time will end up a green zone and they will get kicked out of those areas as well.

 **Mr BENNETT** (Burnett—LNP) (6.40 pm): I also rise to support the motion tonight but probably for different reasons. I am not here to advocate that the VMS get thrown out altogether. We have to get this right, and this is a botched rollout. As Queenslanders we should at least have respect for an industry that has been treated so poorly. Let us at least have some empathy and dignity for this community. Tonight we need this disallowance motion to pass so that we can renegotiate and rewrite the VMS policy guidelines. The policy guidelines as they stand right now are unacceptable to most Queenslanders, including commercial fishermen, and other seafood stakeholders. Tonight no-one has spoken about all of the other stakeholders involved in this.

I also must talk about the complexity, the costs and the intellectual property before we implement this again. The VMS needs the fisheries bill, as we have established tonight, so that penalties can be enforced. We can imagine a heartless government fining and stalking fishing families when the system this government is championing is failing across Queensland. The fishing bill requires that vessel

tracking equipment be fitted by all commercial boats by 2020. The regulatory change occurred under the existing legislation last year on 9 November and came into effect on 1 January, causing the trouble and starting the conversation that this rollout of the VMS—this ideological rollout—is not based on science or on the facts. The minister is so disorganised that he passed the regulation without any penalties.


The rollout of these trackers is nothing short of a farce and there are numerous examples of faulty VMS responders, and shonky government authorised suppliers are the problem. Let us just stop, take a deep breath and at least have some dignity for an industry that has done nothing but comply with consistent regulatory changes and more and more red tape. Fishermen are not permitted to go out and fish and earn a living when these VMS systems go down, and that is a fact. Tonight it is our responsibility to at least give them an opportunity to fix this botched rollout and these faulty devices so that we can use them. Reported problems with the devices have been going on and on. Safety concerns have been spoken about here tonight in terms of the appropriateness of the VMS trackers and of course one could only think that the government is trying to tie up our fishers with more red tape and green tape when it cannot even properly roll out the laws. It speaks volumes for the contempt that is shown for the seafood industry, as has been said, for 30 years.

We need a proper review in terms of what has happened to this rollout. We need to make sure that we conduct a full review and consider a delay. Those of us on this side of the House have heard—not me personally—30 complaints. It is no secret that commercial fishing in this area has been in decline for 30 years under the policies of those opposite. Years of malicious political and ideologically driven policy and neglect has seen Queensland's once proud commercial fisheries industry become a mere shadow of what it once was. For years the Labor Party has overseen an agenda that has not supported the hundreds of family commercial fisheries businesses that supply our state with some of the finest catches in the world and the reality is that now we import 80 per cent of the seafood eaten in Queensland, some of it grown in the sewers of Asia, yet no-one on the other side of the House has a problem with that. We need to at least have a sensible debate about what the VMS means for us if we are going to keep talking about sustainable fishing.


Instead of working with and modernising our integral commercial fisheries industry, Labor continues to tie up an industry with bureaucracy. I put to the House tonight that there should be a review and I want to put forward some suggestions. I thank Elaine and Michelle for their hard work and support their calls that for the next 12 months the department should obtain advice from the Office of Best Practice Regulation and conduct a thorough regulatory impact analysis and impact statement and release those for public consumption and review.

The commercial fishing industry refuses to accept an exemption as this is an essential aspect of the cost-benefit analysis helping to weigh up the advantages and disadvantages of stakeholders, enabling informed discussion. They suggest that the department release the commissioned audit from PricewaterhouseCoopers regarding the safety and privacy of the VMS data for public review and consultation. They also suggest that the minister clarify, as per the State Development, Natural Resources and Agricultural Industry Development Committee's recommendation, the indemnity provisions contained in the contracts between fishers and third-party VMS providers, as it appears that the confidential information referred to in the contracts relates to individuals' identifying information—name, address—not the safety of VMS data.

We want to rewrite the VMS policy in negotiation with fishers but only once the mobile technologies and other ideas have been developed that can reduce costs and protect fishers. With that, I again implore the House to pass this disallowance motion. Let us go back to the drawing board and get the VMS right for all Queenslanders, particularly those commercial fishermen who deserve our respect in this place.

 **Mr BLEIJIE** (Kawana—LNP) (6.45 pm): I rise to speak in support of the disallowance motion because I am sticking up for the fishers on the Sunshine Coast—not just the commercial fishermen and fisherwomen but also the people who go out on recreational charter boats. I am one of those. I cannot believe that at the moment in the state of Queensland serial sex offenders like Robert John Fardon do not have GPS trackers but our fishers do. What sort of world are we living in when the government wants to get all of the details of these fishers in terms of where they are going and what they are up to? We know why: it is a green, left-wing agenda so it can introduce all of these green zones right across Queensland that small businesses have developed to establish their own identity, business and fish marks over 20 years, as many on the Sunshine Coast have. The government will now be seeing all of that information, yet it does not need it.


The rollout of GPS trackers has been completely botched, and I particularly refer to the YB3i units. A supplier on the Gold Coast is supplying these units. The supplier is a car audio place. It is not even a fishing place. It is not a boat place or marine place; it is a vehicle audio place where they sell radios and CDs and subwoofers for cars. There have been accusations of dodgy operations. We have also had Claire Andersen from Fisheries changing the goal posts to accommodate these operators—not looking at what the fishers want but these potentially dodgy operators who are supplying these but not maintaining them and not supplying them on time and yet the fishers are required to have them from 1 January. I will stick up for the fishers on the Sunshine Coast and all of Queensland. That is why I will support the disallowance motion. I ask all honourable members to do the same.

 **Mr WEIR** (Condamine—LNP) (6.47 pm): I rise to offer my support for the motion to disallow the Fisheries (Vessel Tracking) Amendment Regulation 2018. It is no secret within the commercial fishing industry just how much angst and frustration the botched rollout of the vessel monitoring system has caused. The Fisheries (Vessel Tracking) Amendment Regulation 2018 was tabled in the parliament on 13 November 2018 and required all crab, line, net fishers and commercial fishing boats and licensed charter operators to have vessel technology installed and operational by 1 January 2019. Unfortunately, since the rollout of VMS trackers the shadow minister, Tony Perrett, has been flooded with examples of faulty VMS responders and general mismanagement from the department.

Responder devices have been recording incorrect polling times and are subject to software failures which have stopped them from working. Safety concerns about the appropriateness of the VMS trackers has completely undermined the rollout and it needs to be reviewed. No regulatory impact statement was conducted before rolling out the VMS regulation and quite clearly, given the results of the implementation, questions are now being raised about the suitability of the VMS responder trials. The VMS regulation was an ideological rollout, not one based on science or fact. The minister is so disorganised that he passed the regulation without any amendment to the penalties, even though he promised on ABC *Country Hour* that the updated fisheries legislation with the penalties would pass the House by the end of 2018. That did not happen and the Fisheries (Sustainable Fisheries Strategy) Amendment Bill 2018 is still sitting on the *Notice Paper*.

As I stated, this amendment was introduced on 13 November 2018, which meant that there was no opportunity to debate the amendment in this House before it was enacted on 1 January 2019. This was a deliberate act by the minister. If ever there were a time to pause and consult meaningfully with the industry on an issue, this was it. A high level of distrust already exists between the fishers and the department. This action by the minister has only added to that distrust.

What did the minister do? The minister—no doubt with the approval of the Premier—snuck this amendment into the parliament to ensure that there was no opportunity to scrutinise it. This was a sneaky and deceitful act. It fails the good governance test. The Palaszczuk government talks loud and long about being open and transparent. The actions of this minister are anything but.

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (6.50 pm): On behalf of the Minister for Agricultural Industry Development and Fisheries, I rise to speak against this disallowance motion moved by the member for Hinchinbrook. Our government is committed to giving Queenslanders a world-class fisheries management system. We want fisheries that are sustainable. We want to use well-established technologies, such as vessel tracking, so that we can use better data to make more effective decisions about how we manage our precious public marine resources. We want to use the best data available through vessel tracking to know about our impact on the ocean and what we can do to mitigate that impact so that we can continue to provide local seafood, regional jobs and export opportunities.

Vessel tracking represents one important part of the strategy to support and maintain Queensland's iconic fisheries. It is not a new idea. The overwhelming message from stakeholders to a number of reviews since 2014—yes, that was during the term of the previous government—is that fisheries management must change. The expansion of vessel tracking across the commercial fishing fleet has been proposed since 2014, when it was recommended through the LNP's MRAG review of fisheries, and which the LNP committed to progressing at the last election.

The LNP never released this review, but, under our government, it was released. In 2017, the Palaszczuk government released the Sustainable Fisheries Strategy—an outcome of significant industry and community consultation in 2016. As part of that strategy, the government committed to introducing vessel tracking on all licensed commercial and charter fishing boats by the end of 2020 with a priority to install units on net, line and crab commercial fishing vessels by 2019. This regulation is an important part of that strategy. It will lead to more informed and responsive management, which will benefit the marine resources upon which many operators and regional communities depend. The rollout

of vessel tracking is also an action of the Reef 2050 Long-Term Sustainability Plan and demonstrates this government's ongoing commitment to protecting the Great Barrier Reef and has strong support from the Great Barrier Reef Marine Park Authority.

The most important benefit of vessel tracking technology is that it enables real-time monitoring of commercial fishing fleets and facilitates a more responsive and evidence based decision-making process. Vessel tracking is used to monitor fishing quotas and compliance with seasonal and spatial closures, particularly in and around areas that may be sensitive to fishing pressure. The information is already proving invaluable to our compliance officers in targeting people who are flouting the rules. Vessel tracking technology is also of benefit to our commercial fishers. Just a couple weeks ago the department received a complaint through its Fishwatch hotline about unattended nets in the river in Bundaberg. Compliance officers were able to access the vessel tracking platform and identify that the fisher was in attendance and cleared up the matter.

Vessel tracking is widely used in other Australian and international fisheries. It enables authorities' access to timely and improved information on what vessels are doing and where they are operating. There is similar fleet tracking in other sectors, such as road transport and mining. Vessel tracking is not a new concept. It has been a part of Queensland's trawl fishery since 1998—for more than two decades. Despite strong opposition at the time, vessel tracking has since become a proven and vitally important part of this fisheries management system.

For trawl fishermen, vessel tracking has to demonstrate that trawling in the Great Barrier Reef World Heritage area can be sustainable. The government has been working with commercial fishers to give them the support and assistance they need. The majority of fishers have got on board and now have vessel tracking units in place with positive feedback from many licensed holders. There are now approximately 1,400 units that have been purchased from the providers, with approximately 550 activated, registered with Fisheries Queensland and sending positions.

Since 1 January this year, Queensland Boating and Fisheries Patrol has focused on educating fishers and improving awareness of the new vessel tracking obligations. This work will be followed over time by a warning before a fisher is fined for noncompliance. I understand that, recently, the members for Burdekin and Burnett were on a patrol where a commercial crabber was nabbed for having underweight and female crabs. They saw the benefits of vessel tracking but, sadly, not enough for them to support this regulation.

Our government has provided significant financial support to assist commercial fishers in transitioning to the new system. Our government partnered with the Great Barrier Reef Marine Park Authority to provide \$3 million to help pay for the purchase and installation costs associated with implementing vessel tracking equipment through a rebate scheme. The rebate scheme, which is administered by the Queensland Rural and Industry Development Authority, commenced on 30 August and will be available until 31 December next year. All commercial fishing boat, harvest fishery and charter fishery licence holders will be able to apply. The rebate scheme has been designed so that the majority of fishers should not be out of pocket for the unit purchase or installation costs. Fishers may be eligible for reimbursement for up to seven units, depending on their licence and their fishery symbols. Once installed, commercial fishers will be required to pay for the ongoing data costs associated with vessel tracking of about \$35 to \$50 a month—a fairly modest amount.

In early 2018, significant consultation was undertaken with the industry about the draft vessel tracking policy and guidelines. Fisheries Queensland staff met with 208 fishers across a range of regional locations and a number of changes were made in response to the consultation. It is important to note that the commercial fishing industry benefits from access to fisheries resources. The government considers that the costs of vessel tracking should be shared between the government and industry. The costs to the industry were acknowledged. However, that is why a \$3 million rebate scheme was established. The department approached the Australian Maritime Safety Authority for advice and clarification on the issues raised by the industry in regard to the vessel tracking units meeting the National Standard for Commercial Vessels. The department has also worked with providers to remedy any issues with implementation as the vessel tracking units have been rolled out.

The department respects the privacy of commercial fishers' data and treats this information as confidential. Individual information collected is used for internal fisheries management purposes and is shared only with the compliance partners, such as marine parks, under strict conditions. The management of the data is delivered through the Australian Fisheries Management Authority under a memorandum of understanding. The contract between the vessel tracking satellite provider and the Australian Fisheries Management Authority requires data to be stored in a manner that satisfied

Commonwealth government data security standards. Fisheries Queensland has confidentiality agreements with the providers. The trawl fleet has had vessel tracking for 15 years without any issues around data privacy.

This issue is about technology and sustainability. Leadership is about acknowledging that and supporting that. We see from the opposition another case of technophobia and, in this day and age, a lack of belief in sustainability, which, to be quite frank, is really embarrassing. Earlier, the mover of the motion, the member for Hinchinbrook, made an extraordinary statement. He said that we should not have technology such as vessel tracking units because salt water rots technology. That remark came from the member for Hinchinbrook, who turned up to his first press conference on a jet ski. I am sure the maritime industry would have something to say about that. It is an absurd proposition. It is one of the most extraordinary things that I have heard in four years.

Leadership is about managing change. The use of vessel tracking units is pretty standard practice in other states. Queensland is not Robinson Crusoe. As Queensland has such a vast coastline, the government has a responsibility to ensure the sustainability of our fisheries. This regulation does that.

I urge all members here to vote against this disallowance motion, because it does not support sustainability, it does not support technology, it does not support leadership or managing our fisheries in a sustainable way, which ultimately supports the industry. The industry can use this technology to evolve and grow. I urge members to support sustainable fisheries in Queensland by voting against this motion.

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

AYES, 39:

LNP, 36—Bates, Batt, Bennett, Bleijie, Boothman, Boyce, Crandon, Crisafulli, Frecklington, Hart, Hunt, Janetzki, Krause, Langbroek, Last, Leahy, Lister, Mander, McArdle, McDonald, Millar, Minnikin, Molhoek, Nicholls, O'Connor, Powell, Purdie, Robinson, Rowan, Simpson, Sorensen, Stevens, Stuckey, Watts, Weir, Wilson.

KAP, 2—Dametto, Knuth.

PHON, 1—Andrew.

NOES, 48:

ALP, 46—Bailey, Boyd, Brown, Butcher, Crawford, D'Ath, de Brenni, Dick, Enoch, Farmer, Fentiman, Gilbert, Grace, Harper, Healy, Hinchliffe, Howard, Jones, Kelly, King, Lauga, Linard, Lui, Lynham, Madden, McMahon, McMillan, Mellish, Miles, Miller, Mullen, B. O'Rourke, C. O'Rourke, Palaszczuk, Pease, Pegg, Power, Pugh, Richards, Russo, Ryan, Saunders, Scanlon, Stewart, Trad, Whiting.

Grn, 1—Berkman.

Ind, 1—Bolton.

Pair: Furner, Perrett.

Resolved in the negative.

ADJOURNMENT

NightQuarter



Mr O'CONNOR (Bonney—LNP) (7.04 pm): I rise today to bring to the attention of the House the sad loss of a major local entertainment venue in my electorate: NightQuarter. Since opening in 2015 it has given thousands of locals a festival every weekend with food, drinks, markets, entertainment and one of the largest live music spaces on the Gold Coast. That meant it could handle artists who otherwise would have likely skipped coming to the Gold Coast. I was a regular there and I have great memories of seeing Flight Facilities, Amy Shark, Baker Boy, The Cat Empire and, most recently, the final evening with UB40. Their landlord recently asked for a significant rent increase leading them to close their doors. The public outcry at this move has been overwhelming. Passionate local Robert McKenna started a petition and within days it had reached thousands of people. I table that today with its 18,906 signatures.

Tabled paper: Nonconforming petition regarding Save Nightquarter at Helensvale [\[147\]](#).

Our city needs this venue and it is time for the government to see what help it can provide. I think the solution could be state land within the health and knowledge precinct in Southport which was the site of the old Commonwealth Games village. The owners, Michelle and Ian, agree and they recently put a proposal to the government. Unfortunately, last week it was rejected by Economic Development Queensland. Tonight I call on the minister to review this decision.

Let us look at some of the facts. We have a state owned precinct of 9½ hectares available for commercial use. NightQuarter are keen and they say that the space could work. They would only be looking at taking up to half a hectare at most and there is already a suitable section that was used as a car park during the Commonwealth Games. JLL, the managers of the Smith Collective residential area in the precinct are very supportive of having NightQuarter move in next door. Up to 50 per cent is permitted for non health and knowledge related use and out of the 15 lots up for rent only three have been used. The land use setting out the rules for the area allows for food premises to be located at ground level and for indoor entertainment. This is a chance to have a live entertainment venue within walking distance of light rail, buses, Griffith University and Australia's largest build-to-rent community. The precinct used to be called Parklands and it was an entertainment area. Big Day Out was held there. With its loss surely a component of that should remain within it, even if it is just in the short until the site is fully developed.

I do not want to take away from the aims of the precinct. I fully support it and believe innovation and excellence in health is essential to bring job opportunities to our area, but until it is realised NightQuarter should be allowed to make use of a small amount of space. It would even bring in some rent. If a larger and more permanent tenant appears then they should be allowed to use that space. I urge the government to take up this opportunity before we permanently lose this local icon. If not, every time my residents drive past that empty site they will be reminded that the state government either does not care or is too arrogant to do the right thing and try everything possible to keep a community icon alive.

Aspley Electorate



Mr MELLISH (Aspley—ALP) (7.07 pm): I rise to commend and give thanks to just a few of the individuals and community groups in the Aspley electorate who have been doing brilliant work over the past year and to congratulate the latest recipients of the Gambling Community Benefit Fund. A total of almost \$100,000 has been invested into the Aspley electorate in just round 98 of the fund. Aspley Lions Club has received \$35,000 to upgrade their facilities; Geebung Kindergarten and Preschool almost \$30,000 to upgrade their flooring; and the Queensland Guide Dogs, based in Bald Hills, received over \$30,000 for upgrades and to purchase machinery. These well-deserved funds will assist those organisations to grow, embark on new projects and to reach more members across our community in need of their assistance.

Next may I congratulate the local recipients of the Lilley Australia Day Awards. This annual ceremony brings together the entire community to celebrate those individuals and organisations who work tirelessly throughout the year to make our community a great place to live, work and raise a family. It was great to join Wayne Swan, the member for Lilley, and Anika Wells, the future member for Lilley, at the event.

Well done to the winners of the prestigious Ted Tremayne Award, the Aspley VIEW Club. Now the largest VIEW club in Australia, the consistent and impressive work of its over 200 members provides support and funds for disadvantaged Australian school children through the Smith Family. The Aspley VIEW Club currently supports 30 disadvantaged children locally with basic school requirements, helping them realise and achieve their true potential. I congratulate and thank them for the vital work they do. It has a tangible and positive impact on the lives of disadvantaged children in the area.

The kids at Aspley Special School have a very special friend in Annie the reading dog, together with her owner Sue Matthews. Each week Annie allows students to read aloud to her as a non-judgemental audience. Annie and Sue's volunteering has enabled the students to grow their self-esteem and boost their motivation to read and has improved their confidence and skill to read aloud as Annie is a great listener. My dogs only listen to me when I have food for them, so well done, Sue.

Everyone at the Geebung RSL knows the Birds and specifically acknowledged this year was Lyn Bird. Among many other things, Lyn coordinated the Armistice Day Centenary Concert in 2018, bringing together local schools for a fantastic unforgettable concert.

To Beverley Webb, also of the Geebung RSL: thank you for giving your time generously throughout your vital work in the Anzac Day Gunfire Breakfast, not to mention your fundraising efforts on Anzac Day, Remembrance Day and throughout the year.

Lastly to Mary Tierney: your efforts with financial affairs and everything else at the Aspley Devils over a period of 38 years is deserving of high recognition. The award is well deserved in acknowledgement of your contribution to a fantastic local club. There are many others I have run out of time to mention, but thank you to everyone in the Aspley community, individuals and organisations, who help make our community a better place every day.

Disability Parking Permits; Road Upgrade



Mr BATT (Bundaberg—LNP) (7.10 pm): I rise to urge the Minister for Transport and Main Roads to listen to Queenslanders and change the relevant legislation in order to allow those with visual impairments to obtain disability parking permits to display on their carers' vehicles. Today in parliament my petition with over 3,200 signatures calling for that change was tabled. Since launching the petition in July, countless members of not only the Bundaberg community but also the wider Queensland community have approached me to voice their support for the change. Early in the piece, Guide Dogs Queensland contacted me to offer their support for the change on behalf of their members. It is great to see that ever since they have been lobbying for the change alongside me. I am extremely grateful for their support. It has been truly invaluable.

The current Australian Disability Parking Scheme is a mobility scheme and the eligibility exclusively focusses on the applicant's functional ability to walk. As such, people with other impairments, including sensory, are not recognised as having a disability. I call on the minister to put himself in the shoes of someone with vision loss. Altering the legislation in our state would not only align us with New South Wales and the ACT but also change for the better the lives of those affected, minimising the anxiety and fear that is felt in a car park.

Visual impairment does impair a person's ability to walk and often results in people having accidents by falling over objects such as uneven ground, car park wheel stops, gutters and stairs. Often visually impaired persons need the assistance of a white cane when walking and often they do not feel safe in public. Having access to wider designated parking spaces with closer proximity to their desired location would make one element of life so much easier for people with a visual impairment, including those with guide dogs.

If the government can change the name of the Lady Cilento hospital with a petition of less than 1,000 staff to kick it off, I ask the minister to please hear the call from over 3,000 Queenslanders who want this change made. Changing the law will not bring any extra financial burden to the government, but it will bring daily relief to thousands of visually impaired Queenslanders.

I also call on the minister to fund the upgrade to the intersection of FE Walker Street and Ashfield Road. Also tabled today was my petition with over 500 local signatures calling for its improvement. That fight has been ongoing since 2014. This is the second petition to be tabled in the parliament calling for something to be done. The intersection is renowned for dangerous encounters, with traffic turning and travelling in 12 different directions and only a few stop signs to offer assistance.

I started both of the petitions at the request of Bundaberg constituents. I call on the minister to listen to them, the residents of Queensland, and make these necessary changes to ensure our residents are as safe as possible.

Windaroo Valley State High School



Mrs McMAHON (Macalister—ALP) (7.13 pm): This year is a big year for one of my high schools, Windaroo Valley State High School. This year the high school celebrates its 25th year, having opened in 1994. However, that milestone is not the only reason that the school is expecting big things. Since being elected, the investment that the Palaszczuk Labor government has made is unprecedented.

On Friday, I attended the school's investiture ceremony at which I presented school blazers to year captains and had my first look at some of the amazing work being done in the school grounds. Since attending the same ceremony last year, work has started on five new classrooms that will become operational towards the end of this year through an investment by this government of \$3.78 million. The school has also upgraded its entrance to provide a mobility access pathway.

The school has an amazing record at interschool athletics, having won the district athletics championship in 14 out of the past 15 years. It was a beneficiary of the Commonwealth Games legacy project, receiving a new long-jump track. After a series of rolling blackouts this time last year during one of our heatwaves, which rendered all air conditioning units redundant, now the school has a reliable source of electricity following our investment of \$225,000 to upgrade their grid. That is something anyone considering air conditioning every school should factor into their costings.

The school has worked to build ties with local sporting and community groups, resulting in a number of grants that have gone directly into improving school facilities. In particular, they have paired with the Yatala Rams Rugby Union Club. As a result, the high school oval has now received irrigation and will receive lighting over the next 12 months.

It is not just in the area of facilities that this school is excelling. As reluctant as I am to endorse NAPLAN results, those results show that Windaroo Valley State High School is the highest performing state high school in Logan. Further, for the past four years the school has received a 100 per cent success rate in seniors completing their QCE.

However, academics is not their only focus. Members will remember the wonderful cocktail party that we had after the opening of parliament last year. Students from Windaroo Valley State High School's trade training centre were among the service staff providing our food and beverages on the day. It is also innovative educational practices that make Windaroo Valley State High School a stand-out. Senior students have the ability to spread their senior studies over three years, rather than the traditional two. The school supports their students with the provision of two guidance councillors.


I was pleased to address the senior class and share some words of wisdom. I acknowledge that the words are not mine, but are those of someone much wiser, timeless and more influential than me, that is, Dr Seuss. He said—

You have brains in your head and feet in your shoes,

You can steer yourself in any direction you choose.

Congratulations to Principal McKeown, staff and students.

Cuthbert, Mrs S

 **Mr PURDIE** (Ninderry—LNP) (7.16 pm): On 27 July 2017, at around 5 pm, one local Cooloom family's life changed forever. Sharon Cuthbert, wife of Michael and mother to Shylar and Makayla, had just arrived home from work and was getting out of her car when she was hit and killed by a vehicle. I can clearly remember that night. It did not take long for word to filter through the police ranks where I was working at the time that the driver had extensive history and there were allegations that he had returned a positive slider test for amphetamine.

Sharon was a well-known and much loved member of the local community. She worked at the Noosa council and over 1,000 people attended her funeral. Since being elected as the local member of parliament, I have come to know Michael well and I am in awe of his strength and courage. If I was in his shoes, I do not know how I could go on. I do not know how he gets out of bed every day, but he does; he does it for his girls.

Last week, the offender, who has extensive history, was sentenced in the District Court for the charge of dangerous driving causing death. That offence attracts a maximum penalty of 10 years in jail or 14 years with a circumstance of aggravation. However, in this instance he was sentenced to just 3½ years and will be eligible for parole in just 12 months.


Michael contacted me straight after the sentencing. I can understand why he and his family are furious with that result. They have received a life sentence. In one heartbreaking moment, they lost a wife, a mother, a sister and a daughter.

Let us be clear: I am not talking about someone who causes an accident because of a momentary lapse in concentration. I am talking about offenders who have a long history of callous disregard for other innocent road users; offenders who blatantly ignore the law, putting the lives of others at risk; offenders who should not be on the road in the first place.

After speaking with Michael, we launched a petition calling on the Attorney-General to appeal this inadequate decision. That petition has now received over 5,100 signatures. This clearly shows the wider community shares our anger. On behalf of Michael, his daughters and all of Sharon's family and friends, along with the wider community who have joined our campaign, I call on the Attorney-General to appeal this sentence for justice for Sharon and to ensure another family does not have to endure the same suffering and pain that Michael and his family have gone through over the past 18 months and to ensure the sentence not only reflects community expectations but acts as a deterrent to those who show a callous disregard for other innocent road users.

(Time expired)

Shoalwater Bay

 **Mrs LAUGA** (Keppel—ALP) (7.19 pm): It is just over two years since then prime minister Malcolm Turnbull, after intense political pressure and a grassroots campaign led by Marlborough residents, finally backed down on compulsory acquisitions for Shoalwater Bay. It is all happening again. The

federal LNP government have written to the state government asking us to restrict the community's access to our protected areas to enable the Shoalwater Bay expansion to go ahead. We might have a different prime minister, but it is the same disrespect for local communities that we have come to expect from this out of touch LNP government. We are stuck in groundhog day.

Two years ago Michelle Landry stood in front of the people of Marlborough and promised that there would be no compulsory acquisition. Now we find out that not only are they pushing ahead despite that promise, but they are also trying to acquire public land and shut down national parks. The federal government has sought to close Bald Hills Road and Charon Point Conservation Park as part of its land grab for its Shoalwater Bay Training Area within the Australia-Singapore Military Training Initiative.

Michelle Landry and the Abbott-Turnbull-Morrison government need to immediately rule out any attempt to compulsorily acquire this land. The people of Marlborough made it very clear two years ago when the federal LNP government tried to force them off their land. They do not want to see any compulsory acquisition.


Michelle Landry has serious questions to answer. Ms Landry needs to explain why Marlborough and Central Queensland residents have once again been kept in the dark about what the federal government is planning for our community. Charon Point Conservation Park and the Broadsound is essential to the biodiversity of our region and its natural beauty is enjoyed by locals and visitors alike. I want to see people continue to be able to camp and fish on the Broadsound and enjoy the diverse ecosystems, including open eucalypt forest and grassy open woodlands, along with large areas of mangrove flats and bare salt pans at Charon Point. The federal government's proposal would see an end to these recreational activities and put the environmental values at risk.

Obviously, Michelle Landry and the LNP have not learnt their lesson from last time and are once again trying to push this expansion forward against the wishes of local residents. The federal government has the power to compulsorily acquire the land but Michelle Landry and the LNP need to rule this option out.

Where is the Leader of the Opposition on this issue? Where is the shadow minister, the member for Broadwater, on this issue? It is time for those opposite to stand up for Queenslanders and join with the Palaszczuk government in opposing the Morrison government's sneaky tactics. I am also calling on the Leader of the Opposition to pick up the phone to her buddies in Canberra and demand that they rule out compulsory acquisition.

The Palaszczuk government will continue to support the Central Queensland community and reject any federal LNP proposal that leads to the permanent closure of Charon Point Conservation Park. The question I put to those opposite is: whose side are they on?

Mirani Electorate, Bushfires

 **Mr ANDREW** (Mirani—PHON) (7.22 pm): I rise to address the House and reflect on my personal experiences and observations of the recent bushfires and some of the early flooding which have seriously affected much of Central and North Queensland. At one point there were simultaneous fires stretching from north of Eungella and Dalrymple Heights all the way down to Alton Downs and beyond. That is something like 450 kilometres by road from one end to the other. I will say straight up that, with my assistant, I drove my four-wheel drive towing a trailer full of ice, drinks and food around virtually every active fire front for a full week, including overnight in many cases, during the height of the events.

In my seat of Mirani there were 117 fires and an extraordinary 271,000 hectares of land engulfed. Almost immediately after the fires a cyclone brought the first of the heavy rains. The service and efforts rendered by our rural fire brigade, the urban fire brigade, the QPS, the QAS and volunteers and the mountains of assistance and donations forthcoming from across the wider community was incredible.

Efforts were hamstrung by a lack of timely support from some state and local government agencies. Take for instance the fires at West Carmila. Much of it was burning on state land purchased for the unbuilt Upper Connors Dam. How ironic that the rural fire volunteers had to trek upwards of 40 or 50 kilometres out of the hills to refill their slip-on tanks with more water from tiny stock dams. That is a huge waste of time and it allowed the fire to spread.

The process of getting a simple request to the LDCC to arrange more water tankers from the likes of local council, commercial entities or the army would have been made much easier with more effective communications systems as there is little or no mobile coverage and the existing VHF/UHF radios are of limited value behind the hills. Speaking of mobile coverage, an issue identified at Eungella


was shoddy maintenance by the major communication carriers with regard to having their diesel back-up generators in place ahead of time with sufficient fuel to keep critical sites going for many days whilst road access was cut off.

I give credit where credit is due. I commend the Ergon people for putting themselves in harm's way to keep mains power available. As it turned out they wound up trapped with the rest of the local community and forced to shelter in the decades-old community hall made of timber, little more than a football field away from the extremes of a rainforest fire. Perhaps putting so many people in harm's way could have been avoided if the Lizzy Creek Road was properly upgraded after the Eungella Range Road was washed away back in the early 1990s. It has seen further slips in recent weeks causing unwanted road closures. One cannot expect a fire scarred hillside left with little more than guinea grass to secure the slopes when downfalls of hundreds of millimetres turn up.

Speaking of revegetation, I am most disappointed in the efforts by the agencies tasked with reef protection and land management after the fires. As soon as crop dusters finished dropping loads of water on the fires—

(Time expired)

Daley, Mr B

 **Hon. DE FARMER** (Bulimba—ALP) (Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence) (7.25 pm): On Australia Day this year Mr Brian Daley was recognised with an Order of Australia medal. I wish to honour him in this House tonight. As a local resident for over 20 years, and now in my seventh year as a state member of parliament, I have had the privilege of working with many outstanding individuals whose commitment to helping others is truly inspiring. I am yet, however, to meet a volunteer who is more inspirational than Brian Daley.

While I can list a number of the formal volunteering roles Brian has undertaken in the community, it would be impossible to detail everything he has done throughout his life to make a difference to others. It is impossible for two reasons: firstly, his good deeds would simply be too numerous to mention; and, secondly, he is too humble to have ever mentioned most of them.

As the chair for decades of the St Vincent de Paul's service attached to the Saints Peter and Paul's parish in Bulimba, Brian coordinated local parishioners to provide much needed support for local families in need. This included providing emergency relief to the vulnerable, working with students from our local Lourdes Hill College to coordinate the delivery of Christmas hampers and, in the first of its kind, establishing a frozen meals bank to ensure a continuous supply.

Throughout the school lives of his children, he held executive positions with the parents and friends associations of Lourdes Hill College, Iona College and Saints Peter and Paul's, and worked tirelessly to run their fundraisers and other events. He volunteers for the Mater Hospital, driving patients to medical appointments there if they cannot take themselves.

Having served full-time in the defence force for nine years and then for 20 years in the reserves, he still organises the annual reunions of the Royal Australian Electrical and Mechanical Engineer ex-Army apprentices. He is the lynchpin of the Cannon Hill Vietnam Veterans', now Bulimba District, RSL sub-branch and by recruiting and encouraging young former and current local service men and women is actively ensuring the sub-branch remains relevant in the future. He is the parade marshal and main organiser of the two major Anzac Day services for our area and is highly sought after by local schools to speak at their Anzac Day ceremonies. I know this keenness for him to attend is because he speaks so genuinely about how important the day is and treats the students with such great respect.

For many years, Brian was also president of the Balmoral Local Area Ambulance Committee, raising much needed funds to support our local paramedics and running programs in our schools to teach our young people how to contact our paramedics in an emergency. Knowing him is one of the greatest joys. Everyone knows that if they ever needed anything, they could ring Brian and he would help in an instant, without hesitation. People like him set a high bar for what it means to be a part of community. He never looks for recognition. He invests in others, takes people under his wing and then empowers them to lead and give back. He does what he does because it is the right thing to do. He is an essential and absolutely critical part of the social fabric of our community. We are all so proud of him.

It was a great pleasure to post about him on Australia Day and to be able to show him and his wonderful wife, Barb, all of the comments on Facebook and the over 400 likes—all stories of people who have lived a better life because they know Brian Daley.

Pumicestone Passage



Mr McARDLE (Caloundra—LNP) (7.29 pm): Tonight I want to talk about Pumicestone Passage, a body of water that sits between the mainland and Bribie Island just off Caloundra and areas south. The passage catchment area is 784 square kilometres. Its mainland catchment area is 588 square kilometres. It drains eastward from D'Aguilar Range via Bells, Mellum, Coochin, Tibrogargan, Hussey, Elimbah and Ningi creeks. In fact, most of Bribie Island drains into the passage.

Importantly, the passage is part of the Moreton Bay Ramsar wetlands. The Ramsar Convention was adopted in 1971 and came into force in 1975. Its aim is to halt and, where possible, reverse the loss of wetlands and conserve what we have retained. The third strategic plan for the convention has five key goals: promote the use of wetlands; develop and maintain a network of Ramsar wetlands; enhance international cooperation; improve the institutional capacity and effect of the convention; and increase membership.

The passage is a barrier estuary providing calm, mostly marine waters, extensive inter-tidal areas and a diverse range of habitat zones including mangroves, mud flats, coastal dunes and seagrass meadows. Importantly, the passage supports turtles, dugong, seabirds, fish, crabs, oysters and juvenile prawns. The passage is listed under the Ramsar Convention on Wetlands of International Importance as the importance of the passage is based upon being a home or homing area for migratory birds that fly from Russia and beyond on a yearly basis to nest and roost there.

The human population in the passage is 65,000 at this point in time, and that is going to increase as time goes by. I have been on the passage on many occasions and I have seen the wetlands, the flora and the fauna. We have to protect the passage from ourselves and from the growth in population and urban development as time goes by. That needs some form of local involvement in the passage. It is important that the locals who know, understand and love the passage have a say in conserving and protecting it. Locals understand the passage and its needs and are there every day to see its changes and its moods. Local people with local understanding with local plans is an aspirational goal. It is one that we need to think hard about. At the end of the day, we own the environment in trust for those who come after us. We must leave the environment in as good as, if not better, condition than we received it.

Springwood Electorate, Schools



Hon. MC de BRENNI (Springwood—ALP) (Minister for Housing and Public Works, Minister for Digital Technology and Minister for Sport) (7.32 pm): I am proud to represent a growing community and one in which I have always lived. Now that I have my own kids, I am proud to say that we have some great schools, students, teacher aides, school staff, P&Cs and teachers in that community. That includes some notable state schools.

Shailer Park State High School has proven itself as one of those all-star schools. In the last two years, thanks to the P&C setting new higher expectations of the kids, we have nearly doubled the number of students heading to university. In particular, I would like to congratulate two students who have done extremely well. Congratulations go to Roger Kingston and Rowan Duke who both received OP1s last year.

Kids in Springwood have a long tradition of attending Rochedale State School, which is just over the electorate boundary in the electorate of Mansfield. Its principal, Keith Graham, was granted a Medal of the Order of Australia as part of this year's Australia Day awards. He was awarded for his praiseworthy services to educating Springwood students to be healthier and helping them to be more active people. Dr Graham is a highly respected teacher. He is also a highly respected and dedicated member of our local community. On behalf of the community of Springwood and everybody at Rochedale State School, I congratulate him. Dr Graham is a shining example of the incredible standard of teachers we have in the public education system in Queensland.

The member for Mansfield and I have worked with Dr Graham quite recently on an issue affecting students at that school and others in the community. We are proud of our growing communities. With schools of that standard it is no wonder that families are moving into the local community—more homes in Rochedale and more density of homes in Rochedale South. With the extra families comes increased congestion on Rochedale and Priestdale roads. This is putting the safety of local schoolchildren at risk.

At the school gate a few weeks ago mums and dads told the member for Mansfield and me, while we spent some time there with Dr Graham and other staff, that they wanted to see action on a safe school crossing to keep their kids safe on the way to and from school. That is why the member for

Mansfield and I have been writing to Brisbane and Logan city councils to ask when they will be starting upgrades on the local government intersection there. In the meantime, we have proposed a safe school crossing so that kids can get to and from school safely.

Mayor Graham Quirk has told us that he has money to put on the table. Our message to the Lord Mayor is that locals, the member for Mansfield and I now want to know how many schooldays are there going to be before Brisbane City Council installs a safe school crossing for our school students.

The House adjourned at 7.35 pm.

ATTENDANCE

Andrew, Bailey, Bates, Batt, Bennett, Berkman, Bleijie, Bolton, Boothman, Boyce, Boyd, Brown, Butcher, Crandon, Crawford, Crisafulli, D'Ath, Dametto, de Brenni, Dick, Enoch, Farmer, Fentiman, Frecklington, Furner, Gilbert, Grace, Harper, Hart, Healy, Hinchliffe, Howard, Hunt, Janetzki, Jones, Kelly, King, Knuth, Krause, Langbroek, Last, Lauga, Leahy, Linard, Lister, Lui, Lynham, Madden, Mander, McArdle, McDonald, McMahon, McMillan, Mellish, Miles, Millar, Miller, Minnikin, Molhoek, Mullen, Nicholls, O'Connor, O'Rourke B, O'Rourke C, Palaszczuk, Pease, Pegg, Perrett, Pitt, Powell, Power, Pugh, Purdie, Richards, Robinson, Rowan, Russo, Ryan, Saunders, Scanlon, Simpson, Sorensen, Stevens, Stewart, Stuckey, Trad, Watts, Weir, Whiting, Wilson