stations. But it is more than that, because what is going to happen because of the carbon tax is that the asset value of the Queensland government owned generators will decrease by $1.7 billion at the same time the federal government is entering into negotiations with private generators to compensate them for decommissioning power stations because of carbon emissions.

Collinsville Power Station is one power station we are looking at very closely to see exactly what will happen in the future. We have state owned power stations that are not being compensated for their devaluation, but we have private companies that are going to be paid to decommission power stations because of the carbon tax. This mob opposite have not lifted a finger to support those they claim they represent. They have not done one thing in this House to say that the carbon tax is a tax imposed upon the battler. They have not done one thing to understand what the impact is going to be.

Mr Pitt: When was the last time anyone talked about the household assistance package?

Mr McARDLE: I take the interjection. They have stood in this House and they have supported this tax over and over and over again. I repeat: I remember Julia Gillard, hand on heart and hand on Bible, saying, 'I'll never bring a carbon tax into Australia.' Then she rolled over. This mob opposite have not had the tenacity to stand up and say, 'Gillard, you're wrong. We're fighting for Queensland.' They are simply gutless.

Public Housing

Ms TRAD: My question is to the Minister for Public Works and Housing. Will the minister advise the House of any plans by this government to outsource or privatise the management of social housing in Queensland?

Madam SPEAKER: Before the minister answers, there is one minute before the end of question time.

Dr FLEGG: In the one minute available to me, I refer the member for South Brisbane to my previous answer—that is, that those opposite left housing a basket case, losing money every fortnight, no money to house people, mothers with children, people living in the back seats of cars, 31,000 Queensland families affected. As with every other mess that those opposite left, I am vigorously reviewing public housing and I will make the decisions to make it sustainable, to direct every available dollar to housing people. I cannot confirm that any decision has been made along the lines that the member asked about. However, I can confirm that I will take the necessary decisions to fix the mess and house the Queenslanders whom those opposite ignored.

(Time expired)

Madam SPEAKER: Order! Question time has expired.

PENALTIES AND SENTENCES AND OTHER LEGISLATION AMENDMENT BILL

Introduction

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.31 p.m.): I present a bill for an act to amend the Childrens Court Act 1992, the Civil Proceedings Act 2011, the Commissions of Inquiry Act 1950, the Criminal Code, the Industrial Relations Act 1999, the Industrial Relations Regulation 2011, the Justices Act 1886, the Land Court Act 2000, the Penalties and Sentences Act 1992, the Penalties and Sentences Regulation 2005, the State Penalties Enforcement Act 1999 and the Statutory Instruments Act 1992 for particular purposes, and to make minor amendments of acts as stated in the schedule for the purposes related to those particular purposes. I table the bill and the explanatory notes. I nominate the Legal Affairs and Community Safety Committee to consider the bill.

Tabled paper: Penalties and Sentences and Other Legislation Amendment Bill 2012.

Tabled paper: Penalties and Sentences and Other Legislation Amendment Bill 2012, explanatory notes.

Madam SPEAKER: Minister, before continuing I would say this: members, please show some discipline. On a number of days I have had to warn members at the close of question time about leaving the chamber quietly. There are too many conversations while people are leaving the chamber.

Mr BLEIJIE: The Penalties and Sentences and Other Legislation Amendment Bill 2012 delivers on two of the government's key pre-election commitments. It will increase the value of a penalty unit under the Penalties and Sentences Act 1992 by 10 per cent from $100 to $110. It will also introduce an 'offender levy'. This offender levy will apply to criminal justice matters where an offender is found guilty. The amount of the levy for Supreme Court and District Court matters will be $300, and $100 for Magistrates Court matters. This initiative will ensure that offenders contribute to the justice system and to addressing the harm that their crimes cause.

The bill also includes a number of unrelated amendments that should be made as soon as possible. It will preserve the operation of expired rules under the Land Court Act 2000, the Childrens

Court Act 1992 and exclude certain court and tribunal rules from expiry and regulatory impact statement requirements under the Statutory Instruments Act 1992; expand the definition of 'relationship' in section 67(7) of the Civil Proceedings Act 2011 to include a 'registered relationship', as defined in section 36 of the Acts Interpretation Act 1954; facilitate the recovery of any future wages that might be overpaid to Queensland Health staff by amendments to the Industrial Relations Act 1999; and streamline the process under the Commissions of Inquiry Act 1950 for the chairperson of a commission of inquiry to obtain evidence regardless of any oath taken, affirmation made or a provision in any act that may afford a reasonable excuse to a person not to comply with the request.

I will now address each of the individual amendments in further detail. As promised during the recent election, the value of a penalty unit under the Penalties and Sentences Act 1992 will increase from $100 to $110. It is estimated that this measure will raise additional revenue of $22.6 million in a full financial year. The significance of this amendment is that the penalty unit is the base value for most fines and penalty infringement notices, commonly called 'tickets'. Where legislation provides for an offence, it will also prescribe the penalty for the offence. In most cases, the penalty is set as a certain number of penalty units.

Under section 5 of the Penalties and Sentences Act 1992, the value of a penalty unit is generally around $100. For example, the maximum penalty for an offence may be 20 penalty units, which equates to a $2,000 fine. When the penalty unit value is increased to $110, this will be a $2,200 fine. Using penalty units provides a convenient way of updating the level of fines and infringement notices without having to individually amend the fines in offences across the entire statute book. The penalty unit also applies to offences under local laws. However, this amendment to the Penalties and Sentences Act 1992 will not automatically increase the penalty amounts under local laws because the penalty unit amount for local laws is stated in the Penalties and Sentences Regulation 2005. The Minister for Local Government will consult now with all local governments to decide how the increase in the penalty unit value will apply to local government laws.

The bill amends the Penalties and Sentences Act 1992 to introduce a nominal administration fee on criminal justice matters where an offender is found guilty. As indicated earlier, this levy will be $300 for matters dealt with in the Supreme and District courts and $100 for matters dealt with in the Magistrates Court. This offender levy will be automatically imposed at the point of sentencing and will not form part of the sentence. It will be payable per sentencing proceeding, regardless of the number of offences dealt with by the court and whether or not a conviction is recorded. It will apply to offences prosecuted in the Supreme, District and Magistrates courts, including those involving non-state government prosecutors. It will not apply to resentences. It will be refunded if an offender is found not guilty on appeal. It will not apply to juveniles and it will not apply where the only offence committed involves a breach of bail. To ensure that the levy does not result in fewer and smaller court imposed fines, the bill amends section 48 of the Penalties and Sentences Act 1992 to provide that a court must not take the levy into account when determining the amount of a fine.

The bill also amends the State Penalties Enforcement Act 1999 to allow the State Penalties Enforcement Registry, which is currently responsible for the collection of court imposed fines, to collect the levy. Collection of the levy will be prioritised after the collection of reparation but before the collection of fines. Given that the offender levy is not a court imposed penalty, fine option orders and imprisonment have been excluded as enforcement options. However, the State Penalties Enforcement Registry will still be able to utilise fine collection notices—which enable the registry to garnishee wages and monies held in financial institutions—enforcement warrants and driver licence suspensions to recover amounts which remain outstanding. This initiative will ensure that offenders contribute to the administration of justice in Queensland.

The Statutory Instruments Act 1992 automatically expires subordinate legislation such as regulations and rules on 1 September in the year occurring after the 10th anniversary of the making of such subordinate legislation. To illustrate the effect of this, subordinate legislation made in January 2002 will expire on 1 September 2012. Section 118B of the Supreme Court of Queensland Act 1991 provides an exemption from the automatic expiry provisions for the rules of court. It had previously been thought that this exemption also applied to the Childrens Court Rules 1997 and the Land Court Rules 2000. However, it has recently come to our attention that this is not the case and the Childrens Court Rules 1997 expired on 1 September 2008 and the Land Court Rules 2000 expired on 1 September 2010. The Land Court Rules 2000 prescribe the procedures for the conduct of proceedings from commencement to conclusion. In addition, the Land Court Act 2000 also delegates power to judicial registrars to hear and decide matters prescribed under the rules. The Childrens Court Rules 1997 govern the conduct of a child protection or adoption proceeding from commencement to conclusion.

011 The bill addresses the expiry of the rules by amending the Childrens Court Act 1992 and the Land Court Act 2000 to: retrospectively apply the expired rules for the period from when they expired; and, to remove doubt, validate anything done or purported to be done under the rules after the dates of expiry, including providing that the rules should always be taken to have applied since the dates of expiry in relation to a decision made or action taken by a judicial registrar.

Further, the bill amends the Statutory Instruments Act 1992 to exempt the Childrens Court Rules 1997, the Land Court Rules 2000, the Industrial Relations (Tribunals) Rules 2011 and rules made under the Mental Health Act 2000 and the Sustainable Planning Act 2009 from future automatic expiry. The bill also provides for certain court and tribunal rules to be exempt from the requirements of part 5 of the Statutory Instruments Act 1992 in relation to regulatory impact statements.

Section 67(7) of the Civil Proceedings Act 2011 refers to claims by a spouse of a deceased person in dependency claims. This section provides that if the spouse enters into a subsequent relationship the financial benefits received by the spouse from that relationship are to be taken into account when assessing the spouse's claim for damages. Subsection (7) then defines relationship to be (a) a marriage or (b) a de facto relationship within the meaning of the Acts Interpretation Act 1954.

The Civil Proceedings Act 2011 was passed immediately before the Relationships Act 2011 and was overlooked when making consequential amendments for the later act. The bill corrects this by providing for the section 67(7) definition of 'relationship' to include a reference to a 'registered relationship'. The bill also corrects an amendment to section 63(8) of the State Penalties Enforcement Act 2000 included in the Civil Proceedings Act 2011 because the subsection has since been renumbered as section 63(11) by the Local Government Electoral Act 2011.

The bill introduces new provisions to the Industrial Relations Act 1999 which will enable Queensland Health to recover any wages overpaid to its employees in the future. The bill will also assist Queensland Health to make improvements to its payroll and rostering processes so that the department and its employees can have confidence in the future payment of wages and salaries. Since the new Queensland Health payroll system commenced in March 2010, there have been significant issues associated with wage payments to Queensland Health staff. The majority of systems errors have since been rectified, but new overpayments continue to be generated through the payroll system at an average rate of $1.7 million every fortnight.

Back in July 2011 the former government suspended the recovery process, creating a difficult financial position for Queensland Health. A process for recovery of any new overpayments needs to start as soon as possible. On 30 May 2012 this government lifted the moratorium on the recovery of overpayments, and Queensland Health intends to recover future overpayments.

As it is, the IR Act only allows an employer to automatically recover wages overpaid due to absence from work. The IR Act also prohibits an employer from making deductions from wages unless the deduction is authorised by an award or agreement, by the IR Act or by the employee's written consent. The amendments in the bill will permit Queensland Health to begin the automatic recovery of non-absence related overpayments as soon as possible.

We also need to make sure the errors stop. To provide a more achievable time frame to process roster and pay adjustments prior to pay day, Queensland Health will change its pay date from three days to 10 days in arrears. The department will make a once-only transitional loan to its employees to help them to honour their financial commitments over the time of the transition to the new pay date. The new section of the Industrial Relations Act empowers Queensland Health to automatically recover this loan at the time that the employee ceases their employment.

On 1 July 2012 the commission of inquiry into Queensland's child protection system was established. This inquiry is a vital part of this government's commitment to the Strengthening Queensland Families policy and to make Queensland the safest place to raise a child. The inquiry will investigate the child protection system to ensure that children are afforded the level of protection expected by the community and, in doing so, public confidence in the child protection system in Queensland can be restored. It is imperative that this inquiry is able to call witnesses and obtain evidence unhindered by provisions in legislation that may otherwise prevent this being achieved.

Currently, section 5(2A) of the Commissions of Inquiry Act 1950 provides that a regulation may be made that will override any oath taken, affirmation made or provision of an act that might afford a reasonable excuse for not attending before or providing records or documents to the commission. The bill addresses the concerns about a regulation effectively overriding another act of parliament—what we as legislators know as a Henry VIII clause—by inserting new provisions that will streamline the process for the chairperson of a commission obtaining evidence at an inquiry and remove the power to make such regulations. The bill provides the chairperson with the power to summons a person as a witness and request the provision of documents and records regardless of any oath taken, affirmation made or provision of an act that may afford a reasonable excuse to a person not to comply with the request of the chairperson.

The bill also inserts two confidentiality provisions that moderate the disclosure of information that is obtained in the course of an inquiry. This provides an appropriate balance between protecting an individual's right to privacy without impacting on the important work of the inquiry. I commend the bill to the House.

First Reading

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (3.45 pm): I move—

That the bill be now read a first time.

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

Motion agreed to.

Bill read a first time.

Referral to the Legal Affairs and Community Safety Committee

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

ENVIRONMENTAL PROTECTION (GREENTAPE REDUCTION) AND OTHER LEGISLATION AMENDMENT BILL

Resumed from 29 May (see p. 197).

Second Reading

Hon. AC POWELL (Glass House—LNP) (Minister for Environment and Heritage Protection) (3.46 pm): I move—

That the bill be now read a second time.

The Environmental Protection (Greentape Reduction) and Other Legislation Amendment Bill sets out a new regulatory framework for environmentally relevant activities that streamlines, integrates and coordinates regulatory requirements under the Environmental Protection Act 1994. This bill is the first example of the work this government is committed to achieving in making significant reductions to green and red tape and the regulation of business in this state. We understand that business needs flexibility and certainty to ensure vital economic growth.

In delivering both of these objectives this bill will deliver benefits to a range of industries, specifically those in the small business sector that have been doing it tough for many years. This bill streamlines approvals while ensuring our high environmental standards are maintained and positive environmental outcomes are achieved.

At this point I would like to thank the Agriculture, Resources and Environment Committee, under the leadership of the honourable member for Lockyer, for its constructive comments and recommendations on the bill and note from the outset that it has recommended that the bill be passed. I thank the member for Lockyer for that recommendation. The committee tabled its report on 12 June this year, putting forward seven recommendations and four requests for clarification. I table the government's response to the committee's report.

Tabled paper: Agricultural, Resources and Environment Committee Report No 3, Environment Protection (Greentape Reduction) and Other Legislation Amendment Bill—Response from Minister for Environment and Heritage Protection.

As a result of the committee's report I have agreed to make one recommended amendment during consideration in detail of the bill and will move further amendments in response to the requests for clarification. These amendments also allow greater opportunities for communities to have a say on a proposed application.

Regarding notification periods for responding to applications for large mining and other resource projects, the committee has recommended that proposed sections 154 and 155 in clause 8 be amended to ensure that individuals and community groups are afforded reasonable opportunities to adequately respond. This is a reasonable recommendation and I am pleased to advise the House that I will move that an amendment be made to the definition of 'business days' in section 155 to ensure time frames for comments exclude the business days between 20 December and 5 January for large petroleum activities, which includes coal seam activities. This will ensure that community groups and individuals will not have to prepare submissions over the busy Christmas period.

012 These statutory periods for making a submission are the minimum, and there is flexibility so they can be extended by discretion depending on the circumstances. In order to achieve the same intent for notification for mining leases, which is in section 154, we are liaising with the Department of Natural Resources and Mines as well as my good colleague the Minister for Natural Resources and Mines to develop a guideline for the mining registrar. This guideline will guide mining registrars in using their discretion about the length of the submission period over the Christmas break to exclude the business days between 20 December and 5 January for large mining leases which have not already undergone