TUESDAY, 19 MAY 1992

Mr SPEAKER (Hon. J. Fouras, Ashgrove) read prayers and took the chair at 10 a.m.

ASSENT TO BILLS

Assent to the following Bills reported by Mr Speaker—

Financial Institutions Legislation Amendment Bill;

Queensland Office of Financial Supervision Bill;

Queensland Government (Land Holding) Amendment Bill;

Criminal Justice Amendment Bill;

Judges (Pensions and Long Leave) Amendment Bill;

Primary Industries Corporation Bill;

Local Government Legislation Amendment Bill.

PETITIONS

The Clerk announced the receipt of the following petitions—

Abortion Law

From **Mr Schwarten** (224 signatories) praying that action be taken to ensure that the law prohibiting abortion on request be enforced.

Similar petitions were received from **Mr Slack** (239 signatories) and **Dr Flynn** (795 signatories).

Petitions received.

FILMING IN CHAMBER

Mr SPEAKER: Order! I have to inform honourable members that I have given permission for a film unit from Materials Development Services, Department of Education, to conduct filming within the precincts of the Parliament on 19, 20 and 21 May. The purpose of the filming is a vital element of the project to develop an educational video resource on the processes and structures of Parliament in Queensland. Filming will take place in the Chamber, gallery, outside the Chamber with a roving camera, in party rooms, and in the press and Hansard galleries.

ELECTORAL AND ADMINISTRATIVE REVIEW COMMISSION

Report in *Sunday Mail*

Mr SPEAKER: Order! I have received a letter from Professor Colin Hughes, Acting Chairman of EARC, which states—

"Dear Mr Speaker

You may have seen a report in yesterday's Sunday Mail (at page 3) which read:

> 'The Electoral and Administrative Review Commission said it would investigate the government's controversial expunging of Parliamentary debate concerning Mr Newnham.'

Such a report is, of course, incorrect. The Commission has no such intention and is well aware of the application of the Bill of Rights to such matters. The report appears to have been based on a misunderstanding in conversations between the journalist, the representative of an organisation wishing to lodge a submission to the Commission's Review of Parliamentary Committees and an officer of the Commission."

PAPERS

The following papers were laid on the table—

Orders in Council under—

Integrated Resort Development Act 1987

Statutory Bodies Financial Arrangements Act 1982

Queensland Industry Development Corporation Act 1985

Associations (Natural Disaster Relief) Act 1976

Harbours Act 1955

Harbours Act 1955 and the Statutory Bodies Financial Arrangements Act 1982

Central Queensland Coal Associates Agreement Act 1968

Canals Act 1958

National Parks and Wildlife Act 1975

Ordinances under the City of Brisbane Act 1924

Proclamation under the Australian Financial Institutions Commission Act 1992

Regulations under—

Financial Institutions (Queensland) Act 1992

Australian Financial Institutions Commission Act 1992

Ambulance Service Act 1991

Rules under the Golden Casket Art Union Act 1978

Report of the Queensland Ambulance Services Board for the year ended 30 June 1991

By-laws under—

Harbours Act 1955

Port of Brisbane Authority Act 1976

Notifications under the Transport Infrastructure (Roads) Act 1991

(1) A proposal by the Governor in Council to revoke the setting apart and declaration as State forest under the Forestry Act 1959 of—

(a) the whole of State Forest 608 contining an area of about 2 210 hectares;

(b) the whole of State Forest 1748 containing an area of about 4 260 hectares;

(c) all those parts of State Forest 1137 described as Lot 366 on Registered Plan NR839145 and Lot 367 on Registered Plan NR839146 and containing in total an area of 2.917 hectares;

(d) all that part of State Forest 840 described as Lot 7 on Registered Plan CK835528 and containing an area of 358.9 hectares;

(e) all that part of State Forest 792 described as Lot 265 on Registered Plan CG808973 and containing an area of 3.466 hectares; and

(2) A brief explanation of the proposal.

MINISTERIAL STATEMENT

Murray-Darling Ministerial Council

Hon. E. D. CASEY (Mackay—Minister for Primary Industries) (10.09 a.m.), by leave: Today, I am proud to announce that the Goss Government has taken a significant step forward in the management of this State's precious natural resources. Last Friday, I attended a meeting of the Murray-Darling Ministerial Council and finalised the arrangements for Queensland to join that council. Queensland is now in a strong position to show the lead to the rest of Australia in the sustainable development of our land, water and vegetation resources. It is an indictment of the opposition, and the National Party in particular, that when in office it did not take this step.

Through its Landcare and integrated catchment management initiatives, this Government has done more in the past two and a half years to ensure the productivity of land-holders' most crucial resource—their land—than the National Party achieved in 30 years. From now on, the Honourable the Minister for Environment and Heritage, Mr Comben, the Honourable the Minister for Land Management, Mr Eaton, and I will work with our counterparts in the Federal, New South Wales, Victorian and South Australian Governments to work out the best strategies to keep our land productive, how to keep our water clean, and how to keep our trees healthy.

For 30 years, the National Party did nothing while many of Queensland's rural producers watched their land become more degraded and less productive. But what more could our rural producers expect when the National Party's rural policies are being driven from Mr Borbidge's Surfers Paradise electorate? Over the past few weeks, the National Party has shown our primary producers just how out of touch it is with rural Queensland. But that is hardly surprising when one considers that the only regular contact that Mr Borbidge has with sheep and cattle is in his party room.

Our decision to join the Murray-Darling Basin Commission was a positive decision for Queensland's future. The integrated catchment management approach of the commission is the approach promoted by this Government for the sustainable development of Queensland's resources. However, there are still some misunderstandings about Queensland's role in relation to the rest of the Murray-Darling Basin, and I wish to put the record straight. The Murray-Darling Basin Agreement is essentially an agreement on three separate issues rolled into one. The first issue is water sharing and management of dams and lakes along the River Murray. This is the crux of the River Murray Waters Agreement of 1915, and it is not an issue which requires Queensland's involvement.

The second issue is salinity and drainage management. Large areas of the riverine plains of southern New South Wales and northern Victoria cover high and saline water tables. The River Murray is the only drainage outlet for the excess water, and a major salinity problem has arisen for downstream water users, particularly in South Australia. However, Queensland plays no part in creating these problems, and does not hold a solution to them. Of the average annual flow in the Murray River, only 4 per cent originates in Queensland. Any changes in water use in Queensland will have a minimal impact on the Murray River, and we do not hold the power—as some seem to suggest—to flush away all the salt problems. However, I must stress that whilst I defend the right for Queensland to further develop its water resources within the basin, I recognise our obligation to consult with the New South Wales Government and community to resolve any concerns that they might have in relation to that development. The Murray-Darling Ministerial Council has accepted this stance by recognising that the New South Wales-Queensland Border Rivers Agreement of 1946 should remain the primary tool for water sharing between Queensland and the rest of the basin.

The third element of the Murray-Darling Basin Agreement is the one in which Queensland must be fully involved, that is, taking a super-integrated catchment management approach to the basin. Everyone, from the ministerial council to the

commission, State agencies, local authorities and most importantly land-holders and the community in general, must play their part to ensure the future of the Murray-Darling basin. I am sure that land-holders in Queensland recognise the importance of that point, and it is up to us in Government to provide a positive framework for them to achieve it. We must link the technical issues with economic policy issues to encourage land-holders to make the right decisions. The rest of the basin will benefit from improved management in Queensland. In one respect Queensland has joined the initiative with conditions attached, but in reality we have joined in the agreement wholeheartedly. The conditions have been outlined in this statement. They are not constraints; they are an expression of those parts of the agreement which do not apply to Queensland.

Queensland will contribute only $150,000 a year to the administrative costs of the Murray-Darling Basin Commission—a sum that was considered a reasonable proportion of the total administrative cost. The fact that the total administrative costs are some $4.1m shows that a lot of the commission's work does not involve Queensland. In conclusion, I have reported here today on a positive outcome for Queensland and Australia in the way that the Goss Government is approaching natural resource management.

PERSONAL EXPLANATION

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (10.13 a.m.), by leave: On Sunday, prominent Labor Lawyer and selective civil libertarian Mr Terry O'Gorman accused me of prostituting the complaints process of the Criminal Justice Commission by leaking to the media certain information relating to investigations being carried out into the Premier's Department. No such information concerning the CJC investigation was made available to the media by me or any member of my staff. Following confirmation of the investigation by the Premier—and I can understand his sensitivity—at no time did I mention the name of the officer concerned. When invited to do so, I declined.

Government members interjected.

Mr BORBIDGE: In a moment, I will tell members where the leak came from. The Opposition could have made allegations under parliamentary privilege, but decided that as further investigation into certain allegations was required such action would have been inappropriate.

Mr SPEAKER: Order! I remind the Leader of the Opposition that he must not debate this issue. He must show how he has been personally affected or misrepresented. It is not proper for him to debate the issue of who may or may not have made the allegations. I warn the member about that.

Mr BORBIDGE: In saying that I did not leak the information relating to the CJC inquiry to the media, I am advised that a private briefing was given by the Premier's office to a selected journalist so that the Government's version of events could receive publicity in the Sunday press, and that this contact was commenced prior to the *Courier-Mail* breaking the story on Saturday, 16 May.

PERSONAL EXPLANATION

Mr LITTLEPROUD (Condamine—Deputy Leader of the Opposition) (10.15 a.m.), by leave: Last night, Monday, 18 May, I was grossly misrepresented by a news item on the ABC television news. The news item was inaccurate on two counts. Firstly, the Premier accused me of leaking information about matters before the CJC to the press, thereby jeopardising its investigation. I can state categorically that I have not made any statement to the press on this matter. In fact, the Premier and Mr Terry O'Gorman have been revealing details about this issue to the press. It is hypocritical and dishonest of the Premier to accuse me of jeopardising any inquiry when it has been largely he who has given his own version of the issue to the press on a number of occasions. Secondly, the news item on Channel 2 stated that I had been warned by the Chairman of the CJC not to speak publicly about the issue.

The facts are that on Friday, 15 May, I received a letter from Sir Max Bingham in which he requested the Opposition to refrain from making public statements. Then, on Monday, 18 May, I telephoned Sir Max Bingham and assured him that I had not made any public statements and that the Leader of the Opposition had responded carefully to detailed questions from a member of the media. It was obvious from the questions that were asked of Mr Borbidge as early as Friday, 15 May, that someone had briefed members of the media. Sir Max Bingham thanked me for maintaining my silence. He went on to say that he could understand that, in light of the public comments made by others, the Opposition may now feel compelled to go public on the issue. He stated also that he doubted that any further public comment would jeopardise his investigations. I have been grossly misrepresented and, worse still, the Premier has quite deliberately misled the public and deceived an ABC journalist.

MINISTERIAL STATEMENT

Premier's Department; Briefing of Journalists

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (10.17 a.m.), by leave: I wish to correct certain misrepresentations made here this morning and in the media. Firstly, the statement by the Leader of the Opposition that a briefing was given to a journalist prior to the issue relating to a particular public servant being published in Saturday morning's *Courier-Mail* is an incorrect statement by him. The first briefings that occurred by the Premier's Department occurred only after the false and defamatory article appeared in the *Courier-Mail* on Saturday morning. Subsequent to that false and defamatory article appearing, I directed the Premier's Department to brief journalists who were interested in the matter. The first briefing occurred on Saturday. Further briefings occurred with members of the parliamentary press gallery yesterday, when full documentation was provided to them.

As to the source of the material, I indicate that, on 14 May, I wrote to Sir Max Bingham raising concerns about this matter and asking whether action needed to be taken against any officer. I will not deal with that. I also drew the attention of Sir Max Bingham—this was well before the matter was published—to what I understood to be the source of certain defamatory and politically motivated allegations. In the interests of accountability in this matter, I am prepared to table the letter from me to Sir Max Bingham. The letter indicates that this particular media campaign originated with Mr Greg Jones, a former and disgruntled member of the staff of the Premier's Department, who now works, of course, for the National Party Opposition in this place and who has been making statements which are detailed in this letter to a number of people. In particular, Mr Jones works for Mr Littleproud, who is the complainant in this matter to the CJC.

QUESTION UPON NOTICE

Senator G. Richardson

Dr WATSON asked the Premier, Minister for Economic and Trade Development and Minister for the Arts—

> "With reference to statements made in the Senate on 6 May that Senator Graham Richardson had paid only $233 of his personal share of an official trip to Ireland, which cost taxpayers $53 000 and only $47.70 of a trip to Europe that cost taxpayers $34 000—
>
> If we are to be consistent about the standards of public life in Australia, why did the Police Commissioner, Mr Newnham, face a misconduct tribunal for failing to pay his travel bills, yet the Prime Minister says he will take no action against Senator Richardson and insists the Senator is a man of honesty and integrity?"

Mr W. K. GOSS: I seek leave to table the answer and have it incorporated in *Hansard*.

Leave granted.

Questions regarding the travel expenses of members of the Federal Parliament should be directed to the responsible Minister in the Federal Parliament.

In reference to the other aspect of the honourable member's question I suggest that he read the Loewenthal and Chesterman reports.

QUESTIONS WITHOUT NOTICE

Commissioner of Police; Appeals against Misconduct Tribunal Findings

Mr BORBIDGE: In directing a question to the Premier, I refer to his intention to introduce today into the Parliament legislation to widen the grounds of appeal for Commissioner Newnham and other police officers who have been subject to adverse findings by a Misconduct Tribunal. I ask: will he ensure that a 28-day appeal period is included in the legislation so that all police officers concerned can have sufficient time to prepare their legal cases?

Mr W. K. GOSS: Adequate appeal provisions will be provided in the legislation. That includes adequate time to appeal. On a number of occasions, I have indicated publicly that, if Mr Newnham's lawyers request more time, consideration will be given to their request. However, I do not believe that will be necessary.

Mr SPEAKER: Order! Is the Premier indicating that that legislation will come before the House today?

Mr W. K. GOSS: Yes.

Mr SPEAKER: Order! I therefore rule any further questions about that legislation out of order.

Seaworld Crown Lease

Mr BORBIDGE: In directing a question to the Minister for Land Management, I refer to the Seaworld lease that was subject to renegotiation in June 1989. I ask: can he confirm that, at a time when Crown rentals have been increased by up to 1 000 per cent, a company headed by the Chairman of the Queensland Tourist and Travel Corporation was not subject to a similar policy and that the Crown rental for Seaworld has effectively remained constant since 1989? Was the Premier at any stage involved in any discussions with the Minister on this matter?

Mr EATON: I ask the Leader of the Opposition to put the question on notice so that I can give him a detailed answer.

Mr SPEAKER: Order! Does the Leader of the Opposition do so accordingly?

Mr BORBIDGE: Yes.

Better Cities Program

Mr PREST: In directing a question to the Deputy Premier, Minister for Housing and Local Government, I refer to his announcement yesterday of the State Government's approval for the inclusion of projects in Townsville and Mackay in a submission to the Federal Government for funding under the Better Cities Program. I ask: can the Minister outline the benefits of the program and how the Better Cities Program, already nominated in Queensland, would be affected by the implementation of the Federal coalition's Fightback tax package?

Mr BURNS: I thank the honourable member for Port Curtis for the question. The Better Cities Program, which will cost about $139m, will be funded by the Federal Government. Dr Hewson has said that under the Fightback package he will scrap the Better Cities Program completely. As a result, if Dr Hewson and the Liberals are elected, about $72m of Commonwealth money that would have been spent on the Brisbane-Gold

Coast railway line under that proposal would not be spent; about $20m that would have been spent on the Inala-Ipswich corridor would not be spent; about $31m that would have been spent on the inner north-east suburbs of Brisbane would not be spent; and the $11.575m that we announced yesterday in Townsville would not be spent. We will be asking the Federal Government to fund about $10m of that to encourage up to 3 000 extra people to live in the area close to the existing CBD in south Townsville, which is an older area through which the railway line passes. However, it would be a greatly improved living area with the use of bunding for the suppression of noise. My department will put an extra $3.6m into housing over five years. The Townsville City Council is prepared to spend about $3m in that area. An $18m to $20m package will eventually evolve from a $10m seeding grant from the Commonwealth.

If Dr Hewson is elected and the Fightback package is implemented, Townsville will lose that money, and the same will happen to Mackay. I think a figure of $1.575m will go to Mackay under a package to improve the area from where the railway line will be relocated under the Better Cities Program. That sort of money from the Commonwealth Government to assist the people of Mackay to regenerate that area is a tremendous incentive for the council and the State Government to work together. Dr Hewson has said, "No." People talk about the Gold Coast highway being clogged with traffic, and we are talking about a new electrified railway line to the coast where over $70m of Commonwealth money plus the money that will come from the Department of Transport will be spent on that project. They are vital projects for Queensland. Anyone who votes for Hewson in the next election will be saying that they do not want that money in Queensland, they do not want the jobs and they do not want the projects. If the Liberal Party and the National Party support the Fightback package, they should be ashamed of themselves.

Combined Budget Deficits

Mr PREST: In directing a question to the Treasurer, I refer to reports of blow-outs in the Budget deficits of several States this year. I refer the Treasurer also to estimates that next year the combined deficits of all the States will exceed $5 billion. I ask: what is the position regarding the current Queensland Budget? Will the Treasurer allow next year's Queensland Budget to go into deficit to pay for pre-election promises?

Mr De LACY: I thank the honourable member for the question. It is no secret that State Budgets throughout Australia are undergoing severe stress. Recent reports pointed to the fact that the New South Wales Budget would come in with a deficit of $1.5 billion. I think that honourable members will remember that New South Wales estimated a slight surplus when it brought down its Budget just under 12 months ago.

Mr FitzGerald: What did the Feds do? They were a bit out of budget too, weren't they?

Mr De LACY: They were. The point I am making is that there is severe stress on all Budgets throughout Australia. I will be releasing a detailed analysis of the status of the Queensland Budget in the March edition of the *Queensland Economic Review*, which I hope will be published later this week. I think it is fair to summarise by saying that, owing to the continuing impact of the national recession and the drought, revenues are very subdued and they will be below the Budget estimates. However, this Government has taken action to ensure that savings on expenditure will be such that at the end of the year Queensland will still end up with a break-even point or a small surplus.

The point raised by the member for Port Curtis is important. State Budgets are estimating a total accumulated deficit of $5 billion this year. I simply want to make the point that Queensland will not be contributing to that $5 billion deficit. The other States will be running up that deficit on their own without any contribution from Queensland this year or, might I say, next year. I look forward to the next Budget, and I note that

Queensland is coming out of the recession stronger and quicker than the rest of Australia. However, before that revenue flows into the State Budget——

Opposition members interjected.

Mr SPEAKER: Order! I warn the member for Southport under Standing Order 123A. I will not allow honourable members to interject in unison. I now call the Treasurer.

Mr De LACY: This is a very important issue and something that even members of the Opposition should be interested in. Although Queensland is recovering quicker and stronger than the other States, it will be some time before any benefit flows into the State Budget by way of an increase in revenue. What is needed in Queensland is an ongoing tough-minded attitude towards expenditure. I have already advised all Ministers that there is no money available for new expenditure programs in the next financial year. Therefore, if they have proposals for new expenditure or for new initiatives, they will have to approach the Budget Review Committee with offsetting savings.

I also take this opportunity to send a message to all of the lobby groups that are lining up—presumably because we are in the Budget process and also because it is election year. I inform them that there is simply no money around and that they will have to put away their wish lists. This financial year and next financial year there will be no new taxes, so it will be a tough period. The Queensland Government is continuing its responsible fiscal management which, I might say, is in contrast to the actions of Opposition members who are running up and down this State promising to spend millions and millions of dollars even though they have no idea of how to find the money. I ask the people of Queensland to compare the fiscally responsible attitude of the present Queensland Government with the irresponsible attitude of members of the Liberal Party and the National Party.

Public Servants' Entertainment Expenses

Mrs SHELDON: In directing a question to the Premier, I refer to a report that he sought from his department on the entertainment expenses incurred by his officers in 1990. As he considered that the running of expenses "might have been excessive" but that he was confident there was no evidence of impropriety, I ask: will the Premier table in this Parliament, in the interests of open and accountable government, any report that he received that details the entertainment expenses of his officers?

Mr W. K. GOSS: No. Mr Speaker, I have provided that information and all other departmental files and records information to the Criminal Justice Commission.

Mr Borbidge: They took it, actually.

Mr W. K. GOSS: I directed my department to hand it over. For the record, let me make it plain that the report provided to me contained no advice—I emphasise "contained no advice"—of any impropriety by any officer in my department. Notwithstanding that, the report and associated departmental records have been provided to the CJC, which is the proper place where the investigation should proceed. I would have thought that, given the experience of the member for Landsborough over the last two weeks, even she would have learnt by now that certain investigations or proceedings are properly carried out before the forum that has responsibility for them.

Mr Borbidge interjected.

Mr SPEAKER: Order! I ask the Leader of the Opposition to cease interjecting.

Mr W. K. GOSS: Only after that is there a time and a place for responsible debate.

Public Servants' Entertainment Expenses

Mrs SHELDON: I ask the Premier: why did the Public Sector Management Commission Chairman, Dr Peter Coaldrake, raise with him concerns about the level of

entertainment expenses by the Premier's officers? Will he table all advice that he received from Dr Coaldrake on this matter?

Mr W. K. GOSS: The circumstances in which the comment was made to me by Dr Coaldrake were that he was considering the entertainment guidelines or approval procedure for the PSMC. He made inquiries elsewhere, in particular in relation to the Premier's Department, as to the guidelines that applied there so that he might have the benefit of those guidelines or that experience. Of course, the truth is that he found that over the years—and, as a consequence, what we inherited from the National Party/Liberal Party Governments—there were non-existent guidelines or totally inadequate guidelines. Dr Coaldrake therefore commented to me——

Mr Booth interjected.

Mr Katter interjected.

Mr W. K. GOSS: I can wait all day.

Mr SPEAKER: Order! The member for Warwick and the member for Flinders will cease interjecting.

Mr W. K. GOSS: As I was saying, Dr Coaldrake commented to me—and at this stage I pause to note that there was no written advice, so there is nothing to table—that the guidelines of the Premier's Department needed refinement and that I should direct my attention to the level of entertaining. I requested the director-general of my department to advise me what the guidelines were and to give me advice as to the level of entertaining. The director-general of my department provided advice as to the guidelines and the level of entertaining. I then gave him a written direction to say that, in my view, the guidelines needed to be tightened to deal with four aspects: frequency of entertaining; cross-entertaining by public servants; the appropriateness of certain entertaining; and accountability. As a result of my direction to the director-general and as a result of a subsequent discussion with him, he took appropriate steps, which were his responsibility to take, to tighten the guidelines. That occurred in March and, I think, July 1991.

Cairns-Rockhampton Rail Line

Mr PITT: In directing a question to the Minister for Transport, I note that the National Party has outlined a $10m three-year upgrade of the Cairns-Townsville rail line and electrification of the line between Rockhampton and Cairns. I ask: what are the economic and operational implications of these projects?

Mr HAMILL: There must be an election coming up because members of the National Party have trotted out their old grab bag of promises which they hurtled around the State prior to the last election.

Mr Stephan interjected.

Mr SPEAKER: Order! I warn the member for Gympie under Standing Order 123A for interjecting.

Mr HAMILL: As the Minister for Police and Emergency Services said earlier, the pork barrel is being rolled out. Unfortunately, there is no pork in the National Party's barrel. Prior to the last State election, there was a great fanfare in the dying days of the previous National Party Government when it announced that rail line electrification would be carried out between Rockhampton and Cairns. However, when one read the small print, one found that all that was promised was a study on electrification. When one looks at the small print of the great statement released by the Leader of the Opposition in Mareeba this week, one finds again that what is being promised is a study of electrification. I inform the Leader of the Opposition that the study that was commissioned during the last State election indicated that it would cost $360m to maintain the existing maximum speed of trains running between Rockhampton and Townsville and to electrify the track—in other words, without improving the speed at which rail traffic moved—and that a further $160m would have to be spent to improve

the trains' maximum running speed to 100 kilometres an hour between Rockhampton and Townsville.

In other words, the total expenditure would be over half a billion dollars merely to electrify the rail line and to improve the operation of trains between Rockhampton and Townsville. I do not know where the money is coming from, but it is certainly not in Queensland's public purse. Unless an incoming Government intends to slash expenditure in the Health and Education areas, quite frankly, the half a billion dollars is simply unattainable. One of the more intriguing commitments given by the National Party was the big ticket item, which was the $10m three-year upgrade of the rail line between Cairns and Townsville.

Mr Rowell: And it damned well needs it, too.

Mr HAMILL: I hear that the member for Hinchinbrook has already been exposed as a charlatan on that issue.

Mr Stephan interjected.

Mr SPEAKER: Order! The member for Gympie!

Mr HAMILL: Considering that, in its first two years in office, this Government committed almost $13m to that same section of railway, the Leader of the Opposition is in fact promising a reduction in expenditure on the section between Townsville and Cairns. Over three years, the Opposition is committed to spending only $10m. So much for the claim by Mr Borbidge that—

". . . the local economy would benefit".

The same article stated—

> "The rail upgrade over a three year period was contained in the plan launched by Mr Borbidge."

I am sure that local businesses will be intrigued to know that, should the National Party by some misadventure be returned to Government in this State, local business will be hit in the hip pocket as the National Party reduces expenditure on that very important part of infrastructure in north Queensland.

Tobacco Tax

Mr PITT: In directing a question to the Treasurer, I refer to the taxation proposals from the opposition parties for the tobacco industry, in particular, the Liberal plan to increase the tobacco tax to 50 per cent, and I ask: can the Treasurer outline the impact that that tax will have on the tobacco industry?

Mr De LACY: I thank the honourable member for Mulgrave for that question because, no doubt, he was amused, as I was, that the Leader of the Liberal Party would come to north Queensland to tell north Queenslanders that the Liberal Party would attempt to tax the tobacco industry out of existence. Not only did she announce the tax—and found that it went down like a lead balloon—she also proceeded to lecture the tobacco industry with all the self-assurance that comes from complete ignorance that the tobacco tax would not do it any harm. The question is: where does that leave the coalition? The Leader of the Opposition is always talking about the coalition. Does that mean that the National Party will adopt the Liberal Party policy of taxing the tobacco industry? I know that members of the Opposition are all saying, "No", they will not increase taxes for the tobacco industry.

Mr Gilmore: What are you going to do in your next Budget?

Mr De LACY: I can remember the member for Tablelands in 1986 promising no tax on the tobacco industry. In his first term in Parliament, he distinguished himself by introducing a tax and supporting the introduction of a tax on his beloved tobacco industry. So can we believe that National Party members can resist the Liberal Party when it comes to the implementation of their tax policies? Their track record is not so good up to this point.

Mr Gilmore interjected.

Mr SPEAKER: Order! The member for Tablelands will cease interjecting.

Mr De LACY: Members of the Opposition should not tell me that they do not support the Fightback package. We know what the Fightback package will do for the tobacco industry: a 25 per cent increase in Federal excise and abolition of tariffs; in other words, abolition of the tobacco industry. Yet members of the Opposition support the Fightback package. Mr Stoneman, the member for Burdekin, was given a special brief to go to Canberra to investigate the Fightback package and to see what impact it would have on Queensland. He came back and said that the Opposition is—

> ". . . particularly pleased with the package's recognition of the need to enhance country Australia."

He went on to say that the Fightback package—

> ". . . will form the perfect back-drop and support structure for the development of a State financial program now being developed for the lead-up to the Queensland State election"—

get this—

> "an election that will be the first test of community support for a dynamic and exciting new direction for Australia."

The member for Burdekin was sent to Canberra to assess the Fightback package. He came back like Neville Chamberlain, "Peace in our time"! The only thing he missed was a 15 per cent tax on everything people buy or do and a $500m cut to Queensland's Budget by the Federal Government. The only other thing he missed was a zero tariff, which would destroy the tobacco industry, the dairy industry and the sugar industry, but apart from that, it was a great and dynamic package for the future of Australia.

Alleged Misleading of House by Premier

Mr LITTLEPROUD: I direct my first question to the Premier——

Honourable members interjected.

Mr SPEAKER: Order! I would like to hear the question.

Mr LITTLEPROUD: On Thursday, 7 May, the Premier's Labor colleagues used their numbers in Parliament to protect the Premier from being referred to the Privileges Committee for a ruling on misleading the House. I now have no faith in the Premier's colleagues ever putting principle above political expediency to make the Premier accountable to the Parliament and the people of Queensland by using the Privileges Committee, so I ask the Premier: will he table in this House a statutory declaration signed by him declaring that all his public statements to date on the CJC investigation that I instigated are absolutely truthful?

Mr W. K. GOSS: No.

Motion by Attorney-General for Expunging of Debate from *Hansard*

Mr Hamill: When did you stop beating your wife?

Mr LITTLEPROUD: Is that implying that he tells lies?

Mr SPEAKER: Order! Would the member for Condamine ask his next question?

Mr LITTLEPROUD: In directing a question to the Attorney-General, I refer to the disgraceful actions of the Government of expunging the Premier's comments from *Hansard* of Thursday, 7 May. In particular, I remind the Attorney-General of his call to the Federal Director of Public Prosecutions on that day. It is obvious that the Attorney-General gave an account of proceedings in this House that was so lacking in detail that

it could be labelled dishonest. The Attorney-General's shameful actions would have gone unchallenged had it not been for the phone call to the same Director of Public Prosecutions by the Leader of the Opposition. The Federal Director of Public Prosecutions then realised that he had been asked to give a ruling on sub judice when not in possession of all the facts. I ask the Attorney-General: does he now admit that he was less than totally honest with the Federal Director of Public Prosecutions and will he admit that his motion to have matters expunged was unworthy of an Attorney-General?

Mr Wells: What was the second question?

Mr LITTLEPROUD: Will the Attorney-General admit that his motion to have matters expunged was unworthy of an Attorney-General?

Mr WELLS: I am devastated by those questions. The answers are, "No" and "No".

Hamilton Island Receivership

Mrs BIRD: I ask the Treasurer: is he able to inform the House of the impact of the decision of Citibank to place receivers on Hamilton Island on more than 80 shopkeepers and concessionaires who run businesses there? Is the Treasurer aware that those 80 small business people are concerned that the receiver has been unable to indicate to them what will happen to their businesses as he works through the throes of receivership?

Mr De LACY: I thank the honourable member for Whitsunday for the question. I recognise her concern and her representations on this issue. It is obviously something which is important to her electorate and which will impact on it. Indeed, it is important to the whole of the Queensland economy, and the tourism industry in particular. The question the honourable member raised in relation to concessionaires is worrying in that in 1986, I think it was, the then National Party Government passed legislation which removed concessionaires from the ambit of the Retail Shop Leases Act. That was okay as far as it went, and I understand that the concessionaires requested that removal.

Mr Borbidge: It was by regulation, actually.

Mr De LACY: All right, it was by regulation. However, in the current situation that regulation leaves concessionaires highly vulnerable. I am advised that the Minister for Business, Industry and Regional Development is consulting with the Minister for Tourism on this issue and they will do what they can, in discussions with the receiver, to ensure that those concessionaires are protected. The honourable member for Whitsunday can be assured—and I am certain that the concessionaires can be assured—that the Queensland Government recognises their vulnerable position and will be supporting them.

Might I take this opportunity to make another comment in respect of Hamilton Island? The Queensland Government feels very much for Keith Williams. We are unhappy with the circumstances in which he finds himself. Because of some comments made when it was announced that a receiver had been appointed, there may be an impression abroad that the Queensland Government either was not concerned with the developments there or had not been involved. For at least six months, officials from Treasury, from my office and from the Premier's office have had ongoing discussions with Keith Williams. On his behalf, we spoke to the banks. We were prepared, and indicated our preparedness, to facilitate the granting of leases for the extension of the airport and the lease for Dent Island. We indicated a preparedness to relax our foreign investment guidelines to facilitate the float. In a whole range of ways, we were supportive and involved in trying to reach a resolution of the problem. At the end of the day, we were requested to be involved with the float. The Government took the right and proper decision not to become involved, because that is not a proper role for a Government.

Mr Borbidge: Why is Southern Cross right and Hamilton Island is crony?

Mr De LACY: I will take that interjection.

Mr SPEAKER: Order! I suggest to the Treasurer that he does not widen this debate. He was asked a specific question. I suggest that he conclude his answer. I will not allow a debate about Hamilton Island.

Mr De LACY: All right, Mr Speaker, I will not take the interjection. In these days, when WA Inc. and a whole range of other unsavoury issues are reported night and day on television, the Leader of the Opposition makes a request—or an attack—that the Government ought to be getting in there and bailing out a private individual who is getting into financial trouble.

Mr Borbidge: I didn't say go in there, I said explain the difference.

Mr De LACY: The honourable member did say that. If we started on that track, he knows where we would finish up. That indicates to everybody in Queensland the kind of Government he would be running.

Mackay School Support Centre

Mrs BIRD: I refer the Honourable the Minister for Education to the opening last week of the Mackay School Support Centre, and I ask: how many school support centres have been established by the Goss Government? What functions will they serve? What benefits will they have for the reform process in education in Queensland?

Mr BRADDY: I thank the honourable member for her question. As she indicated, last week I officially opened the Mackay School Support Centre, which is one of 45 local school support centres in Queensland. In addition, there are three Statewide school support centres which coordinate specific areas of educational activity. The latest centre announced was the Aboriginal and Torres Strait Islander School Support Centre.

School support centres are a major new education initiative introduced by the Goss Government. The *Focus on Schools* report of 1990, which was released after the most exhaustive process of consultation in Queensland education history, recommended that schools, not bureaucracies, should be the focal point of the educational process in this State. To achieve that, resources have been placed in schools and close to schools as much as possible. The report recommended the establishment of school support centres across the State. These centres provide a number of important services for local school communities, including curriculum development and resources, professional development for school staff, and the availability of specialist services such as education advisers. School support centres are a key part of what the Government is achieving in education.

Mr Lingard interjected.

Mr SPEAKER: Order! The member for Fassifern will cease interjecting.

Mr Lingard interjected.

Mr SPEAKER: Order! I warn the member for Fassifern under Standing Order 123A.

Mr BRADDY: You never learn, do you, Lingard? As I said, school support centres are a key part of what the Government is achieving in education, including increased resources and better services for schools in rural and remote areas of the State. One area of particular interest to which I would like to refer is the school support centre placed in Chinchilla, which is in the electorate of the Deputy Leader of the Opposition. We hear much from the Opposition about supporting services in the bush. It was the Goss Government which started the school support centres and it was the Goss Government which started the school support centre in Chinchilla. That centre employs eight extra educational personnel in that town—six educational advisers, a school support centre coordinator and a guidance officer. This Government increased significantly the services and the number of people available in Chinchilla and in other rural and remote areas of the State. This Government will continue to provide for the people of Queensland educational services and resources that were never placed west of the Great Dividing Range by its predecessors in office.

Sandmining Leases on Fraser Island

Mr SLACK: I ask the Treasurer: was, or is, compensation to be paid to Mr Peter Laurance's Pivot Group for sandmining leases on Fraser Island, and, if so, when and how much?

Mr De LACY: The answer is, "Yes." As part of the compensation package for the listing of Fraser Island, there was an agreement reached whereby the Pivot Group would be compensated an amount of $2m. That was paid——

An Opposition member interjected.

Mr De LACY: I do not know. I suppose it was about six months ago.

Mr Borbidge: A lease they couldn't use.

Mr De LACY: As much as I can remember, it was a refund for the expenses incurred by the Pivot Group. There was no payment for loss of profit or potential loss of profit. If the Leader of the Opposition requires more detail on that topic, he should place a question on notice.

Russell Island

Mr BRISKEY: I ask the Deputy Premier, Minister for Housing and Local Government: is he aware of efforts by the Russell Island Development Association and others to have the island formed as a new local authority, separate from the Redland Shire Council? Is the Minister aware of a petition signed recently by 130 electors on Russell Island calling for such a move and the appointment of an administrator for the new shire? Can he outline the facts in relation to that petition?

Mr BURNS: I thank the honourable member for Redlands for his question. The Russell Island question has been kept bubbling along over recent years. I have some notes from my department in relation to the petition to which the honourable member for Redlands referred. It was signed by 130 people. When 130 people from Russell Island sign a petition, they have to be regarded as representing a percentage of the people in the whole of the Redland Shire, not just a percentage of the people on Russell Island. There is no power in the existing Local Government Act to increase the number of local authorities in Queensland by the creation of a new local government area. That is why separate legislation was required to create the then Shire of Logan in the late seventies. Under section 4(9) of the Act, the Governor may dissolve any council and appoint an administrator, but he cannot dissolve a part of a council or a part of a council area or its jurisdiction over an area and then appoint an administrator for one part. It is not possible to do what the people of Russell Island say, that is, "Take us out of the Redland Shire and give us an administrator over on Russell Island."

It should be noted that the power of the Governor to dissolve a council can be exercised if a recommendation comes from the Minister after one-fifth of the number of electors of the whole area have signed a petition. As the honourable member has said, 130 electors of the Redland Shire have signed the petition. However, approximately 50 000 electors are enrolled so that 10 000 would need to have signed the petition to meet the required figure of one-fifth of the number of electors. The number who have signed is well below that figure. In addition, the Government has just passed legislation through this Parliament that provides for the appointment of a local government commissioner, whose job it will be to look at local government boundaries and matters referred to him by the Minister. At this stage, I would not be prepared to refer the question of Russell Island boundaries and a new Russell Island shire to the commissioner, because I believe that a Russell Island shire, having a very small number of people, would not be financially viable. In addition, I believe that all of the people on Russell Island had plenty of time during the EARC process over the last two years to put to EARC and then to the EARC Parliamentary Committee their suggestions about a separate shire. I understand that never at any stage was it recommended by EARC that Russell Island should be a separate shire. Under those circumstances, while the honourable member can assure the

people of Russell Island that the Government will give serious consideration to any of their problems—and I know that they do have some anger about the way in which they are treated by the Redland Shire Council—it would be inappropriate for me to suggest that the people of Russell Island should have a separate shire for that rather large island with a small population in Moreton Bay. I believe that would create more problems for the people than they have at present.

Secondary School Students on Stradboke Island

Mr BRISKEY: I ask the Minister for Transport: with respect to students travelling by bus and barge from North Stradbroke Island to Cleveland to attend the Cleveland State High School, what has he done to alleviate this time-consuming journey and thus allow these students more study time at home and at school?

Mr HAMILL: I thank the honourable member for Redlands for the question. He has been a constant correspondent with my office regarding the problems experienced by those secondary school students on Stradbroke Island, particularly those who have to leave the island to attend the Cleveland State High School. It takes approximately three hours a day for those students to make the round trip to high school. The students take the barge from the island to the school, which is on the mainland. Until the end of April, the only travel assistance of which those students could avail themselves, through their parents, was for the bus service provided on the island to enable those students to travel to school. The only other assistance that those Years 10, 11 and 12 students who had to undertake the journey to the mainland could obtain was for the barge service, which was significantly slower than the water taxi operating between the island and the mainland. Following representations from the member for Redlands, that problem has now been overcome. Approximately 40 students in Years 10, 11 and 12 who make the journey to Cleveland to receive their secondary education are now able to avail themselves of the water taxi service, which provides a more convenient service and significantly reduces the travel time. That service provides significant support not only for those students in terms of their education, because some of them were actually losing school time because the barge service was often late, but also for their parents, who are able to avail themselves of school transport assistance, which is administered in an operational sense through my department, but which fundamentally comes from the Education budget.

Mr SPEAKER: Order! The time allotted for questions has now expired.

MATTERS OF PUBLIC INTEREST

Mr S. Tait

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (10.59 a.m.): This debate provides the Opposition with an opportunity to place on record the facts in relation to the Criminal Justice Commission's investigation into possible misappropriation in the Premier's Department. The record needs to be clarified for the benefit of the Premier and others, such as Mr O'Gorman, who have in recent days cried foul without considering for one moment the facts of the case. Those who cry foul surely have a short and very selective memory. The smell of ministerial leather has distorted Labor's passion for accountability. Honourable members need only recall the Callaghan affair in 1986. Those of us who were members of this place then will today note the absolute about-face by the Premier and the accountability zealots of the ALP. In 1986, it was quite acceptable for the Labor Party in Opposition to raise questions about Allen Callaghan. In 1986, it was quite okay for the Labor Party to use the media as a forum to ask if Mr Allen Callaghan—

> ". . . was the subject of an investigation into the transfer of funds and whether Mr Callaghan was the husband of Mrs Callaghan, who was the coordinator of the Queensland Day Committee."

In 1986, it was acceptable for the Labor Party to question whether the Premier of the day had been made aware of possible corruption within his Government. In 1986, it was okay for the Labor Party to ask the relevant Minister to stand aside while investigations were continuing.

In 1986, the gloves were off, but in 1992, when the Opposition raises similar allegations, the broom comes out and the carpet is about to be swept clean. The Opposition has treated allegations surrounding the former Secretary to Cabinet and other aspects of this investigation with complete and total responsibility. If it wished, it could have adopted a completely different approach that could have caused a deal of embarrassment for a number of people. Over the past 12 months, a steady stream of allegations from the highest levels within the Queensland Government have been forwarded both to me and the Deputy Leader of the Opposition. Those allegations relate to the possible misuse of credit cards by officers within the Premier's Department. The allegations not only raised serious questions about individual public servants, but also questioned the determination of senior executives and the Premier himself, as the responsible Minister, to stamp out those abuses. Those allegations go to the very heart of the Premier's commitment to accountability. The allegation is that the Premier, when confronted with possible corruption within his own department, chose to ignore those claims, reprimand the particular officer——

Mr W. K. GOSS: I rise to a point of order. I find it personally offensive, and also untrue, to suggest that I ignored any advice of corruption that was forthcoming to me. There is an obligation under the Criminal Justice Act to notify any official misconduct or possible corruption. I seek a withdrawal of that comment.

Mr SPEAKER: Order! I ask the Leader of the Opposition to withdraw that comment.

Mr BORBIDGE: I withdraw the particular remark that the Premier finds offensive. However, he chose to reprimand the particular officer and eventually transferred him, on promotion with an increased salary, to another department.

Mr W. K. GOSS: I rise to a point of order. I find the reference to the reprimand untrue and personally offensive. It did not occur, and it carries with it the implication of advice having come to me, which is untrue. I seek a withdrawal of that remark.

Mr SPEAKER: Order! I ask the Leader of the Opposition to withdraw that remark.

Mr BORBIDGE: In view of the Premier's extreme sensitivity to all matters relating to this issue, I withdraw the remark. While the Opposition always had the option of raising those allegations in Parliament, it decided on the correct and responsible action of referring them to the Criminal Justice Commission. The Opposition knew that it could not do justice to an investigation. It saw nothing to gain from a helter-skelter parliamentary hatchet job. In the Opposition's view, the CJC was the body with the resources to carry out this investigation. On 28 August, the Deputy Leader of the Opposition took the allegations to the Chairman of the Criminal Justice Commission. At that time, an assurance was given to Sir Max Bingham that the Opposition would not raise the matter in the media or other forums, bearing in mind that any action of that type would prejudice the commission's investigations. The Opposition has respected this assurance throughout.

In relation to the allegations raised on Sunday by Mr Terry O'Gorman, who is acting on behalf of Mr Tait, that the Opposition was selectively leaking details to the media—those allegations are dead wrong. The Opposition has not sought at any time to raise the CJC investigations in the media or in other circles. It has practised a deal of restraint, which at the height of the Callaghan affair in 1986, or the Fitzgerald commission of inquiry which occurred during the term of the previous Government, was obviously not followed by the Labor Party. If Mr O'Gorman wants to find evidence of people leaking information to the media, then he should look no further than to the involvement of the Government and the Premier himself, who this morning has admitted the same. Indeed, it is hypocritical for the Premier to blame the Opposition for the leaking of information in respect of this matter. Last week, it was the Premier who was

openly briefing the journalists and providing them with the Government's version of events. It was the Premier who initially commented on that matter. It was Mr O'Gorman who called a press conference to identify Mr Tait. It was only then that, as Leader of the Opposition, I felt compelled to reply.

I now take a moment to consider some of the comments that have been raised by the Premier and some of the questions that those comments raise. Firstly, the Premier claims that it was he who called for the 1990 investigation of expenditure within the Premier's Department. This comes only a couple of days after the Premier was denying any knowledge of the matter, saying that the first that he had heard of it was a couple of weeks ago. What prompted this investigation? To suggest that it was at the request of the Premier is stretching the truth about as far as it can be stretched. It would be fairer to say that the Premier was made aware by senior officers, including perhaps Dr Coaldrake, of an apparent anomaly in respect of a certain officer's expenditure. Was that not the real reason for the investigation? On what basis was the investigation conducted? Who carried it out? How thorough was it? When the results of that investigation were presented to the Premier, when it became apparent that there were anomalies in certain expenditure, when it was clear that there were instances of intra-departmental entertainment, why did he fail to act? Why did the only action taken by the Premier amount to a so-called tightening of the guidelines? Why did the Premier not refer those matters to the Crown Law Division for a legal interpretation? The bottom line is that the Premier failed to act.

Extraordinary events also surround the 1990 transfer of Mr Tait from the position of Cabinet Secretary to a senior position in the Department of Local Government. The Premier stated in his explanation that Mr Tait was moved because he was overqualified for the Cabinet position and that he was looking for a more demanding position within the Government. Why is it then that on Sunday, in his statement, Mr O'Gorman indicated that, in respect of the transfer, Mr Tait had asked for a transfer to a less demanding job? So whom do we believe? Do we believe the Premier, who has indicated that the transfer was in line with Mr Tait's qualifications, or do we believe Mr Tait, who has indicated that he was in fact looking for a less demanding position? Less demanding the position might have been, but I am advised that it lacked nothing in terms of financial rewards. Mr Tait was transferred after he had completed a five-week study tour in the United Kingdom. Ironically, that study tour was to involve a detailed investigation of the operations of Cabinet in the United Kingdom. A special job was then created in the Department of Local Government, with a salary increase in the vicinity of $10,000. Furthermore, the normal process of selection and appointment was not adhered to. I am advised that the first Mr Tait knew about that transfer was when Kevin Rudd rang him prior to his departure from the United Kingdom.

The matters relating to this investigation now correctly rest with the Criminal Justice Commission. That body will now carry out the investigation and determine the suitability or otherwise of that expenditure and the actions of the Premier in relation to this matter. I reiterate that the Opposition has been totally responsible. It has received allegations of impropriety, and has referred them to the appropriate body. It will not be muzzled by the reckless commentary of the Premier and others, including Mr O'Gorman. I note that the Premier is not even prepared to table in this place a statutory declaration relating to his entire involvement in this affair. What has happened to that great icon of accountability—the man who said that what went on before would never happen under his Government? The Premier's credibility and his involvement are on the line.

Time expired.

Nationals in the North Conference

Mr BREDHAUER (Cook) (11.10 a.m.): Over the weekend, far-north Queenslanders were entertained—I guess that is the word—by the spectacle of the passing parade of the Nationals in the North conference. Not since the heady days of the Bjelke-Petersen country Cabinet meetings, in which former Ministers—some of whom are still in this House—did a little tap-dance routine as they were introduced onto

the stage, have we in the bush packed so much fun into one weekend. Indeed, perhaps the Environment and Heritage Minister might be prepared to investigate a grant to or a fundraising drive for another endangered species, that is, Nationals in the north.

An examination of the Federal political landscape of northern Australia reveals that the ALP holds every seat but one north of the Tropic of Capricorn. It holds Kalgoorlie, Northern Territory, Kennedy, Leichhardt, Herbert and Capricornia. The only seat still held—tenuously, I might say—by the Nationals is Dawson. I am told that Ray Braithwaite is riding like a man with a burr in his saddle, courtesy of Tim Fischer and his two so-called mates in the Queensland Nationals, Ron Boswell and Bill O'Chee. I was interested in the campaign of Bill O'Chee and Ron Boswell. I looked for some modus operandi of the lemming-like operations of the senator from Queensland, Bill O'Chee. I found it in a report of the Nationals' conference that appeared in yesterday's *Cairns Post*. According to an article in that newspaper, in a statement to that conference Bill O'Chee said—

> "The present governments, State and Federal, had the Opposition on the back foot"—

that is true—

> "defending or criticising issues raised by the Government."

That is also true. According to the article, Bill O'Chee said—

> "Instead, you go out there and create an issue and they then have to react to that."

And react they did. Bill O'Chee's modus operandi is: if there is nothing around to talk about, make something up and create an issue. No doubt Ray Braithwaite is eternally grateful to Ron Boswell and Bill O'Chee for taking up the issue of sugar tariffs for their campaign, which not only cost him a position on the Opposition front bench but also—as yesterday's *Courier-Mail* notes—led the conference to tell the National Party Federal parliamentary leader that the perception was that the coalition was not firing. It is not firing because it is full of blanks, and Ray Braithwaite will be one of the first casualties in the north.

On the State scene—we see the strength of Labor's representation in the north, where the only seats not currently held by the Labor Party are Flinders, Hinchinbrook and Tablelands. The obvious expectation in the north is that Ken Smyth, Bill Eaton and Fred Cattarossi respectively will take good care of those seats on election day. Perhaps Pat Comben could launch another drive similar to the Save the Northern Hairy-nosed Wombat campaign to save the Nationals in the north. Perhaps we could ask school children to donate their 1c and 2c coins, because those coins—in common with the Nationals—will soon be going out of circulation.

I suppose that it is fitting to continue this analogy of endangered species that are about to become extinct because I turn now to some of the policy initiatives that this party of vision will use to capture the hearts and minds of far-north Queenslanders. On 17 May, the *Sun Herald* called it a special northern development plan. Perhaps I will rename it: the dinosaurs dredge deep. They really must have had the archivists working hard to put that package together. The former two-time-failed National Party candidate for Leichhardt, and now Independent Mayor of Cairns, Kevin Byrne, gave what the *Cairns Post* described as "a spirited address" to the conference in which he called for everyone "to be positive and constructive and expand their minds to take in a wider vision of the future". If Mr Borbidge is to be judged by that north Queensland development plan——

Mr Stoneman interjected.

Mr SPEAKER: Order! The member for Burdekin!

Mr BREDHAUER: —he must be the only politician in Queensland—if not Australia—with 20/20 hindsight. Let me tell members about some of the initiatives—and I use that word guardedly—of the National Party. Using such fiery rhetoric as his description of the Premier as a wholly-owned subsidiary of the trade union movement, Mr Borbidge advised that he would be reopening talks regarding the Ben Lomond

uranium mine near Charters Towers. Apart from sending shudders of concern through significant sections of the Charters Towers and Townsville communities, that project has not been heard of since about 1983. After almost 10 years, the National Party has dredged up that issue.

Mr Stoneman: You don't even know where it is.

Mr BREDHAUER: I ask the member to listen, because he might learn something. In about 1983, the member for Flinders showed his depth of understanding of energy issues when, at a meeting with the Burdekin antinuclear group, a degree of confusion was eliminated when it was explained to the honourable member that yellowcake is not actually burnt to generate power; that it is a slightly more sophisticated process. The member actually believed that when yellowcake is burnt, it generates heat, that operates boilers, and that is how uranium generates power. I remind members that this was the very same fellow who went on to become the Minister for Mines and Energy under the previous Government.

Mr Stoneman interjected.

Mr SPEAKER: Order! I warn the member for Burdekin under Standing Order 123A.

Mr BREDHAUER: I note that the member for Flinders is not in the House today. That is a shame. Another of his discredited former projects has also been rehashed by the Nationals. I refer to the introduction of solar-energy systems to generate power in the outer islands of the Torres Strait. This year, the Leader of the Opposition has visited the Torres Strait. His visit was fleeting, taking in Yorke and Badu Islands as well as Thursday Island in one day—not a bad effort of either speed or endurance. If he had taken more time, particularly at Yorke Island, he would have noticed that the reticulation and domestic wiring systems for the power supply are now complete. In fact, later this year Yorke Island will be the first island to be switched on. Perhaps the Nationals propose to tear down the millions of dollars worth of work which the Government has got on with in the Torres Strait and which they only procrastinated about. I caution the Opposition Leader about embracing the views of the member for Flinders on the Westinghouse pilot project on Coconut Island. His views are as discredited as is the member himself. Torres Strait Islanders strongly support the initiatives of this Government to complete power supplies by the end of 1993.

Let us look quickly at some of the other items contained in the package. The National Party is going to re-establish the Cape York/North Queensland Enterprise Zone. I find that interesting. The National Party used that organisation as a type of sheltered workshop for failed National Party candidates and cronies. It also became a centre for National Party bickering and backbiting prior to the previous election, which seriously retarded any positive initiatives which the genuine employees of the enterprise zone attempted. The Government replaced the Cape York/North Queensland Enterprise Zone with a comprehensive regional development strategy for this State which is working for all parts of Queensland, not just one part. The Nationals propose a $10m upgrade of the rail link from Townsville to Cairns over three years, which the Transport Minister dealt with during question time. Initially, I thought that was something that the National Party had got right. As Government members will recall, about three years ago in the dying days of the previous Government the National Party's promises were flying thick and fast. It promised more than $500m would be spent on the electrification of that rail line. I thought that the Opposition had learnt something new. However, as the Minister for Transport pointed out, the National Party is actually proposing a reduction in capital works expenditure on that rail line. The people of north Queensland need to beware.

The National Party promised also a long-term transport study for the region. For the information of the Opposition Leader and the few northern Nationals who are left, I point out that the Cairns/Mulgrave transport study, incorporating all forms of transport, has been under way for nearly 12 months. Submissions have been called for from interested parties. Since the National Party has not put in a submission, I can only

assume that it is not interested. The real critique of the Nationals' performance came from within its own ranks. In yesterday's *Australian*, Fiona Kennedy reported—

> "The Nationals in the North conference, held at the weekend at Mareeba on the Atherton Tableland, was a forum for grassroots anger at Coalition proposals to eliminate tariffs or reduce them to between 1 and 5 per cent by 2 000."

That was the burning issue. The criticisms of the Nationals come from within their own ranks. The National Party promised that it would get Tully/Millstream going, but what it is promising to do is to get the State Government back into the courts fighting with the Federal Government over World Heritage listing, as the former Government did. The Nationals say that they have targeted three seats in the north. I find that one of the most amusing parts of the package. If the National Party wants to win three seats in the north, it must, firstly, nominate three candidates for seats in the north. It has not rustled up candidates for seats in the north. The ABC described the strategy plan by the Nationals as basically a re-release of policies of previous election campaigns. That is what the Nationals promised—a return to the past, more of the same, and "don't you worry about that". They are the strategies and policies that were dumped so resoundingly by the people of Queensland at the 1989 election. The Opposition Leader and the Nationals have abandoned the people of north Queensland in the same way as they abandoned the people of Queensland when they were in Government, which led to their thrashing at the 1989 election and which will lead to another thrashing in the 1992 election. The initiatives coming from the Nationals in the North conference offer nothing new.

Government Abuse of Parliamentary Privilege

Mr LITTLEPROUD (Condamine—Deputy Leader of the Opposition) (11.19 a.m.): For the last week, the Government has been defending itself on the issue of an investigation into the Premier's Department. It is one of a number of issues in two and a half years of the Goss Government that have shown that the Government has been able to put aside its promise of honesty and integrity and abuse privilege to protect itself. I will put on record an accumulation of issues in the last two and a half years of which the Government cannot be proud. In the first week of Parliament in 1990, the Minister for Education was asked if his children had been driving his electorate vehicle. To his credit, he admitted that that was so but stated that he was unaware that it was in breach of the ministerial code of conduct.

Mr T. B. Sullivan interjected.

Mr SPEAKER: Order! The member for Nundah will cease interjecting.

Mr LITTLEPROUD: However, I remind the House that, only months before, any breach of the ministerial code of conduct by a member of the National Party Government was met with all sorts of accusations by the ALP that that person should be brought before the courts. When the Premier was asked what he would do about it, he said, "The guidelines need some finetuning." After two and a half years and several requests that those ministerial guidelines be tabled, we are still waiting. Are they still being finetuned or is this the first of the cover-ups?

Early in 1990, the then Leader of the Opposition, Mr Cooper, pursued the Minister for Primary Industries over matters relating to Caspalp. The issue involved money being donated by the poker machine lobby to Mr Casey when he was Leader of the Opposition. Mr Casey was questioned closely in the House, and then it was proved through the tabling of documentation in this House that he had misled Parliament on three occasions. The documentation proved that false invoices were issued with regard to the donations given to the ALP. Documentation was tabled to show a discrepancy in the accounting for the amount of money handed to Caspalp. Early in 1990, the Opposition moved to have the member for Mackay, who was then the Minister for Primary Industries, referred to the Privileges Committee for misleading the House. To their shame, Mr Goss and his Government defeated the motion in an endeavour to protect their own and to cover up a misdemeanour committed by a senior Minister. So

much for the promise of honesty in Government! The Government was prepared to condone dishonesty.

Also in 1990, a signed statutory declaration, which was tabled in this House, indicated that the Minister for Racing, Tourism and Sport had publicly stated that he had backed a greyhound that he knew to be doped. It is interesting to note that the Minister never denied the truth of that statutory declaration. He explained it away as an overembellishment of an after-dinner joke. It is important to note that he never denied the accuracy of that statement. What did the Premier do? Nothing! It was another cover-up, another bad issue pushed aside. Then, of course, there is the inquiry into members' travel entitlements. The honourable member for Caboolture stated that he had visited South Australia in company with the Minister for Racing and that they had seen a special type of training track—an Equitrack, I believe—a horse stud in Lindsay Park, South Australia. That raised the interest of the honourable member for Southport. He produced documentation that this occurrence was not possible because the track had not yet been built. How was that explained? The Minister for Racing produced a letter declaring that the track was there as claimed by Mr Hayward. It appeared that the Minister had won the day. However, some weeks ago in this House, the member for Southport produced further documentation from the track manufacturer in England that proved that the Minister's defence was a sham. When the Premier was asked if he would act against his Minister, he simply reverted to personal abuse of the manufacturer in the UK and called him a buffoon. Why did the Premier not have this matter investigated to prove the integrity of his Minister? So much for accountability!

I refer now to the new Industrial Relations Act. The Cooke inquiry had identified illegal donations of union funds to some ALP candidates. Did the Government pursue the guilty unions? No! Instead, in the new Industrial Relations Act, the Government abolished the political objects fund. It is now open slather. The Cooke inquiry further identified massive abuse of union ballots, and what has the Government done? Nothing! Recently in this House, I asked the Premier what he was going to do about the recommendation of the Cooke inquiry. His answer was that it has a very low priority. So much for accountability of the workers of Queensland! It was also revealed by the Cooke inquiry that some union officials misused union funds for their own personal use. We have seen Ken Goodhew, a former vice-president of the ALP in Queensland, gaoled. Yesterday in the press, I saw photographs of Hamish Linacre, a former union official, in court facing charges for misuse of union funds, yet this Government introduced a clause into the Industrial Relations Bill to protect union officials because it said that they would not be liable——

Mr SPEAKER: Order! I warn the Deputy Leader of the Opposition that he is talking about a case before the courts. I think that it is less than sensitive to raise it right now.

Mr LITTLEPROUD: Two weeks ago, a question was asked about a possible illegal donation to the ALP. On 7 May, the Premier was caught out possibly misleading the House. After answering one question by insisting he had never been approached about——

Mr SPEAKER: Order! I remind the Deputy Leader of the Opposition that I have ruled in this House that the matters referred to in those questions are sub judice. I insist that my ruling be obeyed. I note that there is a dissent motion on the notice paper. Notwithstanding that, I will not allow any comments about those matters in question time, during debates or in the wording of any motions. I will insist on that and I will use all the strength of this position to enforce my ruling. I ask the honourable member not to refer to those matters.

Mr LITTLEPROUD: I was being most careful with my words.

Mr SPEAKER: Order! I am concerned about honourable members being careful about their words. The honourable member will not refer to those matters.

Mr LITTLEPROUD: Mr Speaker, I respect your ruling, but I had in fact been very careful. Last week, all sorts of allegations were made in a case of political media

manipulation and political expediency. Allegations were made to me some time ago about the possible misuse of public funds by people within the Premier's Department. I listened but could find no substantiation. I asked if other sources should come forward and provide information about the same issue. It was only after several people made the same sorts of allegations and I had talked it over with my colleagues that we decided to approach the CJC. That was the honourable thing to do. That happened over a fortnight ago. In all that time I complied with the requests of Sir Max Bingham, who requested that those matters not be canvassed publicly because it could jeopardise his own investigations.

We have the alarming situation of this Government defending itself by attacking. It manipulates the media and it comes up with all sorts of accusations, releasing all sorts of details and then making accusations that the Opposition was briefing the press. Mr Terry O'Gorman is supposed to stand up for civil rights. He is a person who believes in protecting the whistleblower, but he comes out and attacks the Leader of the Opposition. What hypocrisy! We have a strange situation with the *Courier-Mail.* This morning, the *Courier-Mail* seems to have gone the full ambit—the full circle—by revealing facts about it, then taking the Premier's version without question or verification, and then today almost apologising that it should have raised it and somehow stating that it was, in fact, guilty. The matter is still before the CJC.

I put to honourable members that there has been an accumulation of cover-ups and abuse of parliamentary privilege by the Labor Party in the last two and a half years. Many times the press have ignored it. The first time they paid no attention whatsoever. I am reminded of an old Chinese proverb: if someone fools you once, shame on them. If they fool you twice, shame on you. Perhaps it can be applied in a special way to the press of Queensland. If the press have been deceived by the ALP, shame on the ALP; but if the press condone this cover-up initially, then the press should be very careful that it is not shame on them.

Sugar Industry

Mr PITT (Mulgrave) (11.29 a.m.): As members of this House would know, the main primary industry in the electorate I represent is the growing of sugarcane. Today, I wish to make several points about the industry in Queensland. It is my understanding that there now exists an air of cooperation between all sectors of the Queensland sugar industry and between the industry and the Government which had long been missing in this State. For 76 years, until this Labor Government brought in the Sugar Industry Act in April last year, the Queensland sugar industry operated on outmoded and amended legislation first introduced in 1915. That legislation was enacted at a time when the major concern of the industry was a simple requirement to produce enough sugar to guarantee supplies to the domestic market. We have come a long way since then. The sugar industry now operates in a complex environment where it is threatened by such issues as inappropriate tariff arrangements, the dumping of foreign product and a corrupt international market.

Despite 32 years in Government, the National Party which falsely claims to have faithfully represented the rural sector made no effort at all to recognise the major changes that the sugar industry had undergone. Only now are these failures becoming abundantly apparent to the industry which, quite rightly, fears that it has been dealt a cruel hand by conservative politicians who have paid only lip-service to addressing the hard decisions as they arose. The Sugar Industry Act 1991 marked a watershed in the history of the industry in Queensland. The Queensland sugar industry—which is one of the most efficient, if not the most efficient, in the world—is now more streamlined and more flexible. It is also far better able to respond to a rapidly changing world market. The previous Bjelke-Petersen Government was notorious for its inability to work closely and constructively with people involved in the sugar industry, despite that industry's being the most important rural industry in Queensland. Quite frankly, the National Party played petty politics with the industry and was playing growers off against millers and, in some cases, growers off against growers.

The present Labor Government took up the challenge to modernise the structures under which the industry operates. This is in sharp contrast to the efforts of the current Opposition whose sole contribution thus far has been puerile posturing about the Government being out of touch with the rural sector. One of the strengths of the Goss Labor Government is that it firmly believes in consultation and in dialogue with all groups concerned with industry reform. It does not seek to curry favour with one sector in order to provide leverage against another. It is interested in the industry as a whole. The previous conservative Government's creation of institutionalised artificial divisions meant that the industry was not capable of speaking with one voice. When this Government was elected, it set about undertaking a comprehensive review of the Queensland sugar industry through the sugar industry working party. The objective was to ensure that the industry was in a better position to make its own decisions about the future in terms of production, milling and marketing. Since the Sugar Industry Working Party's report was released, this Government has worked closely with the industry to implement changes which have created a much-needed degree of commercial flexibility. This Government did not run away from the hard decisions. It worked with the industry to find solutions and it was the first time a Government had seen fit to act on all recommendations of such a report. The industry's message was heard loud and clear by the Goss Government. It acted accordingly, and it acted promptly.

Importantly, the Government has retained some of the successful elements of the old legislation, such as the single desk seller arrangement, but it has acted decisively to remove the unnecessary red tape that had the potential to stifle the industry. How has the sugar industry reacted to these developments? The industry says it is happy with the level of regulation under which it now operates. It is well pleased with the genuine interest that this Government has shown in tackling the issues before it. It is no wonder that many growers are now carefully considering the prospect of supporting a Government that is more in tune with their needs. National Party members opposite should take note that they can no longer take for granted the votes of canefarmers in this State. Their ineptitude has been unmasked and shown to be the sham that it was. No longer will growers be led by the nose to the polling booth. Political parties will have to earn their support.

One of the hard decisions from which this Government did not shy away was that of expanding assignments. It was this Government's belief that unless Queensland's sugar industry continued to expand, it would fall behind on the world scene. The Queensland sugar industry's reaction to that expansion has more than justified the Government's stance. Demand for increased assignments has exceeded supply by some 10 000 hectares. This Government has also recognised that for Queensland's sugar industry to maintain its reputation as a supplier of high-quality products, the industry needs to keep abreast of technological developments. New Commonwealth Government funding arrangements through the Sugar Research and Development Corporation have led to a rethink of funding arrangements. This Government has responded by agreeing in principle to devote more resources to sugar research which, in its turn, will allow precious industry funds to be used to match funds coming from the Commonwealth. This commitment to more research funding clearly shows the importance placed by the Goss Labor Government on the continuing development of the Queensland sugar industry. The reforms that this Government has brought about have given greater flexibility to allow individual farmers to make on-farm decisions. It has given farmers the option of a transfer of assignments between different mill areas. It has allowed for a strategic expansion of the industry over a five-year period. This new framework is providing the sugar industry with greater flexibility in meeting the challenges of a changing world market without having to go through the antiquated and torturous processes that existed under the previous National Party Government.

Because of this Government's consultative approach to industry development, we have succeeded where the previous Governments failed. The Queensland sugar industry now has direct input into policy development through the Queensland Sugar Industry Policy Council. For the first time, all sectors have a formal mechanism for contributing to the policies which, in the final analysis, affect their individual livelihoods.

The reason why the Opposition failed the sugar industry—and many other rural industries in Queensland—is that it failed to live up to its flimsy claims of having the interests of the rural sector at heart. It was more interested in garnering votes than it was in meeting issues head-on and in making decisions—irrespective of their difficulty—which would lead to securing the long-term viability of that industry and others. When this Labor Government came to power, the rural sector was suffering from a farm-gate mentality and had been provided with little incentive to modernise or to diversify. In a competitive and changing world, that course would have consigned an industry of such vital importance to this State's economy to a slow and painful decline which eventually relegated its key players—the growers—to the unfortunate role of modern-day farm peasants.

Members of the Bjelke-Petersen Government sat around on their hands while the sugar industry changed in front of their very eyes. If the inaction of those 32 years of conservative rule was not enough to prove that their claim of representing rural Queensland was a sham, then the recent coalition tariff fiasco should be, because while this Government has done more for the Queensland sugar industry in the past two and a half years than the Nationals did in the previous 30 years, the Nationals recklessly set about proving just how out of touch they are with the rural sector. Not only is the member for Mirani on record as saying that a National Party Government would repeal the Sugar Industry Act—which has provided an efficient regulatory framework for the industry—but also, at a Federal level, the Nationals along with their political masters, the Hewson Liberals, are committed to supporting the stripping away of all tariff protection for the sugar industry. This comes at a time when commonsense would indicate that the industry may be seriously affected if this all-important cushion is removed in its entirety.

I quote from the following statement by Brian Courtice, the Federal member for Hinkler, who is chairman of the Prime Minister's country task force—

> "The Federal Government has at no time hidden the fact that sugar tariffs were coming down to $55 a tonne as of July 1.
>
> However, this tariff level will remain in place for at least the next 12 months until my committee's report has been finalised and presented to the Government."

Through the Premier and the Minister for Primary Industries, the Queensland Labor Government has quite firmly placed on record its opposition to even that level of reduction in tariff, given the industry's current situation. Pressure is being brought to bear on our Federal colleagues to continue their flexible approach to this very delicate issue. In stark contrast to that, the National Party and the Liberal Party are committed to zero tariffs and full implementation of a flawed Industry Commission report without any inquiry and without any consultation whatsoever.

While this Government has set out to ensure the international competitiveness of the Queensland sugar industry, the Opposition's Federal colleagues—because of some misguided, total commitment to a purely economic document which, I must say, appears incapable of being rationally adjusted in the light of changing circumstances—are locked into leaving the industry fully exposed to corrupted world markets. And what of these so-called "rebel" National Party senators who were supposedly ready to buck the coalition's line on the removal of all tariff protection for the sugar industry? When it came to taking a stand in their own caucus, where were they? They scurried out of Canberra when the heat was turned up to avoid showing Queensland canegrowers that National Party support for the industry was nothing more than shallow platitudes. They lack the intestinal fortitude to support Queensland canegrowers with their votes where it really counts. That is what the sugar industry can expect from the National Party—and the sugar industry knows it.

The Queensland National Party has committed itself to being the servant of urban-based economic theorists and has no real will to stand up to John Hewson and his Liberal mates who have no knowledge of or any real interest in what happens outside the Sydney-Canberra-Melbourne triangle. The Queensland National Party says that, when it is returned to Government, it will repeal the Sugar Industry Act 1991. Fortunately for the sugar industry in this State, that is a most unlikely proposition. The

Nationals have many more years of penance to serve before the people of rural and regional Queensland will ever again take them seriously.

Rockhampton Correctional Centre; Deregulation of Bread Industry

Hon. V. P. LESTER (Peak Downs) (11.38 a.m.): I rise to speak about the Rockhampton Correctional Centre. I have a letter from Councillor Glenda Mather of the Livingstone Shire Council, which states in part—

> "They predicted disaster. In February, another officer punched to the ground—his condition worsened—they'd had enough, and they went out.
>
> At that very time, two officers at the Townsville jail were savagely bashed—one man was critical. They also went out. Their situation was similar to what was happening here.
>
> During the ten-day strike at Rockhampton, staff pleaded for an independent audit into safety conditions. Even this was denied. Staff were directed to return to work—unconditionally. Nothing had changed, even though good men were beaten, possibly dying.
>
> With the ultimate consideration to public safety, and the fatigued Police Officers who manned the Centre outside their rostered duties, staff reluctantly agreed.
>
> They turned up for work the following day, Saturday, only to be refused entry—apart from a few hand-picked personnel. These Officers were given non-contact posts, no turning of keys, no talking to prisoners—no opinions.
>
> All staff were advised this trend would continue each shift for four days, when the Commission would put them through Five days of 'school' to reprogram them into the Commission's way of thinking.
>
> The personal stress to officers was evidenced by the exceptionally high number of staff who were unable to carry on any longer. Fully grown men, some of whom had survived the war, and with almost 20 year's service in prisons—virtually turned into helpless human beings, incapable of performing the simplest tasks, let alone protect the public against violent criminals, and the criminals against each other.
>
> They felt they had failed their fellow officers, and their families, who were equally suffering. Their doctors were angry at the 'monster' which was destroying their patients—who were also their friends.
>
> Despite the fact that around 15% of the staff were off work at the one time with work-related stress, the Commission continued its assault on these conscientious public servants.
>
> Official letters were sent out to these people suffering stress, demanding they attend the Centre on the Monday at 9 a.m., to determine their future with the Commission. The letter went on to say, 'failure to comply with this lawful direction may render you liable to disciplinary action.'
>
> That action was enough to put a second officer into hospital—under psychiatric care. Others were given Doctor's Certificates, explaining their inability to attend.
>
> Of the few who did find the courage to attend, one of these was given a notice of suspension.
>
> Meanwhile at the school, Mr Hamburger's opening address allegedly stated the intention to suspend a number of officers.
>
> For these officers who were 'learning the Commission's ways', and 'the need for having input into the decision-making process', they were further rocked by the discovery that, at that very time, the internal security fence had been pulled down—without consultation or discussion.

Who gave the order, and for what reason—nobody was talking. Staff considered this fence vital to monitor and restrict prisoner movement, as well as maintain the security of the visitors and the service industries.

Another bungled decision, and a blatant waste of taxpayers' money. The staff have voiced their anger and disgust at this decision through a petition to the Commission. They want this fence replaced immediately—again for safety reasons.

It is appropriate at this time to state that currently only 25% of staff have received the necessary updated training in the use of firearms. Insufficient staff to allow training—instructions were to restrict overtime—unless absolutely necessary.

The overtime figures are currently in the hundreds of hours each week—which results basically from working on days off. One officer has had 3 days off in 4 l/2 weeks. The Morning Bulletin of Wednesday, 6 May, 1992 states the cost of overtime at this Centre for the last fortnight is in excess of $40,000 and the figures were 'higher' last month.

The staff are mentally fatigued, and yet the Commission intends to further reduce their numbers. This situation is a potential"—

and political—

"time-bomb in an already unsafe work environment.

Where is the Commission's duty of care under Section 9 (1) and (2) of the Workplace Health and Safety Act. A Commission of the Crown is not exempt from this legislation.

Three officers were suspended as promised by Mr Hamburger, and were asked to 'show cause', the day before the Industrial Commissioner (Mr Dempsey) was due to arrive.

Mr Hamburger publicly indicated the reasons for the suspensions were 'sexual harassment'. This information was false, but the statement was never rectified.

Considering the shortage of staff, it concerns me that now five weeks later, these officers have not even had their cases heard. Comments attributed to a member of the Commission in the Morning Bulletin of 6 May 1992, state it will be another two weeks before a decision is made. I seriously wonder whether the Commission's actions are not bordering on malicious.

It is alleged that during the strike for safer working conditions, orders were given to 'give the prisoners what they needed to keep them happy'. We saw how three prisoners cut their way out of the detention unit, supposedly the most secure block of all.

After the staff returned from school, 2 more escapes, involving four prisoners, within days of each other, and disaster struck again. Rockhampton was shattered by the tragic death of an innocent young Police Officer manning a roadblock—the roadblock which was to help capture one of the numerous escapees.

Queensland witnessed the tragic result of bureaucrats who refused to listen to the very real concerns of experienced staff.

I stand by my opinion that both Mr Milliner and Mr Hamburger should be sacked, not only for incompetence, but for failing in their duty of care to address the security problems brought to their attention.

I believe the problems at the Rockhampton Correctional Centre are just typical of those experienced in most other prisons in Queensland today.

In the Commission's Philosophy & Directional handbook, it states the core values are the fundamental beliefs which drive the Commission's decision-making processes. Before making any decisions or taking any action, that decision or action should be assessed in the light of: (naming 3 of the 5): (1) Is it in the public

interest?; (2) Is it fair and reasonable and just to all parties?; (3) Will it stand up to public scrutiny?

I can only say that I consider the practices applied to these rules, would be the greatest example of hypocrisy I've ever yet to encounter.

I believe the Corrective Services Commission has a case to answer. Its kamikaze approach to prison reform has left a trail of human destruction, with massive and unnecessary financial expenses to the people of Queensland.

Mr. Hamburger's regime will undoubtedly be recorded in history's pages.

If the Goss Government continues to allow the Commission to proceed with its reform, without an immediate review of all its operations and staff, I can only surmise, it condones the Commission's actions."

Obviously, this Government does that. The letter continues—

"The people of Queensland are watching.

I take time to thank the Rockhampton Police Officers for their part in manning the prison outside their rostered hours—a responsibility fraught with dangers for those untrained in that environment.

Lastly I'd like to pay a personal tribute to the Custodial Officers who have suffered, and are still suffering greatly, on our behalf. They have borne the personal abuse and neglect, yet persevered under extreme difficulties to retain some stability in their decaying system—in the hope that we, the public—will be protected."

The letter concludes "Yours faithfully" and is signed by Councillor Glenda Mather.

I take this opportunity to also indicate that I am appalled at the Government's decision to deregulate the pricing of bread in Queensland. As a former baker, I wonder at what the Government is all about. The same thing will happen in Queensland as happened in Victoria when deregulation was introduced in that State. The average cost of a loaf of bread in Victoria is 30c more than it is in Queensland. If the bread industry is deregulated, small bakeries such as hot bread shops will not be able to compete with the larger bakeries. There will be a short-term price war. Initially, bread will be cheaper, but then its price will rise. Tip Top has said that it will come to Queensland. Morgan's Bakery in Yeppoon, as well as the hot bread bakery in Emerald, is very, very concerned about this matter, as are the bakeries in Rockhampton. There is no doubt that those bakeries will be forced to shed a lot of staff. The Government has done this in the interests of the big combines. This Government does not care and it cannot be bothered. It says that regulations are too hard to administer. The Government should ensure that it gets on with the job and administers the rules as they exist. It should have enough gumption to stand up and be counted. However, it wants to take the easy way out by running away, putting people out of jobs and allowing everybody to be sacked.

Coral Sea '92

Mr McELLIGOTT (Thuringowa) (11.49 a.m.): My contribution to this debate will be a very positive one. We have just witnessed in Townsville one of the biggest commemorations ever held in Australia—Coral Sea '92. About 2 500 World War II veterans from all over Australia and some from the United States attended this 13-day event to mark the fiftieth anniversary of one of the most neglected dates in our nation's history—the Battle of the Coral Sea.

To set the background to the commemorations, it is worth quoting the words of Cliff Lock, who turned 87 last month. He reckoned that people who were in north Queensland during the war would agree that the Battle of the Coral Sea had saved Australia. The emergency plan to relinquish Australia beyond the so-called Brisbane line was common knowledge among Townsville residents who felt they were being thrown to the wolves by their wartime Government. Mr Lock said—

> "No matter what we thought about the yanks we knew that without them the Japanese could have taken Townsville with a shanghai."

He said further—

> "Any north Queenslander would tell you that we owe our homes and lifestyles to the Battle of the Coral Sea."

It was a major event for north Queensland, in particular Townsville, and, indeed, the rest of Australia. During those war years, Townsville itself was a garrison city, the population of which, I understand, grew to some 100 000. The Coral Sea naval and air battle certainly stemmed the enemy advance at that time. It was against that background that Townsville in particular, as well as other parts of Queensland and Australia, commemorated the Battle of the Coral Sea.

The people of Townsville and the corporate sponsors of Coral Sea '92 can feel very proud. Today, I want to tell the House something of the activities that occurred during this commemoration and to place on the records of this Parliament the efforts of so many people who made it all possible. I believe that the efforts of the people of Townsville and the organisers of this commemoration allowed many younger Australians to discover the story of the Battle of the Coral Sea and perhaps better understand and appreciate where we as a nation have come in the past 50 years.

Coral Sea '92 was the central focus of nationwide remembrance of the 550 sailors who died in that battle fought some 1 200 kilometres off the north Queensland coast between 4 and 9 May 1942. For the six months up until the event began on 1 May and right throughout Coral Sea '92, the event received national and, indeed, international coverage. I have to say that it was unlike any other event that I have ever attended. All the ex-servicemen and ex-servicewomen were treated as VIPs. There were emotional reunions, solemn wreath-laying services, some 150 different events over 13 days, Queensland's most spectacular sky show, a fleet of Australian and United States naval ships and people reliving the forties as Townsville turned back its clock to the time when it was truly the garrison city of north Australia.

I am not sure who deserves the total praise and credit for coming up with the concept of the troop train. I understand that Col Hoy, who would be known to many of us as a former international cricket umpire and a familiar figure around country areas of Queensland, has been given much of the credit. If that is so, I certainly join in voicing those commendations. The troop train was a resounding success. It brought Townsville together with the south-eastern part of the State, and many people who served in Townsville during the war years took advantage of the troop train to come together with their old friends, spouses and relatives and to travel the same track as they took during those previous years, culminating in a meeting in Townsville.

I have been told that the troop train's reception at the platform of the Townsville Railway Station was a most emotional event. People who had not seen each other for some 50 years were reunited to remember the events of the Battle of the Coral Sea. I pay tribute to the various communities along the track who went out of their way to make the veterans on the troop train feel very welcome. In spite of the economic problems which have touched all levels of the community, Coral Sea '92 secured Government and corporate support of more than $1.2m. People at all levels played a part in ensuring the success of this wonderful occasion. That was a mighty effort. The event was backed by the Townsville City Council, the Thuringowa City Council, the Townsville Enterprise Limited Corporation, the Queensland Tourist and Travel Corporation, the Australian defence forces and the United States Government. The event was attended by the Prime Minister and senior Federal Ministers; the Premier of Queensland and members of the State Government; the United States' Presidential Envoy, Mr Lemar Alexander; and dignitaries such as the United States Ambassador, His Excellency Melvin Sembler, and the United States Commander-in-Chief of the Pacific Forces, Admiral Larson. The Honourable Wayne Goss, the Premier of Queensland, officially opened the proceedings.

I publicly thank all of those involved in the organisation of Coral Sea '92—the community-based organisations, the committee itself working in Townsville, the team of volunteers in particular, and the hard-working staff at the Coral Sea '92 operations office. I am sure that all honourable members are familiar with the role that volunteers play in our community. During all of my personal involvement in sporting and other activities over the years, I have never seen a group of volunteers dedicate themselves to a task in quite the same way as the people who manned the Coral Sea '92 office and those who organised and conducted the various activities associated with the event. I single out for special mention Graham Jenkinson, who was the chairman of the Townsville organising committee. Graham Jenkinson, for the benefit of honourable members who do not know him, is quite an extraordinary individual. I believe he would agree that his involvement with the Coral Sea commemorations is the highlight of his career and represents the pinnacle of years of devoted service to the community of Townsville. In addition to Graham's activities in this regard, he served for five years as president of the Townsville Chamber of Commerce, was chairman of the committee that was responsible for the greening of Townsville, and was involved in many other activities. I repeat that Graham's contribution on this occasion will certainly ensure that he is regarded by history as one of Townsville's favourite sons and a man who has contributed enormously to his community.

Townsville now has a national memorial to those who fought in the Battle of the Coral Sea, and many other tangible reminders of this historic event—an anchor from the USS Coral Sea, presented by the United States Navy, and a memorial to the US Fifth Air Force, which was formed in Townsville. A local bridge in a recent residential subdivision has been dedicated to the memory of one of America's finest fighter pilots who served with Australia's airmen during the Battle of the Coral Sea. They are lasting tributes to those who fought and died in the Battle of the Coral Sea and will remind Townsvillians of the activities of the past several weeks. As one of the members representing the region, I am very proud of the success of Coral Sea '92. I trust that the spotlight it placed on the battle and its significance to all Australians will be maintained in future years. It is fair to say that the population of Townsville itself supported the commemorations in a way that I have not previously witnessed in that city. I suppose when a decision is made to organise activities of this kind, one can never be certain of the response from the local community. On this occasion, Townsville responded magnificently. I believe the event gave people who were in the city during the war years the opportunity to rethink and rekindle old memories, and it also brought home to the younger generation—not only school children, but also teenagers—the significance of Townsville's involvement in that battle, and made people recognise its importance. I take delight in saying that I think Townsville has come of age in that regard, and I am sure that future activities in the premier city of the north will take on a new meaning. I believe it was Col Hoy who said at the final function that the commemorations were to Townsville what the Commonwealth Games were to Brisbane. I am sure that is a valid comparison. From my discussions with the veterans from the United States who attended the event, I am aware that they were delighted not only with the fact that they were present and were part of the festivities, but also the way in which the event was organised and the hospitality that was shown to them by the people of Townsville. To all involved in the event—I say a very sincere thankyou and congratulations.

Coral Sea '92

Mr STONEMAN (Burdekin) (11.58 a.m.): I endorse the remarks made by the member for Thuringowa and express to the House the pride I feel in having taken part in those activities. One thing I believe the member for Thuringowa should have mentioned was the shame that all Australians felt in regard to the contempt with which the Prime Minister of Australia, Mr Keating, treated the people of Townsville and the veterans of the Battle of the Coral Sea. At no stage during the course of those events did the Prime Minister set foot on Townsville's soil. In fact, it will be a great expense to the organisers to change the wording on the commemorative plaque, which was originally engraved with the Prime Minister's name. I believe that the message that the Prime Minister's actions sent out to the veterans and the many thousands of people who put their

shoulder to the wheel, as the member for Thuringowa said, will be not only one of bitter disappointment, but also will be one of shame that the people of this nation are going to have to carry for many years. I know this shame and disgust is carried and shared by people such as the member for Thuringowa.

Mr SPEAKER: Order! The time allotted for the debate on Matters of Public Interest has expired.

ELECTORAL BILL

Second Reading

Debate resumed from 29 April (see p. 4716).

Mr FITZGERALD (Lockyer) (12 noon): This Bill is extremely important. Every member of this House has been elected under a piece of electoral legislation. I note from the list of speakers that many members wish to join in this debate to express their views and concerns about this legislation. It has arisen as a result of a review of the Elections Act 1983-1985, under which honourable members presently work, and the subsequent amendments to that Act. The legislation also amends old legislation, such as the Legislative Assembly Act 1867. This legislation covers many electoral laws, and I believe that it will have quite an impact on the composition of this Assembly in the future.

The Opposition will be supporting this legislation in whole. However, during this speech and at the Committee stage, I will raise some of the Opposition's concerns. I must congratulate the draftsman on this legislation, because it is very comprehensive and well written. It is in plain, simple English. The table of provisions is comprehensive and easy to follow. If anyone wished to find the section of the legislation that deals with elections, he would be able to quickly refer to that section. Basically, the Opposition has one major concern about the legislation. It relates to one specific clause and other consequential clauses that deal with the implementation of optional preferential voting. It will be a new system of voting for Queenslanders. It was recommended by EARC and the majority of the members of the Parliamentary Committee for Electoral and Administrative Review. In a minority report on this issue, the member for Burdekin and I raised our concerns about this matter, and I have not changed my view on it. I thought the recommendation that Queensland should have optional preferential voting was unique. It was recommended that Queensland should have not only compulsory voting, but also optional preferential voting. Voting is not compulsory everywhere. From time to time, the political party of which I am a member has debated at conferences whether Queensland should have compulsory voting or optional voting. The most recent position adopted by the National Party is that it supports compulsory voting. However, it goes without saying that as the matter is being debated, there is quite a diversity of opinion. I think that that is healthy in any political party. However, once there is compulsory voting, I can see very little support for optional preferential voting. It is a matter that will concern political parties. Firstly, political candidates will ask themselves, "How will it affect me?" However, the question that should be asked is, "Will it give a better electoral system to the State?" I am not convinced that one form of compulsory voting and one form of optional preferential voting will achieve that end.

My other concern relates to the appointment of the Electoral Commissioner. Division 2 of the legislation states that there shall be an Electoral Commissioner and a Deputy Electoral Commissioner. It then sets out the terms and conditions of appointment of those commissioners. Clause 23 (2) states—

> "Before a person is appointed as a senior electoral officer, the Minister must consult the leader of each political party in the Legislative Assembly regarding the proposed appointment."

When the Parliamentary Committee for Electoral and Administrative Review visited New Zealand, I was impressed by the way in which that country elected its Ombudsman, that

is, the Parliamentary Commissioner of Administrative Affairs. In New Zealand, the Ombudsman is appointed by the Parliament. However, he must have the support of not only the majority of the Parliament, but all the Parliament. When a person is appointed to a position as sensitive as the Electoral Commissioner, I believe that he should at least have the support of each of the parliamentary parties represented in the Parliament. I do not think it is sufficient to provide that only the Government has an obligation to consult with the other parties. Quite frankly, although it looks nice on paper, "consult" means "What are your views?" There is no requirement whatsoever to acknowledge those views, to take them into consideration, to act upon them, or to do anything with them. It is legislating for something that cannot be legislated. Provided that a letter has been written, consultation has taken place.

I believe that as Queensland has undergone so many other electoral changes, it is insulting to have an Electoral Commissioner appointed by the Government. I believe that if the Government is trying to achieve a system that is completely independent of the Government of the day—the separation of the Electoral Commission from the Government of the day—the Legislative Assembly and the parties in the Legislative Assembly should have a right of veto. I would be very surprised if the person nominated by the Government was not accepted by all the parties. It is very important that not only should justice be done, but it should be seen to be done. I believe that if this system is being held up as being fair and independent, the legislation should be amended. The Government has failed to take note of the separation of powers with regard to the appointment of this very, very important public servant in Queensland.

The legislation covers a host of matters. I will be unable to cover them all, but I wish to speak briefly to the electoral rolls and some of the problems that Queensland has with electoral rolls at present. Queensland now has a joint electoral roll with the Commonwealth. Although there have been some teething problems, which were expected, the system has worked reasonably well. Queensland no longer keeps its own independent roll. However, with the passage of this legislation, the commission must keep an electoral roll for each electoral district. That will give the commission some teeth. At present, if there is an error in the electoral roll, it cannot be reported to the registrar; the matter must be referred to the Federal officer in charge of the rolls. Some members often send out letters of welcome to electors who have recently enrolled in their electorates—probably hoping to gain their votes at the next general election. If those letters are returned unclaimed, as a matter of course they are generally forwarded to the commission so that checks can be made as to whether the people to whom the letters were sent have in fact enrolled in that district or have since moved away.

I refer specifically to clause 58 (3) (c), which states that each electoral roll must also set out, in relation to each person, the person's address. That is fairly simple. However, some people give their address as the Warrego Highway, Gatton. In the electoral district of Lockyer, the Warrego Highway is extremely long. Other people give their address as the Toowoomba-Warwick road, which is not specific enough. Although the printed form of the electoral roll cannot contain a person's postal and residential addresses, I believe that the master copy of the electronic roll should also list a person's postal address.

Mr Milliner: How do you get on there with someone who has a post office box?

Mr FITZGERALD: I have not yet mentioned post office boxes, which also present a problem. The Minister asks how one gets on in the case of a person whose address is given as a post office box. I ask: what happens when a person's address is correctly registered on the roll as the Toowoomba-Warwick road? What happens if post office staff do not know that person or the mail service to which he or she belongs? How does the Minister's department ascertain whether or not that person is on the roll? That person's mail is then returned to the registrar—soon to be the Electoral Commissioner—with the notation that the post office was unable to locate that person. In the case of local authority elections, in which people vote by post, this could be a major problem. Ballot papers are posted out according to addresses on the electoral roll, but those addresses are sometimes nonsensical.

I admit that every printed roll cannot contain two addresses per person. In Brisbane, it is no problem to deliver mail to a street address, because that is actually a physical address with a receptacle to receive mail. Even if no mailbox is provided at a specific address, such as 43 Brunswick Street, it is easy for a mailman to slip a letter under the door. However, there is a problem in country Queensland. I refer to a person whose address is the Birdsville Track. What happens if no property name is provided in the address, or if that person is not well known to the mailman? This might be a poor example, because in the west everybody knows everybody else. When someone takes up residence in an area, somebody else will know about it and will be able to direct mail to that particular person. However, it is becoming more of a problem in rural residential areas. Some people give their address as Lot 4, Mail Service 224, Toowoomba, but probably 2 000 people have Mail Service 224 as their address, and probably 20 or 30 of them live at Lot 4. A mailman looking at an envelope with that address might say, "Cripes! I don't know! The people at that address are always changing." I draw this to the Minister's attention, because I believe that we will have to face up to this problem.

Under this legislation, the commission must make available a copy of the most recent computer disk or computer tape version of the entire electoral roll for any electoral district or all electoral districts for purchase by any registered political party at a price that reasonably reflects the cost of producing the copy. That is an excellent provision. In the past, most political parties tried to obtain electronic rolls for electorates which their members represent. Under previous legislation, they were able to obtain rolls for adjoining electorates. Under those provisions, it would be difficult for the National Party in Brisbane to obtain such an electronic roll. Of course, those provisions were amended recently. The Labor Party would also find itself in all sorts of strife in country Queensland, where it holds virtually no seats. It is fair enough that political parties should have access to those rolls.

I am concerned about another aspect of this Bill, but I believe that we must accept it. I refer to the registration of political parties. I understand that until now no mention has been made in elections legislation of political parties. But I could be wrong, and I would be grateful for the Minister' advice in that regard. This Bill covers the registration of political parties. I suppose that it acknowledges that this Parliament comprises political parties. In recent years, there have been very few Independent members in this House. They have generally dropped out of political parties but maintained electoral support in their own districts. Some people may argue about the number of persons who are required to form a political party. The legislation stipulates that a party must have 500 members who are electors. I believe that is a reasonable number.

Mr McElligott: The National Party would make that, wouldn't it?

Mr FITZGERALD: The honourable member for Thuringowa suggests that the National Party might make that number. He would be well aware that the National Party is the largest political party in Queensland. When it comes to members who are willing to put their hands in their pockets voluntarily and subscribe to a party, the National Party leaves the Labor Party paling into insignificance. I note that the Labor Party gets its members to compulsorily subscribe to membership of certain organisations. The National Party is proud of the fact that it is the largest political party. It is regrettable that, in a Westminster system, we have to introduce provisions relating to the registration of political parties. However, the Opposition accepts that this has occurred. The legislation will enable political parties to organise the nomination of candidates from a central location.

Mr Milliner: But more importantly, it allows their names to be on the ballot paper; that's the important part about it.

Mr FITZGERALD: The Minister has advised me that it allows for a particular party's name to be on the ballot paper. The legislation stipulates the time by which a candidate's nominations must be received. Many candidates are not aware that nominations close at noon. Some of them turn up at 3 o'clock thinking that they will be able to nominate before the office closes, and they are disappointed. The legislation will alleviate that problem. In remote areas, candidates who have been selected at short

notice have difficulty nominating before nominations close. If the candidate cannot attend the office of the returning officer to nominate, it is important that the party be able to nominate on that candidate's behalf. That important provision reduces discrimination against people living in remote areas.

The Opposition is concerned about optional preferential voting. The provision that voters may cast their votes for candidates in a multitude of ways will cause confusion. We are trying to make voting consistent and uniform. Why introduce optional preferential voting in State elections when the Federal sphere has compulsory preferential voting?

Mr Campbell: The EARC advised. It is a recommendation.

Mr FITZGERALD: Yes. The member for Bundaberg suggests that we accept all recommendations of EARC. This Legislative Assembly makes the decisions. The sooner that members of this House realise that this Chamber makes the decisions and should not be dictated to by outside organisations, the better off we will all be. EARC has handed down an excellent report for debate and discussion. The parliamentary committee has considered that report and made its recommendations. I add that it was not a unanimous report. However, this Chamber must make the final decision. We are responsible for the legislation. We should not duck behind any outside organisation. If we did what the honourable member for Bundaberg suggests, we would be failing in our duty. I do not really believe he is suggesting that; he is merely testing me on the issue. We should not duck that issue.

When the Commonwealth has compulsory preferential voting, why does Queensland have optional preferential voting? It causes confusion. When voting in Senate elections, one can tick the party box and vote along party lines. Although electors vote the recommended party way, it is still compulsory preferential voting. By placing a 1 for a particular party is still compulsory preferential voting; it is not optional. In the Federal sphere, one cannot distribute two preferences and no more, as can occur in Queensland. In Federal elections, preferences are distributed to all candidates according to the recommended party vote. I note that the Minister is seeking advice on the matter, but I assure him that I am correct. I am concerned that some advertising programs may encourage voters to put a 1, a tick or a cross only in the square opposite the candidate of their choice. Although we have heard assurances from time to time that that would not occur, it is an option. I wager with Government members that that will not be attempted by the particular party in power at present, because it may work to its disadvantage in some areas. We are all concerned about how it will affect our parties and us as individuals. The Government should indicate that preferential voting is optional and should explain fully the proper way to vote, which is according to section 113.

I am concerned about the provision dealing with the disqualification of candidates for election to this House. It should be noted by members that it is relatively easy to be declared ineligible as a candidate and to be disqualified from election to this House. On a couple of occasions, I have raised the matter in this House, and I will raise it again. I believe that a person who has been declared bankrupt should not be excluded from this Chamber. I believe that a person who has come upon hard times, has been declared bankrupt and not discharged should be allowed to stand as a candidate. I believe that the decision as to who should be in this Chamber should be decided by the electors, not by an antiquated law that presumes that anyone who has been unable to pay his bills and has become bankrupt is an undesirable person to have representing anyone else. It is an antiquated law, yet it has always been included in electoral legislation. I believe that it should be excluded. Let the public decide whether a person has deliberately not paid his bills or has, through lack of judgment, simply been unable to manage his financial affairs. The people should be allowed to debate and discuss the issue.

Many people have done the honourable thing and taken personal responsibility for the debts that they have incurred. They have not hidden behind a company, as many people do. These people have said, "I put up my house and my name to guarantee my debts." When they borrow money and are unable to repay it, they are then declared to

be bankrupt. At the same time, a most mischievous and scurrilous person can hide behind a $2 company, and milk the citizens of the State for every cent they have and still be eligible to stand for Parliament. I do not believe that that is right. Honourable members should seriously consider debarring those people from public office, and even from appointment to Government boards pursuant to other legislation. Such a person would not be considered to be eligible if he or she happened to be a bankrupt or had not been discharged from bankruptcy.

Another point that I wish to raise is that this legislation sets out that the Assembly shall consist of 89 members. This is quite a controversial issue. What is the magic number? What shall it be? I know that all the political parties have put various numbers in their submissions. The National Party can hardly argue about 89 because when EARC asked what the number should be, the Labor Party said 99, the Liberal Party said 82 and the National Party said 89. I think that 89 might be a median figure. Honourable members opposite agree that the National Party probably got it right, and I know that they will be supporting that part of the legislation. It is nice to think that the National Party at least got something right. It is an arbitrary number, is it not? One of the arguments against increasing the number is that that beautiful wall on the other side of the Chamber would have to be removed to allow the Chamber to be expanded. That type of argument has been put forward. This Parliament has only one House, the Legislative Assembly. People argue that there should be an Upper House, and I have quite a bit of sympathy for that argument. I do not believe the people of Queensland will accept it, but they should know where I stand on the issue. I think that it would be better if this Chamber was made smaller in number and an Upper House was created, but that in total we would have no more politicians—no more members of Parliament. That would be a satisfactory outcome and would ensure better legislation than is now the case. However, it is not what we want—it is what the people of Queensland want. If we are going to reintroduce an Upper House it will have to be by a resolution of this Chamber followed by a referendum of the people of Queensland. When the people of Queensland indicate that they want an Upper House, I am sure that the party in power at the time will consider taking action.

The other issues that can disqualify people from being members of the Chamber are rather simple. I warn the members of this House that this one will be up to the court to determine. Under the heading "Further penalty of disqualification for certain offences", clause 176 states—

> "If a person is convicted of an offence against section 154, 168 or 170 (a) and (b) . . ."

Clause 154 refers to the issuing of false documents. If a person issues false how-to-vote information and is convicted, it may be argued that under clause 154 that that person has issued false, misleading or incomplete documents. Clause 154 states—

> "A person must not give a document under or for the purposes of this Act containing information that the person knows is false, misleading or incomplete in a material particular without . . ."

If a member of this House or a candidate is convicted under that clause, he shall be excluded from this Chamber. I think that honourable members should note this provision because its interpretation will obviously be up to the courts. We will have to wait. If necessary, if this Chamber is not happy with the way the courts interpret the provision, there may need to be further amendments. The other provision in clause 168——

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I remind the honourable member that reference to the clauses should be left to the Committee stage. I remind all other honourable members that I will be applying this rule to them as well.

Mr FITZGERALD: I accept your ruling, Mr Deputy Speaker, but this clause contains provisions that would disqualify a person from the Chamber if he or she tried to influence a vote by intimidation or violence. I believe that that is quite right. We have had a proud history in Australia, and particularly in Queensland, of having fair elections. Some of the camaraderie displayed between members of different political parties and

supporters of those parties at election booths is very commendable. I know that, at times, tempers rise a little bit, but that generally happens in electorates that are very closely contested. However, when it comes to the electorates of Archerfield and Lockyer, I know that a great deal of understanding exists among supporters of various political parties who do what they have to do, that is, canvass for votes and try to provide electoral information to people who wish to cast their votes. Fortunately, the majority of people who live in the Lockyer electorate are well informed. They seem to vote in a very proper way.

Mr Springborg: They are far-sighted.

Mr FITZGERALD: They are far-sighted people. However, it is important that the Australian attitude of everyone deserving a fair go be maintained. It would be very regrettable if some of the overseas practices reported in the newspaper and appearing on television screens entered Australia. By way of example, I refer to the by-election for the electorate of Nicklin which was a very closely contested election. The result was referred to the Court of Disputed Returns, and I believe that the way the candidates conducted themselves was admirable, even though it meant that a handful of votes would decide whether either was allowed into this Chamber.

As I said earlier, I believe this is important legislation. The Opposition will be supporting it in principle. However, the establishment of a Queensland Electoral Commission, together with the proposal for optional preferential voting, is a matter of concern. It is the Opposition's belief that the present Government may confuse voters with a change to the present system, particularly by advertising that it is necessary to vote for one person only for the vote to be regarded as formal, without explaining the relevant provisions of the Bill. I reiterate the Opposition's support for the second reading of this Bill.

Mr WELFORD (Stafford) (12.33 p.m.): I am pleased to support the Electoral Bill 1992, which is a landmark in the reform of electoral law in Queensland. It brings under one comprehensive piece of legislation the law relating to elections in this State. Many of its components represent massive reforms compared to three decades of the ramshackle electoral system that was run by the National Party. I endorse the comments made by the member for Lockyer on the drafting of the Bill, and compliment the Parliamentary Counsel on the plain English terms of the provisions. That is an important matter, especially for members of the National Party who, over many years, had great difficulty understanding the principles of electoral democracy and repeatedly came up with Bills that corrupted the electoral system for their own benefit.

Mr Milliner: We even thought about putting in pictures for members of the National Party.

Mr WELFORD: I take the interjection made by the Minister. Indeed, it could well have been very helpful for members of the Opposition and members of the Liberal Party, most of whom are not present because they do not even understand the plain English terms. They would have been greatly assisted by the inclusion of diagrams, photographs and pictures showing what an electoral system is really about, although I note with some regret that the one diagram in the Bill—appearing at page 111 and relating to the review of decisions—contains a typographical error which the Minister might consider amending at the Committee stage.

Mr DEPUTY SPEAKER: Order! I suggest to the honourable member that that be left until the Committee stage.

Mr WELFORD: Thank you, Mr Deputy Speaker. I defer to your ruling. I wish to concentrate on two important areas of the Bill which contain significant reforms. The first relates to redistributions under Part 3, and the second relates to entitlements to vote and procedures for electors who wish to vote. The Bill now provides for a specific regime under which redistributions will occur after every third election or after every seven and a half year period, whichever is the later. The steps to be taken in conducting a redistribution are outlined comprehensively in the Bill, and I will refer to some of those in detail. Suggestions are invited for a new electoral redistribution; comments on those

suggestions are invited; and then the Electoral Commission prepares a proposed distribution. It publishes that redistribution and then invites objections to the proposed redistribution as well as comments on those objections. Then it goes on to consider those objections and the comments before making the final electoral distribution, which is also advertised and published comprehensively. The point I make is that now more than at any other time in Queensland's history, this State has clear electoral laws that are open, accountable and that make available to the public at large the full details of procedures followed by the Electoral Commission in conducting a redistribution.

Mr Foley: A far cry from the missing filing cabinet.

Mr WELFORD: I note the comment made by the member for Yeronga. This Bill is indeed a far cry from the missing filing cabinet which was a feature of the National Party's corrupted electoral boundary redistributions—a filing cabinet that was scurried away when EARC first tried to investigate the whole question of electoral redistribution, which led to the introduction of this commendable legislation. I note that the Bill also provides for the fundamental principle of one vote, one value in the conduct of electoral redistributions. That principle was reflected in the Electoral Redistribution Bill which was passed last year with a view to conducting the redistribution in readiness for the forthcoming State election later this year. The principle is now confirmed in legislation and will apply to every electoral redistribution carried out from now on. That is a first for Queensland. The member for Carnarvon will appreciate that if he is re-elected at the next election, for the first time in his life, it will have been done on the basis of a fair electoral system. He will not have to credit his electoral success on a gerrymander, on a rort or on a racket run by the National Party. The member for Carnarvon will be able to turn to his voters with confidence and say honestly that he was elected fairly. I am sure that he will appreciate that.

A number of factors are taken into account in determining what the boundaries will be in any particular case. Those factors are outlined in the Bill. They include the community, economic, social, regional or other interests in any proposed electoral district, the ways of communication and travel within any electoral district, the physical features of the district, the boundaries of the existing district and the demographic trends of the State. They are important factors upon which the commission, when it constitutes itself as the Redistribution Commission, will conduct any future redistributions. However, it should be pointed out that those substantive grounds upon which the distribution is carried out will not be appealable. That is specifically set out in clause 46 (5), to which I will not refer again out of respect for the Deputy Speaker's previous ruling. It should be mentioned, however, that those substantive grounds are specifically excluded from grounds upon which an appeal can be taken under clause 57. The other provisions of the Bill which allow for appeal are therefore really appeals against the process or the timing of the distribution. One cannot appeal on the substantive grounds for which any particular electorate is designed.

As I have already indicated, it is important also that members recognise and appreciate the openness of the process now provided in the Bill. Objections and comments on objections are not only allowed but also published fully and comprehensively. All the maps of the proposed distribution and the final redistribution which the commission determines will be published in newspapers as well as being available for public inspection and, indeed, will be tabled in this Parliament. Never before has there been such an open and accountable process in the conduct of redistributions under previous Governments. Until the recent redistribution, that never occurred. They were hidden away in filing cabinets, which were subsequently lost or curiously disappeared. Now there will be no filing cabinet disclosures. There will be open disclosure, public disclosure and public accountability.

Let us now consider some of the grounds upon which one is entitled to vote. Before doing so, I mention that the Bill also confirms the earlier report of the Electoral and Administrative Review Commission for the preparation of joint electoral rolls in cooperation with the Commonwealth. There are some difficulties, which I understand members are experiencing and certainly I am experiencing, with those rolls. The updates

do not seem to be as readily available or as frequent as the previous ones. It may be that some teething problems need to be sorted out. I understand that the Australian Electoral Commission is currently conducting a review of electorates, certainly in my district and the new electorate of Everton that I seek to represent. Hopefully, when that is done, the rolls will be more up to date. In the past, we heard constantly of complaints—and I know that the situation at the moment is not much better—that literally thousands of Queenslanders were not on the roll for the electoral districts in which they were living or that they were on the roll for electorates in which they did not live. That is a real problem. One of the real challenges for electoral commissions in the years ahead will be to try to ensure that our electoral rolls are indeed accurate and up to date.

The change in the entitlement to enrol once people have been living at their new address after one month is welcome. Members might recall that, previously, there was a difference between State and Commonwealth entitlements whereby, under the State system, people had to reside in their new place of residence for three months at least; whereas, under the Commonwealth enrolment system, people had to be there for only one month. I am pleased that the State system will be brought into line with that Commonwealth system under the much more sensible proposal that, once people reside in a place for one month, they are entitled to enrol at that address. Furthermore, we can now offer 17-year-olds the opportunity to put their names on the electoral roll, even though they will not be able to exercise their voting entitlements until they turn 18. Now, senior students at schools will be able to be notified of their entitlement—most of them—to enrol on the electoral roll by the end of their last year at school and, in the subsequent year, they will be ready to vote.

The Bill also provides for a process for objecting to enrolments so that rolls can be cleansed of people who may have moved out of an electorate. That is a very important process. However, it is regrettable that any member of Parliament should need to lodge a deposit. The Bill provides that a $2 deposit must be lodged with any objection against an enrolled elector. That is regrettable, but I suppose in these days of so-called user-pays, some provision must be made for recovering administrative costs, especially when an objection is lodged to someone who is legitimately enrolled and should not be removed from the roll. It seems to me that members of Parliament who are constantly in touch with members of their electorate and who have it brought to their notice that members or constituents in the electorate no longer live at a particular address should be able to notify the commission of that without any cost and have the roll rectified through the commission's usual procedures for checking.

The Bill provides standard requirements in terms of who is entitled to vote, namely, that people must be either on the roll or entitled to be enrolled either under the Bill, the Commonwealth Act or, indeed, under the existing legislation. Electors are also given assistance when they go to the polling booth to cast their vote. It is very important that people in the community understand how their vote can be cast. For example, senior citizens in my electorate, with the approval of the issuing officer at the election booth, will be able to take another person into the polling booth to assist, to act as an interpreter, to explain the ballot paper and the requirements for its marking, or to help the elector to mark the ballot paper, fold it and put it into the ballot box. It is important that senior citizens who want to cast a vote but who have difficulty in doing so on their own be able to obtain approval to take an assistant with them into the polling booth to enable them to cast their vote.

There are a number of forms of declaration voting for people who are unable to attend a polling booth on election day. These are outlined in the division of the Bill dealing specifically with declaration votes. The two most important declaration votes are postal votes and electoral visitor votes. The Parliamentary Committee for Electoral and Administrative Review deliberated for some time on the question of whether electoral visitor votes should be continued in Queensland. The Commonwealth has a system under which only postal votes are cast. Under Commonwealth electoral laws, people who are unable to leave their homes may cast a postal vote. For some years, Queensland has had a system under which the Electoral Commission appoints an officer to attend people's homes so that they may cast a vote in their home. This has been a

valuable service, particularly to people who cannot get assistance to perhaps complete a postal vote in their home. I know that the procedures for explaining to people how they cast a postal vote are often not very clear and, for some people, difficult to follow. There are people who understandably want to cast a vote and are capable of casting a vote but who become confused about the procedures such as putting their ballot papers in envelopes and one envelope in another envelope. For some people, particularly the elderly, that is a bit confusing. Those people will retain the benefit of an electoral officer visiting their home and the ready access to their entitlement to vote.

I note also that the procedure relating to applications for declaration votes, whether they be for postal votes or electoral visitor votes, has been modernised. Under this legislation, a person can apply for either of those forms of vote by facsimile. In other words, if a person signs an application for one of those votes and it is not possible for that application to be received by the Electoral Commission or the returning officer by 6 p.m. on the Thursday before polling day, that application may be lodged by facsimile. That is a significant advance which I am sure will be of benefit to some people, particularly those in the far-flung areas of the State.

Reference has already been made to the new provisions for optional preferential voting. This is a significant change in the voting procedure which people may exercise. However, it is not unique, as was suggested by the previous speaker. It is a procedure which is already in place in New South Wales. Although initially some people were confused about their entitlements as to optional preferential voting, over time it has become a very easy and useful system. It seems to me that, if nothing else, it will assist people in casting a formal vote. I know that on numerous occasions, all members of this House, while scrutineering on election night, would have seen instances in which people wanted to cast a vote in favour of their preferred candidate but not necessarily in favour of anyone else. I am aware of classic fracas that occurred at polling booths when Liberal Party supporters were absolutely appalled that they should have to distribute their preferences to the National Party. They were absolutely appalled that, after voting for their favoured Liberal candidate, they should have to give a second preference to the National Party. They were appalled by that proposition. That is why so many of them went so far as to give their preferences to Labor Party candidates—and sound practice that was, indeed. I support optional preferential voting. It is a good idea that people should be able to identify the one person whom they support and not have to give any benefit electorally to any other candidate if they do not want to do so. In my electorate, where there is no National Party candidate at the moment—and I suppose the National Party will run a token candidate——

Mr Milliner: They can't get one.

Mr WELFORD: The National Party probably cannot get one; that is true. There is a Liberal candidate, and I wish him well. I will be telling the constituents in my electorate that they need only put a 1 beside my name and they will be doing everything that they need to do on election day to make sure that they are very well looked after. This Bill also continues to provide for compulsory voting. In fact, it will be an offence for a person not to cast a vote. I agree with the comment of the previous speaker that compulsory voting should be maintained. The only point on which I differ from him is that people should be required to express not only a view, but also a clear, single view about their preference. There is no disadvantage in that system, because if they still want to distribute preferences and give a sympathy second preference to a conservative party, they are welcome to do so. But this provision at least gives those people who support me and others on this side of the House the opportunity to make very clear whom they support without necessarily running the risk of giving any benefit to anyone else.

There is also in this Bill a very useful provision, for which I commend the Minister and his staff, which protects employees from victimisation in the event that they have to leave their place of work on voting day to go and vote. It is appalling that, in the past, they have been given no protection. Employees who work on a Saturday, and maybe

for long hours, are entitled to reasonable time off to go and cast their vote. This Bill provides employees with that protection.

Mr FitzGerald: Would you recommend that they vote early if they knew they were going to work, rather than take time off?

Mr WELFORD: Unlike the member for Lockyer, some working people in this country actually get up and go to work before 8 o'clock in the morning. The member for Lockyer might have the luxury of sleeping in until 10 a.m. and then crawling off to the polling booth at about 2 p.m. But in case it had not occurred to him, I point out that there are workers who get up early, go to work early and work all day. I oppose the proposal that there be an Upper House. It should be opposed by all right-thinking people.

Time expired.

Sitting suspended from 12.53 to 2.30 p.m.

Debate, on motion of Mr Braddy, adjourned.

CRIMINAL JUSTICE AMENDMENT BILL (No. 2)

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (2.31 p.m.), by leave, without notice: I move—

> "That so much of the Standing Orders be suspended as would otherwise prevent the immediate introduction of a Bill for an Act to amend the Criminal Justice Act 1989 and the passing of such Bill through all its stages in one day."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr W. K. Goss, read a first time.

Second Reading

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (2.32 p.m.): I move—

> "That the Bill be now read a second time."

There has been considerable public comment on the future of Police Commissioner Newnham following last month's finding of official misconduct by the Misconduct Tribunal and its order that Commissioner Newnham be dismissed. The Queensland Police Service has gone through a great deal of change over the past few years. Under this Government, the service has been slowly regaining the community's confidence. Stability is slowly returning to the service in the aftermath of the Fitzgerald inquiry. Ironically, it is as a result of the Fitzgerald recommendations that the future of the Police Commissioner now lies in the hands of the courts. The Fitzgerald report closely considered the role of the Police Complaints Tribunal. Commissioner Fitzgerald found that it had failed to achieve its purpose, so he recommended the establishment of a Misconduct Tribunal with powers to determine cases of official misconduct by police. The Government considers it most important that the position of the commissioner be resolved as soon as possible and in the fairest way possible.

Never before has this Government changed the rules while a process such as Mr Newnham's proceedings was still under way. However, the Government is moving to give Commissioner Newnham every opportunity to clear his name before the Supreme Court, and is therefore taking the unusual step of changing the rules relating to appeals between the time of the announcement of a decision of a Misconduct Tribunal and the expiry of time for filing an appeal. It cannot be legitimately said that this Government has done anything other than give Commissioner Newnham the widest possible grounds of

appeal, and that is what these amendments to the Criminal Justice Act do. The Government is of the view that the present grounds of appeal are too narrow. As a result, I announced to this House on 7 May that the Government intended to extend the grounds of appeal to include error of fact. Before I detail the changes, I remind honourable members of the present provisions in the Act.

The Misconduct Tribunal has two functions. It has an appeal jurisdiction from internal police and public service disciplinary charges, and it has an original jurisdiction in which it decides cases following investigations by the Official Misconduct Division of the Criminal Justice Commission. Acting in its appeal jurisdiction from internal disciplinary charges, the Misconduct Tribunal may "inform itself of the facts of the case and determine the issue afresh"—that is, it can consider questions of fact on appeal. However, when the Supreme Court hears appeals from the Misconduct Tribunal exercising original jurisdiction, there are only limited powers in the court to consider questions of fact. Commissioner Newnham's case was determined by the Misconduct Tribunal in its original jurisdiction. The present grounds of appeal from decisions of the Misconduct Tribunal exercising original jurisdiction are: denial of natural justice, error of law and manifest excessiveness of penalty. The Government considers that it is only fair that any person facing such proceedings by a Misconduct Tribunal should have a clear right of appeal on questions of fact.

The purpose of the Criminal Justice Amendment Bill (No. 2) is to widen the grounds of appeal from decisions of the Misconduct Tribunal in such cases to include the two new grounds of error of fact and that the decision of the Misconduct Tribunal cannot be supported on the evidence given before the tribunal or any new evidence which may be adduced in the appeal. The first new ground allows a court to overturn a Misconduct Tribunal decision if it considers that the decision was wrong because of an error of fact. The second ground is slightly wider. Under it, a court may overturn a decision of the Misconduct Tribunal even if the court is not satisfied that the decision was wrong, but merely if it considers there was not enough evidence to support the decision—that is, the court can give the benefit of the doubt to the appellant and overturn the decision.

The effect of the addition of these new grounds of appeal is that the court may overturn a decision of the Misconduct Tribunal if it considers that decision is wrong because of an error of law, or error of fact, or because of a denial of natural justice, or that the decision is not supportable on the evidence. An appeal on the new grounds requires an appellant to satisfy the court of some cogent reason why the appeal should be heard. The creation of additional grounds on error of fact is contrary to the recommendations of Fitzgerald. Part of the reasons for those recommendations was the need to speedily resolve misconduct cases to ensure stability in the police and public service generally. Wide grounds of appeal on error of fact, without a requirement that leave of the court be obtained, would ensure protracted appeals in cases, many of which may be on such weak factual grounds that no reasonable court would overturn the findings. That is why it was decided to allow appeals on the two additional grounds only with leave of the court.

Another important feature of the Bill is that it permits an appellant, with the leave of the court, to adduce new evidence not heard before the Misconduct Tribunal. The court would apply the fresh evidence rule in deciding whether to grant leave. That rule is that fresh evidence may be heard if the evidence could not, with due diligence, have been made available to the Misconduct Tribunal at the time of its hearing, and the evidence must be critical to the appeal.

Mr Harper: It becomes a rehearing?

Mr W. K. GOSS: That is a matter for the judge, as specified in the Bill. Apart from admitting new evidence, the appeal court may also, at its discretion, rehear again some or all of the evidence given to the tribunal. Normally, an appeal court only reads the transcripts of the evidence given by the court or tribunal from which that appeal comes. These provisions are wider than that, so that the appeal court may decide to rehear some or all of the evidence at its discretion. This gives the appeal court an appropriate

degree of control over the proceedings while ensuring fairness. Some people have suggested that the Act should be amended to automatically allow appellants' cases to be reheard in full by the appeal court. To provide for that process in legislation would certainly go against the Fitzgerald reform process. It would mean that every decision of the Misconduct Tribunal adverse to a public servant or police officer could be the subject of an entire rehearing. For example, a case may take two weeks to hear before the Misconduct Tribunal. Should the parties be then automatically entitled to go through the same process again before a court, just because one of them did not like the decision? I do not believe so. Ordinarily, most of the evidence could be gleaned by the court reading the transcripts of the Misconduct Tribunal proceedings. This is how appeals normally proceed. Even in criminal appeals, where the consequences for the individual are so much more serious than in civil or disciplinary cases, there is no automatic right to have the evidence heard again if the defendant is not happy with the decision. The Government is mindful of the need to be fair as between all members of the community who come before the courts for various reasons.

Another point that must not be forgotten is that this process is about official misconduct, that is, about whether an officer should retain his or her job in the Police Service or public sector, or whether some penalty should be imposed for official misconduct. It is not a criminal court, and any suggestion that the appeal court should be able to overturn a decision of the tribunal on grounds similar to those considered by a court hearing a criminal appeal is not legally correct.

The Criminal Justice Commission has advised that five matters have already been determined by the Misconduct Tribunal exercising original jurisdiction. From these, there has been one appeal to the Supreme Court, which was unsuccessful. The Government considers it only fair that this person, and any other persons dissatisfied with decisions of the Misconduct Tribunal who have not had the opportunity to appeal on questions of fact, should be entitled to do so. Accordingly, it is proposed that such persons be given 28 days from the time the amendments come into operation to file an appeal, even though currently their time for appealing has expired. I might digress to also inform the House that I understand from departmental officers that there has been an indication from Mr Newnham's solicitors that they can comfortably lodge their appeal within the original 28-day period which, as I understand it, expires on or about Monday of next week. So, in any event, no further time will be required by his legal representatives.

Mr Fitzgerald was fully aware of the necessity for official misconduct cases dealing with police officers to be speedily resolved. Accordingly, the Government has included a power to remit the matter to the District Court, which will allow speedy determination of matters, should that be necessary. A matter can be remitted to the District Court on application by a party or by the Supreme Court itself. In such case, the District Court has all the powers of the Supreme Court to decide the matter. Under the amendments, the court will have wide powers, in cases where it allows an appeal, to set aside the decision of the Misconduct Tribunal and either substitute its decision for that of the Misconduct Tribunal or remit the matter back to the tribunal with directions on matters it considers desirable for the disposal of the matter. Alternatively, the court may vary the decision of the tribunal. I commend the Bill to the House.

Debate, on motion of Mr Borbidge, adjourned.

ELECTORAL BILL

Second Reading

Debate resumed (see p. 5254).

Mr SANTORO (Merthyr) (2.42 p.m.): The Liberal Party is pleased to generally support this Bill which will provide a clear framework for Queensland's electoral mechanisms. The physical requirements of the reform process undertaken in this State in recent years is drawing towards completion. I think that all of us would agree that this legislation provides for a fair electoral system. As I have said, the Liberal Party will

support the Bill. I will foreshadow a couple of amendments, as the Liberal Party believes that there are some points which are a little unclear, and others which need to be tightened up to prevent possible abuses and to overcome the impracticality of application. I will come to those later.

The current Act, which is to be replaced by this Bill, has served Queensland well. The 1983 Act was formulated after input from all parties. I wish to place on the record my appreciation for the work carried out by the former member for Stafford, Mr Terry Gygar. His contributions to that Act showed much insight into the operation of a fair electoral system. It is a great pity that this House does not contain many more members of a similar calibre. It is appropriate that in such an important debate, the matters concerning the electoral system in Queensland should be dealt with in as unbiased a way as possible.

I will endeavour to be apolitical, but I feel compelled to make one comment about the Minister's second-reading speech. He referred to the previous laws as being regressive and the worst in Australia. This myth has been repeated so often and so loudly that people have begun to believe it. It is an old political trick, and it really does work. Let me make the situation clear: I am not saying that Queensland's former electoral system was perfect, or the best in Australia. Clearly it was not. I point out that because of that system, the Liberal Party was the most disadvantaged of all the parties.

It would be dishonest for honourable members to stand up in this place and say that it was the worst system in Australia. Under the zonal system and the old boundaries, it is true that the number of voters in some seats was three times the number of voters in other seats. In Western Australia, which, of course, is a Labor State, albeit for a short time, some districts have a population six times as large as that in other districts. Of course, even under Queensland's new, fairer boundaries system, the situation in this Parliament would not have been changed very much at all. Based on booth-by-booth figures from the 1989 election, all the reputable computer analyses show the same result. If that election had been held under the new boundaries system, there would have been a difference of only one member, compared with what Queensland has now. The Labor Party would have been down one seat to 53; the National Party would have stayed exactly the same on 26 seats; and the Liberal Party would have had one extra seat, giving it a total of 10 seats. So much for the Labor Party's claim that the zonal system and the way the boundaries were drawn had robbed it of seats! As Malcolm Mackerras quite correctly argues, under a single-member electorate system with preferential voting, the party which wins the election always takes a much greater proportion of the seats than its vote would indicate. Thus, in the 1989 election, the ALP won well over 60 per cent of the seats, with only a fraction over 50 per cent of the vote.

If the people of Queensland accept the claims by the Labor Party of a massive gerrymander in the National Party's favour up until then, they must also accept that somehow, before the 1989 election, the system strangely changed allegiance, and became a gerrymander in the Labor Party's favour. It is worth noting that most Governments in this country, including the current Federal Government, were elected with less than 50 per cent of the vote. In Western Australia, the ALP won with 47.5 per cent of the vote, in South Australia with 48.1 per cent, and in Victoria with 49.5 per cent of the two-party preferred vote. So even after the distribution of preferences, there was still no party with over half of the vote.

Even more ludicrous is the situation federally, with the Liberal and National Party coalition actually "winning" the 1990 election in terms of the actual total number of votes cast. The Liberal Party gained nearly 400 000 more first preference votes than did the ALP, and still held a majority of votes after the distribution of preferences. But because of the way the boundaries were drawn, the ALP in the Federal arena—in all the States—had an advantage. Is it not funny that when the electoral boundaries favour the ALP, we do not see the ALP pursuing the media on the issue, as it does when the boundaries supposedly favour the Liberal and National Parties? Of course, all this proves is that our system tends to deliver government in such a way that the party with

greater support—and more evenly spread—gets an even greater number of seats, and a party with lesser support gets a much smaller proportion of seats.

Mr Ardill interjected.

Mr SANTORO: The Liberal Party's current state is a good example of that. In 1989, the Liberal Party won almost 25 per cent of the vote, yet it gained only 10 per cent of the seats. I should add that it did not run a candidate in every seat. The honourable member for Salisbury is correct. If the Liberal Party had contested more seats, including many that it could not have won, it is reasonable to assume that the 25 per cent share would have been much greater—perhaps closer to 30 per cent or 35 per cent. As I said—despite provocation from members opposite—I do not want to be political in this debate, but the facts must be made clear so that people are not conned by members opposite. This Bill will not remedy those sorts of problems, and people must be made aware of that. If honourable members would like to read an excellent analysis of the problems of electoral unfairness, I recommend to them an article by Mr Allan Pidgeon in the IPA Review, volume 44, No. 4 of 1991.

However, after the Fitzgerald reform process had begun, it was clear that our electoral system and the laws which governed it needed to be reviewed. That has now occurred, and this Bill is the product of that review. The objectives of the Bill are laudable: to provide for free, fair and regular objectives, and to provide mechanisms for review to ensure that there is continuing public confidence in our electoral system. The Bill is quite detailed, though in some areas not as detailed as its predecessor. It is, however, written in plain English and is easy to understand, as all our laws should be. The Liberal Party agrees with most of the provisions of the Bill, some of which I wish to mention. We most certainly agree with the retention of preferential voting, as we believe that people have a right to express an order of preference for candidates. Under the first-past-the-post system, it is quite conceivable that someone scoring only 10 per cent or 20 per cent of the vote could win if there were sufficient candidates to make that person the one with the highest individual tally. This is clearly not acceptable in a civilised society. However, optional preferential voting is another matter, to which I shall refer shortly.

The Bill provides for the establishment of an Electoral Commission and a Redistribution Commission, both of which are to be independent of the Government of the day. These commissions will play a valuable role in increasing public confidence in the system and in educating the public as to the workings of our system and the drawing of electorate boundaries. A couple of interesting but sensible changes relating to ballot papers are also being made in this Bill. It is quite ridiculous that in a political system of which parties are the basis, we have not been able to print a person's party alongside his or her name. For the first time, this Bill allows a candidate's political affiliation to be shown. This is a commonsense move that will be applauded by the public. The second is perhaps a little more contentious, but nonetheless supported by the Liberal Party. That is the provision for places on the ballot paper to be decided by a random draw rather than by alphabetical order. Whether this means an end to the political career of a well-known candidate by the name of Aaron-Masterton, I do not know, but for someone whose name is Santoro, I assure members that this move is a good one. It introduces more fairness—albeit with something of a gamble—to the ballot paper. I believe that most candidates will appreciate that.

There is one provision in the Bill with which the Liberal Party agrees and of which I wish to make specific mention. That is where the Government has decided to reject an EARC recommendation relating to electoral visitor voting. The EARC report recommended that electoral visitor voting not be retained in the new Act. My electorate of Merthyr, and the new electorate of Clayfield in which I am running, contain many elderly and infirm constituents. They cannot get to a polling booth, and either do not want to make a postal vote or are actually incapable of doing so, but they still want to fulfil their community obligation to vote. The original EARC recommendation did not take this into account. I suggest to members opposite that that was a mistake. At this stage, I pay tribute to someone who did a great deal to have that mistake fixed, that is, the

Liberal Party's candidate for the seat of Mount Gravatt, Allan Pidgeon. I am pleased to say that I have known Allan for many years. I believe that he is a great Queenslander, a great candidate, and will be a great member for Mount Gravatt after the forthcoming election. Allan Pidgeon—already servicing his electorate—undertook a survey in Mount Gravatt about electoral visitor voting.

Government members interjected.

Mr SANTORO: I ask members opposite to listen. Mr Pidgeon surveyed those who had made use of this service in the past. Of the 146 people who took part, only three were not worried by the proposed abolition of electoral visitor voting.

Mr Beattie interjected.

Mr SANTORO: I wish to relieve the member for Brisbane Central of his ignorance and inform him that, in the Mount Gravatt electorate, there are far fewer electoral visitor voters than there are in his or my electorate.

Mr Beattie: That is not true. We have more.

Mr SANTORO: That is what I am saying. The electorate of Mount Gravatt has far fewer voters who vote in that way than we have in our electorates. Being a very hardworking candidate, Mr Pidgeon surveyed them all. The member for Brisbane Central can take that however he wishes. However, that works out to 2 per cent unconcerned and a massive 98 per cent opposed to the change. One can presume that those who could not return the survey form would also be unable to apply for and return a postal ballot. Indeed, most of those surveyed expressed strong support for the EVV system, and many suggested that any change could make it very difficult for them to exercise their right to vote. In his submission to the parliamentary committee, Mr Pidgeon stated—

> "Under our present system of compulsory voting, there is a very heavy onus on electoral authorities to ensure that every voter is given the opportunity to cast a vote. This obligation includes offering assistance to overcome obstacles which might otherwise prevent eligible electors from casting their vote."

That EARC's recommendation was overturned was in no small way due to the efforts of Mr Pidgeon, and I wish to thank him for his thoughtfulness and concern for the less able members of society. All of these areas have total support from the Liberal Party. But I turn now to proposals which do not have our support. Rather than just state our disagreement, I want to explain why we believe they can be improved, and what the planned improvements are. I trust Ministers and other honourable members will listen with an open mind. Firstly, and perhaps of greatest importance, there is the change from compulsory preferential voting to optional preferential. As I have already stated, we support the retention of the preferential system, in opposition to suggestions of a first-past-the-post or proportional system. I have outlined the problems with first past the post, but the proportional representation system has a growing number of supporters. The problem with this system is that, in a practical sense, it tends to lead to unstable political situations and a proliferation of minor, one-issue parties. In many cases, these minor parties hold the balance of power, giving them an influence completely out of proportion to their electoral support. And, of course, it is a lot more difficult to work out, and it takes longer for results to be known. All up, proportional representation is not the way to go. But neither is optional preferential, if a system of compulsory voting is retained.

Australia is one of a small number of countries which have compulsory voting. The others are Belgium, Greece, Luxembourg and Venezuela—a strange mixture, if ever there was one. As all honourable members know, the Liberal Party is a party of the individual, and of free will. This is a philosophical approach, and one which brings us to the conclusion that we should not compel people to do something they do not wish to do. So, philosophically, the Liberal Party opposes compulsory voting. But, perhaps more importantly, there are practical reasons why voting should become voluntary, or optional. In any discussion of the act of voting itself, there is no compelling argument one way or the other why the integrity of the system depends on whether voting is

compulsory or voluntary. Community cynicism about the political process is fuelled when electors are forced to make a decision on parties or candidates for whom they may have little regard, or little faith in their ability to solve pressing problems. To ignore this growing trend is to bring the whole political system itself further into disrepute. Compulsion, in this instance, adds nothing to the political process—indeed, it can further damage it. The system could well become one in which parties try to demonstrate not that they have the answers, but that they are not as bad as the alternatives. This is quite counterproductive in the long term and will lead to the destruction of our political system.

Those who argue for compulsory voting frequently point to the low level of turnout where voting is voluntary such as occurs in Britain and the United States and claim that this low turnout lessens the legitimacy of the elected Government. This is quite illogical, as it simply does not follow that those who have no interest or preference could be compelled to make a considered endorsement of the contenders simply because they are told they have to fill out the ballot paper. Political parties must be expected to convince the electorate of the merits of their case. If no political party or candidate is able to do so, there is no reason why electors should be compelled to make a choice.

In essence, compulsory voting forces those without an opinion to express an opinion—an opinion they simply do not have! This undermines the legitimacy of the political process and should not be allowed to do so. For those reasons, the Liberal Party opposes compulsory voting. That brings us to the next extension: compulsory preferential voting. It seems quite bizarre that, on one hand, this Bill is telling people they must vote and express a preference they may not have, but, on the other hand, that they can then choose to opt out of the preferential system. If the preferential system is to be retained, and compulsory voting is to be retained, the obvious step is to retain compulsory preferential voting also. I cannot help thinking that the move towards optional preferential voting is really a compromise, which meets somewhere in the middle between those who want compulsory voting and those who do not. So, as occurs in most compromises, we have been delivered a plan that does not fit together properly. Our electoral system should be either all voluntary or all compulsory. The Bill takes a two-bob-each-way approach and comes up with a most unsatisfactory result. The overall result of this move will be great confusion for those counting ballots and those acting as scrutineers and could lead to a much higher mistake rate and, therefore, more recounts.

The Liberal Party also disagrees strongly with the proposition that the size of the Parliament be left at 89—although it is relieved that the ALP's suggestion of an increase of 10 members was quickly tossed aside. Contemporary Queensland politics has seen the size of this Parliament vary from time to time, according to the whim of the Government of the day. Since 1985, we have had 89 electorates. At that time, the Liberal Party argued there was no justification for increasing the size of the Parliament from 82 seats. That remains its position today. It is not adequate to assert that increasing numbers of electors justifies an increase in the size of the Parliament. If that were so and we were to provide electors with the equivalent ratio of representation they enjoyed in 1960, Queensland should now be considering a Parliament of over 150 members. That is plainly stupid. The maintenance of the status quo is never, by itself, reason enough to go down a particular road. The Liberal Party believes 82 seats would be sufficient. On present numbers, that would see only a very slight increase in the average numbers of electors per electorate—up from 20 171 to 21 893. In New South Wales, the average enrolment is 32 504, and in Victoria, 31 514. Thus, it can be argued that we have too many electorates for our population base. For that reason, the Liberal Party believes that 82 seats would be sufficient and that there is no justification for increasing the number of seats until the average enrolment reaches the 30 000 level.

It is interesting to recall the ALP's commitment to smaller government. Not only has the public service increased by about 5 000 people since the Goss Government came to power, but now it wants more politicians as well. So much for smaller government! There are also several procedural matters which need to be raised, and I will cover these

in considerable detail at the Committee stage. We are now, of course, using a joint Federal/State roll, and that is of concern to many members and candidates. I suggest to the Minister that, after this year's State election, a review of the operation of the joint roll be conducted. The flow of information from Federal authorities seems to be quite slow, and the detail included on the joint roll is less extensive than that previously on the State roll. There is no need to take a backward step in the name of uniformity. I note the provisions relating to the appointment of members of the Electoral Commission, in particular the stipulation that such people not be members of a political party. That has been done, no doubt, to avoid the perception of political bias, and to provide a perception of independence. That is admirable, but, as honourable members all know, some people with very strong party-political views are not members of the party they support. I just want to make the point that true independence and lack of bias will be almost impossible to enshrine, and a lot of faith is being placed in the individuals appointed. Because of that, it is vital that all political parties agree with the choice of commissioners. This Bill states that, prior to appointment of a commissioner, the Minister must consult—I repeat "consult"—the leader of each of the parliamentary parties. That does not go far enough. It is quite possible to consult with the leaders and to disregard their objections. The Liberal Party will seek to amend that clause to ensure that agreement of all party leaders is reached before an appointment is made. I would expect that this amendment will have tripartite support.

I am sure that all honourable members recall the commitment of the Labor Party to securing the agreement of all the leaders for appointments to the Criminal Justice Commission and EARC. The precedent has been set and it should most definitely be followed in this instance. It is especially vital in relation to the people who will be responsible for the conduct of elections and the drawing of boundaries that all parties support the nominated commissioners. A lack of support of the commissioners by any party would lead to a public perception that the Government of the day had rigged the system. This must be avoided and the way to avoid it is to enshrine in the legislation the requirement that all appointees must have the support of all party leaders. It is vital that our electoral system be held in high regard by members of the voting public . For this reason and others that I have outlined, the Liberal Party supports the thrust of this Bill and has suggested the changes which I have outlined and which I trust the Minister will consider.

Before I complete my speech, I place on record my appreciation to the Minister for making available the services and the advice of the Electoral Commissioner, and to the Electoral Commissioner, who I note is in the lobby, for affording his time to the Liberal Party, through me, to prepare for this particular debate. Any remarks that I have made about commissioners should in no way be taken as a reflection on the current Electoral Commissioner. He is regarded as a person of the highest technical and moral capability, and we look forward to working with him and his officers in the course of the forthcoming election and beyond.

Mr HOLLIS (Redcliffe) (3.02 p.m.): It is a pleasure to speak to what is without doubt one of the most important Bills to come before this Parliament. This Bill continues the reform process of the Goss Labor Government—a process that has extended to all areas of government in Queensland. Yesterday, I addressed the teachers, students and parents of the Redcliffe State High School and I was able to reflect on reforms in the education area, such as the disbanding of the Mary Street bureaucracy, the regionalisation of the education system, school support centres, the abolishment of the TE score, the teaching of languages other than English, and many more reform initiatives, including the cooperation between high schools and TAFE. It interesting that the Redcliffe State High School has continued with the teaching of the Japanese language to such an extent that it has a very forward-thinking Japanese teacher, Margaret Lee, who will be taking over 120 students to Japan in the near future. The other interesting point when talking about the reform process is that the Redcliffe State High School is also a campus of the TAFE college at North Point. Amongst all high schools in Queensland, this school is noted as being the doyen, the one school that has actually perfected the method for bringing TAFE and high school education together.

Last week, Margaret Lee attended a conference in Melbourne at which the Redcliffe State High School was applauded for its forward-thinking approach in these areas.

The reform initiatives of this Government in the area of health are again highlighted by regionalisation, the abolishment of hospital boards and the bringing of health services closer to the people who require them.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I ask the honourable member for Redcliffe to explain to the House what relevance a discussion on health has to the Bill.

Mr HOLLIS: With pleasure, Mr Deputy Speaker. I am talking about the reform process, and in just a few moments you will see how these other reforms link in with this very wonderful reform at this school. I am talking about these other reforms so that honourable members can get the whole picture of the reform initiatives that have been taken by the Goss Government since 1989. The ongoing reforms in health at the Redcliffe Hospital include a very successful day surgery unit. Last week, the Commonwealth and State Governments supported this initiative with a grant of $379,000 to further improve the quality of this service to the people of Redcliffe. We have seen reform initiatives in the training of nurses and, most importantly, in the granting of increases in wages to bring nurses' wages and conditions to a position——

Mr DEPUTY SPEAKER: Order! I suggest to the honourable member for Redcliffe that he return to the contents of the Bill.

Mr HOLLIS: I am about to return to the Bill. This initiative will bring nurses' wages and conditions to a position comparable with that of nurses in other States. The second stage of health reform and planning has now commenced with the production of a discussion paper from the Sunshine Coast region——

Mr VEIVERS: I rise to a point of order. How health has anything to do with the Bill that we are debating is beyond me. The honourable member has talked about nurses, health and schools and he has been all around but nowhere near the Bill.

Mr DEPUTY SPEAKER: Order! I uphold the point of order of the honourable member for Southport. I ask the honourable member for Redcliffe to return to the contents of the Bill.

Mr HOLLIS: Those are just a few of the reform processes initiated by the Goss Labor Government in this State since 1989. I return to the Bill before the House. This is another worthy reform of the Goss Labor Government. From the bleating of members of both the National and Liberal Parties, the effect that optional preferential voting will have on their pre-election prospects is particularly noticeable. How often do constituents say to any member in this House, "Look, I wanted to vote for you, but I did not want to vote for those other two galahs because I do not even like them"? This Bill actually gives people the opportunity to choose the person they really want to represent them in the Parliament.

Mr Beattie: They don't like that over there.

Mr HOLLIS: They do not like it. Last week, the State Director of the National Party stated on radio that it will be impossible for the Nationals and Liberals to win Government again in this State with optional preferential voting. I add to that by saying that it will be impossible for the Liberals and Nationals to ever win Government again whilst they persist with their knock, knock, knock approach and their obvious lack of policies to put before the people of Queensland.

This Bill gives me the opportunity to comment on the untruthful and negative qualities displayed by the Liberals in the electorate of Redcliffe. Only last week, an advertisement appeared in the *Peninsula Post,* and I will take this opportunity to say a few words about it. It referred to the Redcliffe Hospital losing 100 beds under one option being considered by the regional health authority. It failed to say anything about the very many positive aspects and policies that the regional health authority has produced in the discussion paper. The Liberals choose to continue their negative attitude by taking a minor statement from the report and using it in an advertisement to discredit myself.

Mr SANTORO: I rise to a point of order. I normally do not take these sorts of points of order, but the honourable member is being totally irrelevant. He is not addressing any aspects of the Bill.

Mr DEPUTY SPEAKER: Order! The honourable member for Redcliffe will return to the contents of the Bill, or I will ask him to resume his seat.

Mr HOLLIS: This relates to the contents of the Bill, Mr Deputy Speaker, because I am talking about a clause which refers to misleading advertising. The very same advertisement goes on to quote from an outdated CJC report naming Redcliffe as having the lowest ratio of police to population in this State. It suggested that the residents of Redcliffe are not being adequately protected, and that is false and misleading advertising. The thrust of the provisions of this Bill relating to misleading advertising will be applauded by both politicians and the general public. It is a pity that the legislation in this regard affects advertising in the election period only, but at least we are now going to combat some of the outrageous advertising that appears during election periods. I previously mentioned an advertisement in the *Peninsula Post* that was at best mischievous and untruthful and at worst deceitful and misleading. Before the next election is called, the authors of this type of advertisement will be well advised to read what will become the Electoral Act 1992.

In this day and age, I do not believe that to win elections it is necessary to vilify an opponent. In fact, it is a matter of record that in his capacity as a local alderman the National Party candidate for Redcliffe recently attended my re-election launch. He did so in the spirit of goodwill. The Bill will also prevent comments of a false nature being made as to the personal conduct or character of a candidate. These are well overdue reforms that will enhance the nature of elections in this State. The Bill also continues the reform process in electoral redistribution. For the first time in decades, Queensland will be going to the polls on fair and equitable electoral boundaries. Importantly, the Bill provides for further redistribution as the circumstances warrant. We will not have the situation in which, under previous boundaries, members were expected to serve in excess of 30 000 electors. I think that all members of this Parliament would applaud a redistribution that shares the workload among all members of the Queensland Parliament instead of having an inequitable process whereby one member serves 30 000 constituents and another member serves only 8 000. The Bill also encourages suggestions from persons or bodies that wish to contribute to a redistribution and, thus, the process of continuing electoral reform in this State.

It is encouraging that electoral visitor voting is continued in this Bill. I know more than 500 Redcliffe electors who use this method of casting their votes and who will welcome the fact that they will still have the opportunity of being cared for by their respective members and candidates. I believe that this is not only a service provided to our aged and disabled, but also that it gives people the opportunity to ask questions on electoral matters and on the policies of members and candidates. In fact, in the lead-up to the referendum, I had the pleasure of calling on many of my constituents who cast electoral visitor votes. I am sure that not only did I benefit from hearing their views but also that they gained an opportunity of discussion that would be denied to them if this type of voting were discontinued. It is a very important part of Queensland's electoral system.

The point made by the Minister in his second-reading speech in regard to the presentation of the Bill should be noted by all who prepare legislation. This is legislation that anyone can read and understand—even members of the National Party. This surely will deprive of excuses those who choose to flout the law regarding improper acts and advertising. As I said at the commencement of my speech, without doubt this is one of the most important Bills to come before this Parliament. The Minister and his staff are to be congratulated on bringing together a Bill that will set the pace of electoral reform in Australia and will be a model for other Legislatures. I support the Bill.

Mr GILMORE (Tablelands) (3.11 p.m.): In general terms, with a couple of exceptions, the Opposition is comfortable with this legislation. I wish to express my happiness with the plain English drafting style. It was long overdue, and I congratulate

the Minister on it. It certainly makes the legislation easy to read and understand, and I am quite sure that it will go a long way towards solving some of the problems that have arisen in the past in terms of elections and the conduct of voting in this State. However, a number of issues were raised in the Minister's second-reading speech, such as optional voting, which I wish to discuss. I know that this issue has been canvassed by a number of earlier speakers, but I wonder whether EARC had a mandate to stick its nose into this particular area of electoral practice in Queensland. There was no suggestion whatsoever by Fitzgerald that preferential, first-past-the-post, and optional preferential voting should be considered. I believe that preferential voting is the norm for the rest of Australia. I note that in the Minister's second-reading speech he went to great lengths to make the point that voting procedures should be made uniform throughout Australia. I wonder why the Queensland Government has chosen to act in a way that is diametrically opposed to the way in which people vote at State and Federal elections, particularly in regard to the marking of the ballot paper itself. While the Minister obviously meant well in making those comments, there is in fact a vast contradiction between the practical application of what he said and what he meant.

It is important for me to raise this subject because, first of all, there was no need for EARC to make a recommendation on this subject at all. There was nothing wrong with preferential voting. After all, optional preferential voting is similar to being half pregnant: it is neither one thing nor the other. With a ballot being conducted on the basis of first past the post, the very serious difficulty of manipulation of the poll arises. In Queensland prior to 1957, when that method of voting applied, there were numerous examples of manipulation and there were all kinds of spurious, so-called independent people put up by parties on both sides of the political fence in an attempt to confound the political will of the electorate at large. Put simply, it meant that if there were 10 candidates, the person who was elected ultimately to Parliament could be elected by winning 10 per cent of the vote, plus one. There can be no question about that or about the fact that a manipulative atmosphere is brought into electoral law in this State by that type of voting system. I believe that would be very unfortunate. Queensland moved away from that system to the preferential voting system which, by its very nature, allows for the clear determination of the will of the electorate.

Mr Milliner: That was manipulated by political parties.

Mr GILMORE: I do not know how, other than by green candidates, for example, saying, "We will give you our preferences", or otherwise. Quite clearly, that is a political ploy and can be seen as manipulation of the system. Quite clearly, optional preferential voting is open to the same kind of manipulation. In my electorate of Tablelands, the Tully/Millstream hydro-electric scheme is being considered. As a National Party candidate, I have indicated my view that the scheme should proceed. I believe that a green independent candidate will nominate against me. The manipulation will come when that green candidate goes to the Australian Labor Party, to Bill Smith, to some other party or to me and says, "If you take a stand on this issue or if you are prepared to follow our line on this issue, we will or will not provide you with our preference, because now we have the option of giving no preference." That is a clear manipulation. It is very, very unfortunate.

Mr Milliner: You are arguing against yourself. You are saying that a green candidate could run and give his preference to another candidate. Under the system now, you can say to any person who wants to vote green, "Go ahead and vote green and don't distribute your preference."

Mr GILMORE: I have already agreed that manipulation can occur both ways. I am suggesting that, if we continue with preferential voting, we will have a clear indication of everybody's preference—whether it is a sixth preference or a first preference. At the end of the night when we have a two-party preferred candidate, we will have a clear indication of the will of the electorate, that is, the way that they viewed those people in terms of their preference. In addition, when people move from one voting arena to another—whether it is Federal or local—some difficulties are likely to arise because those people are not offered the same sorts of preferential arrangements. Although in

his second-reading speech the Minister went to a great deal of trouble to say that, in terms of the tick and the cross, it is important to have similar voting methods, we are sweeping all that out and throwing it away by using optional preferential voting.

That brings me to the next point, which is the tick and the cross. I have had a look at the legislation and it concerns me. I cannot support the suggestion that the first preference could be a tick, a cross or whatever provided it is a clear demonstration of the person's voting intention. For goodness' sake, this is 1992. All electors have been to school at one time or another, and they can all count from one to ten. It seems to me that it is once again abrogating our responsibility as legislators and the Minister's responsibility of making sure that voting patterns in Federal, State and local elections and, God willing, in referendums are equal or comparable so that, when I vote at any election, I should be able to write 1, 2, 3 or 4, depending upon the number of boxes, and make a valid vote. The Minister has confused the issue by saying that half the electors are too damned stupid to write 1 on a piece of paper. The Minister says that those people can mark A, a tick, a cross, a question mark, or who knows what as long as it is different from the 2, 3 or 4; or if they have decided to take the option not to give their preference and only a single mark on the paper is required, people can put a squiggle in one square. All of a sudden, that is a valid vote. It is a matter of my own philosophical bent, but I think that the Minister is understating and underestimating the capacity of the electorate to cast a vote.

Mr Milliner: Have a look at the informal vote at the last State election. It was 3 per cent. The informal vote at the referendum was 0.4 of 1 per cent. That speaks for itself.

Mr GILMORE: What is the point that the Minister is making?

Mr Milliner: If you give people a greater range of options, you reduce your informal vote.

Mr GILMORE: I would like to take the Minister up on that. I wonder how much of an option the Minister will give people. For God's sake, will he let them write their own ballot paper? If we take this system to its logical conclusion, we will end up with Rafferty's rules. I raised the point because I think it is unfortunate and that recommendation should not have been followed.

I turn to the issue of postal votes. Recently, I spoke to the Electoral Commissioner about the matter. During the referendum, some major problems were experienced in the electorate of Cook, for example, with people receiving applications and being unable to return their postal votes on time. It seems to me that we still have not learnt from previous mistakes. As I understand the Bill, it allows for a minimum time from the issue of the writ to polling day of 26 days.

Mr Milliner: Minimum.

Mr GILMORE: That is a minimum. Let us assume that we will have a 26-day election campaign. I do not know how many times I and my colleagues who come from and understand the remote areas have to say in this Parliament that it is very difficult for people who live in remote areas and who have a once-weekly mail service. The member for Cook is in the Chamber, and I am sure that he will vouch for this: not only do some of those people not get a once-weekly mail service because the mail plane does not land on their property, but also, very often, they are an hour's drive from the place where the aeroplane does land. Because of wet weather or because they are mustering, it might be simply impossible for those people to get to the mail. If the Premier were to choose to declare an election on a Monday—or even on a Thursday—it would simply be impossible for the Electoral Commissioner to put applications into the mail plane on the next Wednesday. It could well be 15 days before anything happened in respect of those remote areas because of the once-weekly mail service.

When people get the form off the aeroplane, they will not necessarily be able to return that form on the same mail plane. That in itself is a major difficulty. I wonder why the Minister did not address some of those problems. Earlier, the Minister told me that, if people have a telephone, they have a fax. The simple fact of the matter is that many of those people do not have a telephone. Let us assume that they all do. Many of them are

not in the financial position to have a facsimile machine. They are an expensive little item. Why can we not simply say to those people, "Ring us up. You can make a telephone application and we will provide you with the form"? There is no problem with that in a bureaucratic sense, because once the form comes in it still has to have the declaration on it.

Mr Milliner: You have got to have a signature on it.

Mr GILMORE: The Minister misses the point. Of course, the signature has to be on the final issue—on the vote.

Mr Milliner: It has got to be on the application form, too.

Mr GILMORE: I know. The Minister went to a lot of trouble to say that the signatures would be compared. However, this legislation, as it is structured, will inevitably disfranchise a number of people in remote areas of Queensland. The Electoral Commissioner has given me an undertaking that he will be contacting everybody who is a registered postal voter on the Commonwealth roll. A number of people are not currently registered as postal voters. Might I very humbly suggest to the Minister that it might be appropriate for him to contact all of the people in remote electorates such as the electorate of Cook. In that electorate, there are people on remote islands, in remote communities and on remote cattle stations. It would not cost this nation much in postage simply to write to everybody on the roll whose postcode is not that listed for Mossman, Georgetown or one of the other major community areas, and send them an application form saying, "If you fall into this category, please, for God's sake, send us this. When a poll is declared you will automatically receive in the mail a voting form." Not only would that be a very worthy action but also it would fulfil the things that the Minister and the Government are attempting to address in this legislation. I would appreciate the Minister's answer to that at a later time. I am sure that, when the Minister considers that point, he will find it to be a very worthy suggestion indeed.

This Bill contains a clause dealing with police permits and police dealing with people who are working on polling booths. In my experience, there must be somebody to whom one can appeal. Ten people for one political party, or for one candidate—I will leave the politics out of it and talk about one candidate—might gather around the front gate handing out how-to-vote cards and harassing the crowd. Everybody else who has a permit stating there is to be a maximum of two people handing out the cards is at a considerable disadvantage. Under this legislation, it is suggested that the members of the magistracy are the people who would be called upon to adjudicate those kinds of difficulties on polling day. What about if the magistrate has gone fishing?

Mr Milliner interjected.

Mr GILMORE: They almost inevitably did.

Mr Milliner: None of the permits that I have ever got for election day have ever stipulated the number of people you can use to hand out how-to-vote cards.

Mr GILMORE: I can assure the Minister that the permits issued in my electorate have always stipulated that there must not be more than two persons at any one time.

Mr Milliner: What if you have got three gates at the school?

Mr GILMORE: That number relates to the number of persons per gate. It is quite clearly written on the permit. In the past, we have had to sort that out. Under this legislation, someone will have to find the magistrate, who is not necessarily the returning officer and who will not necessarily be in town. He could be off fishing. A major confrontation or difficulty could arise at the front gate of a polling booth. I wish to address a number of other matters, but I am running out of time. Under this legislation, prisoners will be given a vote. I find that very difficult to deal with. Once again, I suppose it is my National Party bent. One would have thought that persons who were incarcerated at Her Majesty's pleasure would not be given the privilege of a postal vote. I thought that when people went to gaol in Queensland and, indeed, in Commonwealth countries, they lost their privileges as members of the community. Under this legislation, they will be given a vote. I cannot agree with that. That is a very unfortunate step. I

wonder what other privileges the Minister will return to persons who are in his tender-loving care.

Mr Milliner interjected.

Mr GILMORE: I cannot take the Minister's interjection; I have too much to talk about. I refer now to the provision concerning persons who are disqualified from nominating to stand for this Parliament, the Federal Parliament or local government. The legislation states that a person is disqualified from nominating if he is a member of a local council. I will relate what happened in relation to the Mayor of Toowoomba, Alderman Clive Berghofer, when he was a member of this Parliament. Last March, he nominated for the mayoralty of Toowoomba, and his tenure as a member of Parliament in Queensland ended the moment that the poll was declared in respect of the mayoralty of Toowoomba. Enshrined in this legislation is the provision that the moment a person, such as a Mareeba Shire councillor, attempts to nominate for election to this Parliament, he is a disqualified person. He must resign from his position as shire councillor, go down to the courthouse with his nomination form duly filled in and nominate. If he fails at the subsequent election, he is neither one thing nor the other. This is a most unfortunate clause about which I will speak during the Committee stage. The Minister should contemplate an amendment to ensure that people who are dedicated to their communities by virtue of the very fact that in the past they have stood for political office, council office or whatever else—I do not care what their politics are, I am talking about the basic principle—are entitled to retain their elected position until the declaration of the poll—win, lose or draw. If they win, they end up the way Alderman Clive Berghofer ended up—as Mayor of Toowoomba but no longer a member of the Legislative Assembly of Queensland. Under this legislation, what he did would not be legally possible. Indeed, he would have had to resign from this place prior to the election for the mayoralty of Toowoomba. I believe that the Minister has erred in the drafting of this legislation. It is a principle that is very difficult for me to live with. Therefore, I ask the Minister to contemplate the matter over the next few minutes and respond to it during the Committee stage.

I have raised a number of matters that are addressed by this legislation. I believe some of the provisions are excellent. However, some of the provisions are abhorrent to the proper conduct of elections in this State, but more importantly are abhorrent to the proper conduct of a democratic society. Some of the provisions take away rights and privileges from certain persons who are considered to be important in individual local communities, and are the kinds of people one might indeed wish would sit in this place. However, some of those people might choose not to take that option and, therefore, the Legislature of Queensland could well be denied the service of very influential, important people—people who are able to give, and likely to give, very great service to this Parliament.

Mr SCHWARTEN (Rockhampton North) (3.30 p.m.): When considering this revolutionary reform by this Government, it would pay this House to ponder some of the history regarding electoral matters in this State. If ever there was an issue that has vexed the minds of people who have sat in this House since it was formed, it has been the matter of electoral reform. I listened with a great deal of interest to the Opposition's arguments against optional preferential voting. What few people understand is that up until 1942 Queensland had a system of optional preferential voting. In 1942, the then Forgan Smith Government abolished optional preferential voting— or contingent voting, as it was then known—in favour of the first-past-the-post system. It is interesting to read the debates of the time. Mr Nicklin, who was then the leader of the Country Party in Queensland, steadfastly supported the notion that optional preferential voting was the appropriate system to be applied.

Mr Beattie: He was more enlightened than his successors.

Mr SCHWARTEN: Quite obviously he was. That was the rock upon which the Gair Government was ultimately to perish. Few people understand that the Labor Party actually lost office under the first-past-the-post system. There is a simple reason why that occurred. The DLP effectively split the Labor vote, and under Mr Nicklin the

Country Party vote was able to exceed the Labor Party vote. However, nobody could boast that a majority of Queensland voters elected the first Nicklin Government. That simply was not the case. I well recall the story of how the then Premier of South Australia was sent over to help Mr Nicklin out. Mr Nicklin was discussing doing a deal with the DLP. Sir Thomas Playford said words to the effect, "You need locking up", because Playford could see exactly what would happen as a result of the Labor Party vote being divided. Nicklin, of course, soon woke up to the fact that that system could equally work against him, and preferential voting came into Queensland in the 1960 elections. The Country Party effectively introduced preferential voting, and I can well understand the National's defence of it here today. One can often win a lot of money from people on the issue of who introduced preferential voting, because many people believe that the Labor Party introduced it. I always say to anybody who questions me on that subject, "Get plenty of money on it", because the Labor Party did not introduce preferential voting in any State or federally.

One of the matters under debate here is the abolition of the zonal system. I fully acknowledge the fact that in 1949 the then Hanlon Government introduced an amendment to the Electoral Act which provided for four zones. So began the notorious gerrymander in this State. It was wrong then, just as it was wrong in 1958, when the Nicklin Government carved the State of Queensland into three zones and 78 seats. At the time, Duggan said that the Nicklin Government had carved up the turkey and was adding to it the seasoning of preferential voting. The fact is that as a result of that zonal system, which has been so refined over the years, a situation has evolved whereby in the electorate of Rockhampton North, in order to be elected, I was required to achieve in the vicinity of 11 300 votes, whereas the member for Peak Downs was elected on approximately 4 300 votes. In other words, the vote of the people of Rockhampton North was worth around a third of the vote of the electors of Peak Downs. In fact, if the number of people who voted for the National Party in the electorate of Rockhampton North had been voting in the electoral district of Peak Downs, they could have well and truly elected another member. In the electorate of Rockhampton North approximately 5 400 people voted for the National Party.

The fact is that that was an unfair system. I defy any honourable member in this House to defend a system that says to people who are less than three hours' drive away from a neighbouring electorate that their vote is worth more than another person's or is not worth as much as another person's. I do not believe that is fair or reasonable, and I do not believe that any fair-minded person could justify the abuse of the electoral system that was perpetrated by the National Party in this State.

Mr Gilmore: Are you sure you're addressing this legislation?

Mr SCHWARTEN: Yes, I am.

Mr Hollis: We always keep to the point on this side of the House.

Mr SCHWARTEN: Absolutely. The fact is that the mainspring of this legislation involves free, honest, regular and fair elections. When the Labor Party took Government in 1989, it inherited a system that was corrupted. Forget about the pork-barrelling that ensured that the children in the electorate of Rockhampton North missed out on reasonable school buildings. Forget about the fact that political appointments in the public service were rife and that green and gold passes were the order of the day. Forget about the fact that paper bags full of cash could buy a tender. Forget about all of those things and think about the ultimate corruption that was perpetrated on the people of Queensland, that is, the pollution of parliamentary democracy in this State. The reason why people in Queensland today have such a low opinion of politicians and of Parliament in this State is simply that there has been a lack of faith in government in Queensland and its application in the Parliament of Queensland. The Parliament of Queensland was seen as a rubber stamp. For instance, the mace once had "Government of Queensland" inscribed on it. The previous Government could not even distinguish the difference between the Parliament and the Government. I put it to the members of this House that there was no difference. It is little wonder that today, through the Green Paper process, few people trust Government. They do not understand the Green Paper

process. They believe that as the legislation has been put to Cabinet, that is the end of the matter. The reason for that is the corruption of this Parliament by the party which is now in Opposition. The reason why people have lost confidence in this State, in their politicians, and in their Parliament is that the party which is now in Opposition used to rush draconian legislation, such as the Industrial (Commercial Practices) Act, through Parliament in two and a half hours. The previous Government was widely portrayed in this State as treating this place as a joke.

If anything is achieved by this Bill, and if anything is achieved by this Government, it will be the type of system that will give people free, honest, regular and fair elections. I refer to what Mr Fitzgerald said in his report. What he said is very simple. He said that one could trace everything back to this place—how people were elected, and how accountable they were for their actions. That is the bottom line. The reforms to the Electoral Act have occurred because there was a Fitzgerald report. There would have been no need for a Fitzgerald report if members in this place had been taken seriously. If people had taken notice of the late Kev Hooper when he named the people ultimately brought to justice by Fitzgerald, there would not have been any need to waste $30m-odd on the Fitzgerald inquiry, and Queensland would not have needed the electoral reform that is now before the House.

Mr Elder: They couldn't stop him.

Mr SCHWARTEN: No, members opposite could not stop him. Only death stopped him. The fact is that in 1959, the first electoral commission in this State was set up under the Nicklin Government. Over a period, that commission was interfered with and it became less and less able to make decisions. The independent electoral commission was so moribund with rules and regulations that it could not work effectively. That is the reason why this Parliament became polluted. People were no longer elected into this place on a fair and equal basis. The legislation establishes an independent Electoral Commission to conduct elections, to report to the Minister on electoral matters, to promote public education on and awareness of electoral matters, to provide information and advice on electoral matters, and to conduct and promote research into electoral matters. It also appoints an independent Redistribution Commission to carry out electoral redistributions. As to redistributions—it is interesting to note what has occurred in my own electorate. Historically, the electorate that I represent was known as Keppel. EARC, in its wisdom, has chosen to again call my electorate by that name. I believe that EARC made a slight error in that in its first report it stated that for historic reasons, the electorate should be named Rockhampton North. I believe that the EARC report should have stated that the electorate should have been named Keppel right from the word go. Thankfully, EARC changed its recommendation. Now that the electorate has been redistributed, it is more like the original electorate of Keppel that was abolished in the electoral redistribution in 1958. Since that time, my electorate has been known as Rockhampton North. It has had only two names. It started off as Rockhampton North, then became Keppel, then went back to Rockhampton North, and now it is again Keppel. The pleasing point about it is that my electorate has always elected Labor members to Government. It will continue in that proud tradition.

I wish to refer to the issue of the Upper House. Previous speakers have canvassed this matter. As I have said time and time again, both privately and publicly, I do not believe in the need for an Upper House. The prerequisite for being a member of the Upper House is the ability to drink brandy and play billiards. Thank goodness that E. B. Purnell and his mates—the suicide squad—abolished the Upper House in 1922. Having seen how Upper Houses in other States have operated, I have yet to be convinced that Queensland would be better off by having an Upper House. In any case, politicians in this State are so badly on the nose that one would never get away with putting more politicians in this Parliament.

Mr Fenlon: They are just as much an obstruction to reform as they were in 1922.

Mr SCHWARTEN: They are. In New South Wales, the Lang Government was a classic example of just how obstructive Upper Houses can be. I certainly believe in a unicameral system. I could mention a number of other matters. However, the issue of the

fairness of a voting system has been raised. I believe that the previous speaker said that an optional preferential voting system is unfair because it would enable people to trade off votes. He said also that it would enable minority parties to say to major parties, "If you do the right thing by us, we will give you our second preference." Under optional preferential voting, people do not have to exercise an option if they do not want to; but under the current system, it is compulsory for them to do so. And unless a voter follows the ticket, his vote is informal. I put it to members that the minority parties are in a better position to trade off votes under a compulsory preferential system than they are under an optional preferential system. An optional preferential system enables people who want to vote for the Labor Party and for no other party to do that. It also enables those people who want to vote for the National Party but not for the Liberal Party to do so, and vice versa. I believe that the member for Merthyr said that the Liberal Party is about free choice. I cannot think of any better freedom of choice than to say to people, "If you want to cast a preference, so be it. Go ahead and do it. If you do not want to, you ought not be discriminated against because you do not want to distribute your preferences. If you just want one vote, you can."

Mr FitzGerald: How about federally?

Mr SCHWARTEN: I have no difficulty with it federally or in this State. It does not worry me. I believe that it is a better system of electing members of Parliament than is the present system. I do not know what effect it will have in the next election and, quite frankly, nor do I believe that anybody else does. It will be very interesting to see how it all pans out, but it certainly does give people a choice.

The member for Merthyr also mentioned compulsory voting. I well remember a President of the United States, Kennedy, who castigated the evil empire of Russia. He said, "You do not have a democracy." Kruschchev's response was, "Neither do you, because you were elected on 23 per cent of the vote. Of the total population, only 23 per cent of the people elected you." That was a valid criticism. Wherever there is a system under which people are not forced on that one day of the year to make a choice, heaven help us, because they will not do it. Until we have decent political education in this State, we will still have an apathetic population. On election day, we will have to do as they do in Britain and hire large buses to drag people out bodily to vote—much the same as in a plebiscite, although I know someone who missed out on a plebiscite by a carload. Unless we want that sort of system, let us stick with compulsory voting.

Today, in the House, a video is being produced that is aimed at educating school children in the political way of the world. If we have an electorate that wants to vote and is informed about it, perhaps we can review our position of compulsory voting. But I would bet any money that tomorrow, if we did not have compulsory voting, members would be appalled by the returns at election time. I do not believe that it is a cornerstone of democracy to suggest that that is okay. People must bear some responsibility for electing the Government of the day. If we have to make them do that, so be it. The reforms that this Minister has enacted are revolutionary. They correct the damage that the previous Government caused the State of Queensland by its gerrymandering, its vote-weightage abuse, its disgraceful manipulation of the people of this State and the pollution of this Parliament. Today is a red-letter day in the history of Queensland. It will go down in the annuls of time as being the turning point in electoral reform in this State. I congratulate the Minister on his tenacity. I also congratulate EARC on its input. I believe that Queensland will be a better place as a result of it.

Mr BOOTH (Warwick) (3.51 p.m.): In rising to speak to the Electoral Bill, I point out that I will not be a candidate at the next election, I will be a voter—hopefully, if I am still alive.

An honourable member: Very wise.

Mr BOOTH: Yes, I will be a wise voter, if I am still alive. In his second-reading speech, the Minister used some very high-sounding phrases. He said—

> "Queensland will have electoral laws which are a model of judicious fairness and which strike the correct balances between the various competing interests which apply in a healthy and fully functioning democratic society."

If the Minister is correct in saying that, this will be the greatest Bill in the world. I do not believe that any other Bill has achieved that aim, and I do not believe that this Bill will, either. To a very great extent, the Minister negated that aim when he decided to have optional preferential voting but compulsory voting. If voting is compulsory, it should provide for a full preference. Earlier, by way of interjection, the Minister stated—and he probably believed it—that to some extent this legislation would cut down informal voting. Clause 113 (3) (a) states—

> "writing on a ballot paper the number 1, a tick, or a cross, in the square opposite the name of a candidate to indicate the elector's first preference for the candidate; and
>
> (b) writing—
>
> (i) the number 2 in another square; or
>
> (ii) the numbers 2, 3 and so on in other squares;
>
> to indicate the order of the elector's preferences for 1 or more (but not necessarily all) of the other candidates."

A previous speaker said that voters would be confused. I think the legislation will cause chaos. The number of informal votes will multiply threefold. Nobody will know what to do. The idea—it is deliberate—is to confuse the voter into thinking that, if he puts a tick or a cross, he cannot continue and choose 2 and 3. After the election, the Government will be criticised severely for this provision.

Mr Beattie: You are scaremongering.

Mr BOOTH: I am not scaremongering. I will bet a casket ticket that the number of informal votes increases greatly. Once a person puts a tick or a cross, unless he has studied the legislation, he will not know whether he can make further choices.

Mr Nunn: A $20 ticket?

Mr BOOTH: Yes, we will have a ticket on it. This provision is crazy and the National Party opposes it. Many of the provisions were included with a view to providing some consistency and an honest and better electoral system, but I do not think that it will work out that way. In his second-reading speech, which was excellent and in plain language that everyone could understand, the Minister stated that the fundamental principles of the Bill are—

> "(a) Protection of the right to vote or to be a candidate.
>
> . . .
>
> (b) Maximum opportunity to exercise the right to vote.
>
> . . .
>
> (c) Preservation of the secret ballot.
>
> . . .
>
> (d) Freedom from influence."

The legislation will provide people with the same freedom from influence when voting as they have always had, and the preservation of the secret ballot is not affected. Those provisions reiterate what is contained in the present legislation.

Mr Stoneman: A bit of window-dressing.

Mr BOOTH: I was not being critical of the window-dressing. However, I am critical of the provision for preferential voting, and I believe that my concerns will be proved to be justified. In his second-reading speech, the Minister also mentioned speedy results. That is to be commended. However, I believe that some returning officers are counting too quickly, which results in many mistakes being made. Not very many mistakes are made in State Government elections, but in recent Federal

Government elections an enormous number of mistakes have been made because the officers have counted too quickly.

Mr Beattie interjected.

Mr BOOTH: Rubbish! The honourable member knows that many mistakes have been made in Federal elections as well as in some State elections. The votes are counted too quickly. The returning officers should be instructed to take it more slowly and to be more effective. In his second-reading speech, the Minister referred to the competency of electoral officers and stated—

> "Electoral officials should have a level of competency sufficient to command the respect of voters."

As a general rule, I believe that electoral officers have sufficient competency and I do not think that that will alter to a great extent. However, if the official is placed under too much pressure to count the votes and is required to count quickly, mistakes will occur. It is imperative that those officers not be placed under that pressure.

Some of the provisions contained in the previous legislation have been retained in the Bill. The electoral visitors have carried out their duties very well. People who are aged and infirm are particularly pleased with that provision. I might be included in that category. Electoral visitors have been accepted well and are in the best interests of the legislation.

As to the Court of Disputed Returns—all members would expect something better than what was dished out to the member for Nicklin when he had to wait 12 months to take his place in this Chamber. It was obvious early in the dispute that a problem existed. If a return is disputed, provision should be made for the matter to be finalised quickly. A member should not have to wait eight to 12 months to take up his position in this Chamber.

Mention has been made of an Upper House. I do not advocate bringing back the Upper House at State Government level. However, I believe that the Federal Government should keep its House of review. As I listened to the member for Rockhampton North, I thought that an Upper House in Queensland would have been a great place for me to reside. He said that being a member of an Upper House was related to how much brandy one could drink.

Mr Elder: And playing billiards.

Mr BOOTH: That is right. I cannot play billiards and I am not a good brandy drinker, so I might not have been suited to that role. It appears that the Upper House was a place in which people drowsed in their beards and generally did not worry about anything.

Mr Beattie: Come on, Des. You want to get into the Upper House. You are unhappy it's not there.

Mr BOOTH: I certainly would have taken up the position. The Electoral and Administrative Review Commission thought that it was proposing a Bill that was par excellence and in the best interests of everybody. I believe that it should not have made recommendations about optional preferential voting. Some members of the Opposition want to talk about the new zonal system and other terrible provisions in the Bill. People who reside in the bush will end up without roads or rail links. It is apparent that, if a Government is to win an election, it has to adopt a Brisbane line philosophy, which is not in the best interests of the State.

Mr Beattie: Nonsense!

Mr BOOTH: This morning, as I drove to Brisbane, I noted the poor condition of the road between Warwick and Brisbane. If the honourable member was aware of its good condition when the Labor Party came to Government, he would be worried.

Mr Beattie: Oh, come on!

Mr BOOTH: It is all right for members such as the member for Brisbane Central who want all the money spent in Brisbane and nowhere else. That road is in a bad way.

Not one section of complete construction has been carried out and there has been hardly any top-dressing. The only work that has been carried out has been a bit of pothole mending, which has reached the stage that it just will not work. That is what will happen under this Bill. When one does away with the zones and with people having some political clout, if they live out in the country it will not matter how they vote. There are enough electorates in Brisbane to enable a party winning them all to win Government. That is the great weakness of this Bill. It is all right for Tony Fitzgerald to say, "We'll put all the votes in Brisbane. That's where Queensland is." Those people who think that Brisbane stops at Moorooka and goes to a line about 20 kilometres north are the people who like Mr Fitzgerald. When Mr Fitzgerald's full history is written, he will have to take the blame for some of the things that are going on in the country districts.

Mr Stoneman: They can't even spell "Burdekin" and "Warwick".

Mr BOOTH: They might not be able to spell them. It is an absolute disgrace that we have a situation in which all of the voting strength is going to be in the capital city. If I have ever seen anything that is going to drag Queensland down, this is it. Can any honourable member, having looked at history, tell me of one nation that disregarded its primary industry base and still prospered? What do honourable members think has happened to Russia? Because of its political system, Russia could not feed itself. This is the type of system that pulled Russia down.

If Queensland is going to prosper—I do not care if all the votes are in Brisbane and if all the Ministers live in Brisbane—we will have to reach a stage at which we realise that Queensland's economic base is in its country districts. Unless Queensland's huge primary industry revenues can be matched by a similar amount of secondary production, that will not be achieved. It is through earnings in the primary industry area that people are going to be able to pay for the imported goods that we require. This type of electoral legislation is the very thing that will smash Queensland's country districts and eventually the State itself. I believe that there has to be some honesty if we are to arrive at the stage at which Queensland is going to prosper. It is all very well for Mr Fitzgerald to say, "The haystacks in the country do not vote and we ought to take that away." He does not tell us what he will replace it with. He will replace it with great dole queues. That is what is happening now and it is not in the best interests of this State.

The registration of parties is probably not a bad idea. We are reaching the stage at which the Independents will have a greater impact in State and Federal politics than they have had in the past. That may not be all bad and it may not be all good. I have never been a supporter of the idea of Independents because I do not think they have any political clout once they are elected. Some funny things have happened in New South Wales in the last few weeks that would make honourable members wonder whether the election of Independents is a good idea. I think that there are perhaps good intentions behind the Bill, but before we start patting people on the back and patting Mr Fitzgerald on the back we should wait a few years and see the results. I believe that history will show that it appeared fair, but that it was not in the best interests of Queensland.

Mr PITT (Mulgrave) (4.04 p.m.): The House today makes history as we alter for the fourth time the voting system used to elect members to the Queensland Legislative Assembly. I have carried out some research and I have read through the EARC report on the electoral system and the appendices in volume 2. A table on page 11 indicates that in 1860 the first-past-the-post electoral system was introduced and that continued until 1892. It was in that year that Griffith introduced the Elections Act. I will quote a section from a book entitled *Queensland Politics During Sixty Years,* which gives an indication of what was thought about the change at that time from first past the post to what was called contingent vote. It states—

> "The Bill provided that, in addition to striking out the names of candidates for whom an elector did not wish to vote, he could show by figures his preference for the candidate for whom he did not vote in the first instance."

I was quite bemused by the fact that a person could actually strike out the name of the person for whom he did not want to vote. Mr Fitzgerald described contingent or optional preferential voting in this way—

> "If more than two candidates are standing for election in a single-member district, and no candidate obtains an absolute majority of primary votes, all candidates, except the two with the greatest number of votes, are considered defeated. The votes cast for the defeated candidates are then distributed (when a preference has been indicated) between the remaining two according to the next preference indicated on the ballot paper. The candidate who, with the addition of those 'contingent' votes, receives the greatest total is elected. The same procedure is followed in successive counts in multi-member districts."

On 19 November 1942, the then Forgan Smith Government, through its Attorney-General Geldson, introduced a Bill. He stated in his second-reading speech—

> "The only other matter in the Bill, which is the principle of the Bill, is a simple amendment allowing every elector when recording his vote to simply place the figure '1' opposite the name of the candidate he desires to vote for. When the elector does that his task will be completed."

That is the simplicity of the first-past-the-post system. From time to time, people have applauded its good points. I am concerned about it. In Cairns, the mayor received only 28 per cent of the votes. I do not think that that is a suitable percentage on which to be elected.

By 1962, there were some changes again in the wind. The conservative Government had had enough of the first-past-the-post voting and compulsory preferential voting. I will take up a point made by the member for Rockhampton North in relation to compulsory voting. I agree with him. In a democracy we have a responsibility for each and every one of us to have a say in the sort of Government we have. I certainly would not agree with the suggestion by the honourable member for Warwick that perhaps we should have voluntary voting. I believe that we get the Government we deserve and I think that it is very important that every citizen take part in that process. If some form of inducement or coercion is required to have that occur, I fully support that. In 1962, when the Elections Acts Amendment Bill was introduced by a former Minister for Justice and member for Toowong, Mr Munro, the thrust of the whole exercise, according to him, was uniformity. An attempt was then being made to make sure that Queensland was not only uniform with the Federal system, but also with most of the States in Australia. He stated—

> "The purpose of this Bill is to give effect to one important principle. That principle is the introduction into Queensland of a system of preferential voting which will be as nearly as practicable on the same basis as the Commonwealth method of voting for election of members of the House of Representatives and which will conform generally with the electoral systems of the other Australian States."

I am not sure that conformity and uniformity are necessary. I note that the ACT has gone through two systems already in the short life of its Legislature and that the Tasmanian Legislative Assembly is elected under a different system altogether. Perhaps electoral systems are similar to beauty in that they are in the eye of the beholder, and those who wish to gain extra leverage from electoral systems will make alterations. That is not the case in Queensland because for the first time this State will implement a system that has been recommended by an independent umpire. When Mr Munro introduced the Elections Acts Amendment Bill, he neatly threw out the system known as first-past-the-post. He stated—

> "The most important result, therefore, is that the new system will do away with the position under our present law in terms of which a candidate may be elected to the Parliament notwithstanding that he received only a minority of the votes and that a majority of the electors might have preferred to have elected some other candidate."

I was quite interested in the differentiation mentioned by Mr Munro between the two systems of preferential voting. In discussing them, he stated—

> "On examination it is found that there is very little to choose between these two systems of preferential voting, but of the two the compulsory system appears to be the better for two reasons. The first reason is that it gives us substantial uniformity with the laws of the Commonwealth and of the other Australian States. The second is that the result gives a slightly more accurate reflection of the wishes of the electors seeing that, in the final result, all formal votes are counted and the successful candidate, therefore, must obtain a majority of all the formal votes counted in the election."

One of the by-products that will result in the passing of this Bill is that it will be quite possible for a person to be elected to this Parliament not having obtained 50 per cent plus of the votes from people in his or her electorate. While I accept the legislation that is before the House, I have reservations about that provision.

This Bill represents Stage 4 in a series of actions designed to overhaul this State's electoral system. These stages were introduced by the Minister in charge of this Bill and consisted of Stage 1, which was an investigation of the zonal system and voting methods—both of which have been well canvassed in this debate already; Stage 2, which was a redistribution of electorates and which immediately brings to my mind the day when the new boundaries were published and the trepidation with which they were met.

Mr Milliner: A very exciting day.

Mr PITT: The Minister is so right. Some people were favoured and blessed, but others were not quite so lucky. Stage 3 was the development of a joint Commonwealth/State electoral roll. I believe that there are still some problems with this and that it will probably take a while to settle down. I am not uncomfortable about these difficulties because I am sure that the system will right itself eventually and will more accurately reflect the people who reside in the electorates served by members of this Parliament. This Bill is Stage 4, and it introduces legislation incorporating all of the stages to which I have referred.

I turn now to the effects of optional preferential voting. I note that the commission experienced difficulty with compulsory preferential voting. The commission's report suggests that in some cases compulsory preferential voting forced voters to invent preferences or to assign rankings to candidates about whom they know nothing. That quite often occurs, but I am not sure about the incidence in country areas which do not usually have a plethora of candidates. However, it frequently happens that someone throws his or her hat into the ring at the last moment and the voters do not know the person from Adam but are forced to assign a preference. EARC found that it is inappropriate for the electoral system to corral votes on behalf of candidates or parties whom electors do not wish to support, but simply consider less objectionable than others on the ballot paper. Page 57 of EARC's report, which was presented in November 1990, states—

> "Clearly the impact of contingent votes was limited. At 16 elections between 1896 and 1935 contingent voting changed the final result in only seven electoral districts, never more than one per general election. Only the appearance of a significant new party, the Protestant Labor Party, changed this."

Optional preferential voting will add a fascinating new dimension to Queensland politics at this year's State election. I notice that the President of the Liberal Party, Paul Everingham, and the Executive Director of the National Party, Ken Crooke, both know that if they cannot convince conservative voters in both parties to number all the squares on the ballot papers, the ALP will have the opportunity of winning almost every marginal electorate in the State. Over the last few days, Mr Crooke has been making forceful statements on the radio in relation to this issue. I tend to think that if the conservative vote is solid, he will have no worries; however, I doubt very much that it is as solid now as it has been in the past.

National Party voters are traditionally highly disciplined in allocating preferences to their sometimes uneasy bedmates, the Liberals. In recent years, there has been a noticeable drift away from the Liberals which has resulted in the Labor Party picking up a significant number of preferences. I was fascinated to discover that Mr Crooke regards this Bill, which really came about as a result of an investigation by an independent umpire, as some sort of plot on the part of the Labor Party. He called it a "ploy by Labor to establish a de facto first-past-the-post system as it was in New South Wales when Labor brought it in there". Earlier this afternoon, the importance of the effect of an educational program was mentioned not only in relation to a general understanding of politics but also in regard to an understanding of any change in the present system. Optional preferential voting will present a major challenge for the independent Electoral Commission. Its task, no doubt, will be to explain the new system to voters in a way that does not disadvantage or advantage any of the major political parties. That will be some trick indeed.

In relation to redistributions—the previous methodology used in this State carried with it frequent claims of political interference. No-one can deny that. During the Fitzgerald inquiry, Don Lane quite clearly indicated that he had some influence over the electoral redistribution in 1985. The legislation does away with that. It takes that role out of the hands of political parties and places it in the hands of the Electoral Commission. I notice in the Bill that not only has the redistribution procedure been taken out of the hands of politicians but also a redistribution cannot be forced at the whim of a political party. Now enshrined in legislation are three statutory triggers for an electoral redistribution. The first is that, if the number of electoral districts is changed in any way, of course there would have to be a redistribution. The second trigger is that there is a requirement in the legislation for a redistribution after a certain number of elections and a minimum time lapse. The third trigger is a significant change in enrolments. I tend to think that clause 39 in Part 3 of the Bill may be the first to come into vogue, because in many parts of our State the population is increasing dramatically.

As a result of the legislation, the ballot paper itself will be different. Under the Bill, the system for the order of candidates' names being placed on the ballot paper will alter. With a name such as "Pitt", which begins with the letter "P", I have always felt disadvantaged by the alphabetical order of names on the ballot paper. The legislation provides that, under the supervision of independent people with representatives of various political parties in attendance, all names will be drawn from those, giving everyone an equal chance of picking up that mythical and elusive donkey vote. The other alteration to the ballot paper is that it is within the realms of the legislation to put the name of a political party beside the name of the candidates. Sometimes, we as members get a bit of an inflated opinion of ourselves and tend to think that everyone in voter land is voting for us, the wonderful gurus. However, I am quite mindful of the fact that most people in an electorate vote for the political party having the best policies on the day, and members' personal influence is marginal, to say the least.

The legislation also clarifies some positions regarding formal and informal ballot papers. There was a suggestion that, because under the legislation people do not have to fill in every square on a ballot paper, the number of informal votes will be reduced. In recent elections, a large number of informal votes were recorded, particularly when referendums were at odds with normal electoral procedures. It may be that some of the trend is due not to inability to cope with the system but to a general disappointment in the electoral process itself.

The 1992 Queensland election no doubt holds great interest for the 89 members of this House. It most surely holds great interest for our respective political parties, but I suggest that it will also hold more than passing interest for students of political history in years to come. It will be the first time that this State has held an election based on fair electoral boundaries that were developed to all intents and purposes on a one vote, one value system. It is the first time that not only the redistribution but also the applied voting system have been formulated by people other than politicians. As members committed to the outcomes of the Fitzgerald process, the legislation deserves our unqualified support.

Mr BEANLAND (Toowong) (4.20 p.m.): Much of what is contained in the legislation has been debated in this Chamber over the past three years. There have been a number of amendments, referendum Bills and motions before the House. The Elections Act 1983, with its constraints, was at the time of drafting a forward-thinking piece of legislation. It is not the type of legislation that I have heard described today by some Government members. I congratulate those Liberal members who played a leading role in the preparation of that legislation. If we were to listen to the Minister's second-reading speech and to other Government members, we would believe that the 1983 legislation was the worse piece of legislation ever thrust upon the people in Queensland or Australia. Yet, in its day, it was a leading piece of reform legislation for elections.

Although the Bill does retain some weightage for some of the far-western electorates, the Liberal Party supports the legislation generally, particularly the abolition of the zonal system. As members of the Liberal Party have indicated previously, we support the Electoral Commission and the process leading up to electoral distributions. The Liberal Party supports the number of members of Parliament being 82 rather than 89. I will have more to say on that shortly. The Liberal Party supports compulsory preferential voting, and I will address a number of points raised by Government members who oppose that and support the optional preferential voting system. The Liberal Party certainly supports the retention of the numbering system against the process of ticks and crosses. Problems were thrust upon the electorate because the recent referendum was held at the same time as the local government elections. I will talk more about that when I speak about the House of Representatives elections, which use a numerical system. The legislation has brought with it an enormous amount of huff and puff, for which the Government has become noted. In fact, that is the Government's trademark. The Government is long on rhetoric and short on action—that is, the lack of decision-making—except, of course, when it sets up committees and inquiries. That is about what we have here with the Bill.

Firstly, I will refer to the Electoral Commission, which is the most important, fundamental and key part of the whole legislation. In particular, I want to say how important it is for the Minister to ensure that the Electoral Commission is properly funded. Without adequate funding, all will fail. It is the key to making the electoral process contained within this legislation work. I say that because of what happened leading up to the referendum. All of us accept that there were a few hiccups getting the Electoral Commission into gear and up and running. In addition, the process leading up to the referendum seemed to be quite slow.

Prior to the referendum, there was an overflow of telephone calls from people making inquiries. I know that for about two weeks prior to the referendum my electorate office, and the electorate offices of other members who have discussed this with me, received an overflow of telephone calls about it. I understand that that occurred because the telephone exchange was intercepting some phone calls or redirecting calls to the various electorate offices. That is fine, except that once the phones became tied up, as mine did day after day with the answering of inquiries, one's constituents were unable to ring their member about normal electorate matters. That proved somewhat of a problem. I mention that because it is a topic about which I spoke to the Electoral Commission. That office is looking into the matter to ensure that, in the future, with adequate phones and computers, such a situation will not recur. That highlights the need for adequate funding and for the provision of adequate resources generally. It is an example of how even the simplest of things can go astray if there is not adequate funding and goodwill on the part of the Government of the day. It is all very well for the Government to say, "We have set it all up. All the machinery is there and it is all going to function. Everything is fine and rosy." If adequate funding is not provided, the whole house of cards will fall down. I cannot impress that strongly enough upon the Minister. When the clauses are dealt with at the Committee stage, I will have more to say about the actual operations of the Electoral Commission and the appointment of people to it.

I turn now to that part of the legislation allowing for ticks and crosses to be marked on ballot papers. It is most disappointing for me to find in the Minister's second-reading

speech the statement that he wants to get some "commonality of voting methods". In that speech, the Minister said—

> "There should be the maximum level of compatibility practicable between ballot marking methods in Federal, State and local authority electoral systems."

I totally agree with that. Section 240 of the Commonwealth Electoral Act dealing with Federal House of Representatives elections spells out quite clearly that the writing of the number 1 in a square is in order and that ticks and crosses are not allowed. That section states—

> "In a House of Representatives election a person shall mark his or her vote on the ballot-paper by:
>
> (a) writing the number 1 in the square opposite the name of the candidate for whom the person votes as his or her first preference; and
>
> (b) writing the numbers 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the person's preference for them."

It is quite clear that, in voting in House of Representatives elections, numbering—and numbering only—is acceptable. That is also spelt out by Commonwealth electoral procedures produced by the Australian Electoral Commission dated February 1992. Those procedures state—

> "A House of Representatives ballot paper is formal if a first preference is shown by the presence of the number 1 in the square opposite the name of one, and only one, candidate, and there are numbers in all the other squares on the ballot paper, or in all but one square, which is left blank. Ticks and crosses render a ballot paper informal."

The situation is quite clear. In spite of what the Minister might say, there is not a commonality of voting methods. There is no commonality at all. That was brought home very clearly in the recent local authority elections, which coincided with the referendum. In those elections, the informal vote for the mayoral election in Toowoomba was some 22 per cent, or 10 560 informal votes. Some 25 356 formal votes were cast for the mayor. Although the mayor received 25 000 votes, "Mr Informal" received more than the second and third mayoralty candidates.

In some Brisbane City Council wards, the number of informal votes was quite high indeed. In view of the Federal provisions, I would have thought that the Minister would have seen the light of day and if he wanted to achieve commonality—if that is actually what he is out to achieve—he would have quite easily done so. It is allowed for under the Federal system and it existed in this State under the 1983 legislation. However, under this legislation commonality certainly will not be achieved. A tick or a cross will be allowed instead of a number 1 on a ballot paper. I believe that will lead to a lot of informal votes, particularly in House of Representatives elections, and to confusion later on elsewhere.

One cannot help thinking that perhaps the Minister is trying to make allowance for the fact that the education system under his Government is lousy and that the standard of literacy and numeracy is not up to scratch. Perhaps the Minister is saying that, because of their standard of literacy and numeracy, some people are not able to cope. I do not believe that is the situation at all. We ought to be serious about this and get back to the situation that has existed in this State for many years, as a result of which a very low informal vote has been recorded. That has occurred because people have become accustomed to the voting system. They have been trained how to vote, they are very much aware of how to vote, and they have the ability to be able to cast a formal vote by using a number 1 instead of a tick or a cross.

There are some other matters I wish to mention briefly, one of which is joint rolls. I have placed on record previously my strenuous opposition to that proposition. As has been evidenced to date, I have some justification for being concerned about adopting the Federal system of joint rolls. I believe that some other honourable members have

alluded to the fact that there have already been a number of hiccups. Of course, I allow a longer period of time for the situation to settle. I note that, in the future, occupations will not be included on the rolls. Our current State rolls do have occupations listed on them. I believe that was a worthwhile addition to the electoral roll. It allowed one to check up on the various occupations of constituents within one's electorate. One would have thought that was fair and reasonable. Because this State is changing to the Federal system—and only because of that fact—that process will not be continued. It is analogous to the situation of changing the residency period from three months to one month before a person is eligible to be listed on the electoral roll of a district. I believe that situation is going to allow for more rorting as far as electoral rolls are concerned. People now can take four weeks' and one day annual leave and register on an electoral roll because they have shifted their place of residence. That could occur under the proposal that four weeks' residency in a place is sufficient to claim residency of that area. That is a state of affairs the ALP is very much concerned with, I am sure, and it perhaps sees some value in it as to how it might be able to defeat this legislation. I, for one, will be paying very close attention to this in various electorates throughout the State, as, I am sure, will other members on this side of the House.

If honourable members examine the preferential voting system, they will see that what is proposed here is an optional system, something that even Labor Party members are concerned about. I notice that the Premier, Mr Goss, is on the record as saying that that system will be on a trial basis only. There is some concern about it on the Government side of the House, as there is on this side of the Chamber. I noticed that a few Labor members who spoke before me were very cocky about the new process, saying what a wonderful feast it is going to be for the Labor Party and how many more seats they are going to win through it. I just add a word of caution, because it may very well be that Labor members are the big losers through this system, as I believe the Premier is indicating when he says it is going to be on a trial basis. If Labor loses some seats through the system, the ALP will be looking at reverting to the previous system. It could be that those green candidates that the Labor Party is starting to rely on so much—as Senator Richardson, the new backbencher from New South Wales——

Mr Quinn: Recently promoted backbencher.

Mr BEANLAND: The recently promoted backbencher, as my learned colleague from the South Coast indicates. At the Federal level, Labor, in winning with 39 per cent of the vote at the last election, relied so much on those green seats and those green preferences. Of course, a number of members of the Labor Party here relied on some preferences last time to win their seats. As I look around the Chamber, I recollect who relied on what preference to win their current seats. It could be that likewise, in the next election, the Government has to rely on some of those preferences. For various reasons, those candidates may not in the future wish to allocate their preferences to the Labor Party. I can understand, on the record of the Labor Party in recent times, why those green candidates would not want to do that. Of course, Labor members could be held to hostage or lose their seats because of that situation. I can assure honourable members that this is not a one-way street or a one-way ticket. Far from it! It does not particularly concern members on the opposition side of the Chamber as much as members on the Government side. Honourable members will find there will be less discipline on the Government side of the Chamber than there is on the side of the opposition. I believe that the member for Brisbane Central, who is a former secretary of the State Labor Party and who was vocal some time ago, should be looking more closely at that. That honourable member is well aware of the points I am making. I am sure that he has taken them all to heart and has made a careful study of the situation to date. That is another reason the Labor leader, Mr Goss, would have indicated that, whilst this has generally been Labor policy in the past, Labor will be taking a very close look at it in the future and may not in fact go down that street. The Liberal Party rejects the optional preferential system, and it has always done that. The Liberal Party has stuck strenuously to its current position that someone should receive 50 per cent of the vote plus one to obtain election to this Chamber. Where there is a three, four or five party system in operation, it is a very important part of the process. The system allows voters

to exercise a choice between two similar candidates without fear of a third, unacceptable candidate being elected. That is an issue I do not believe has been very well thought through to date. At the same time, party representation is more clearly aligned to voter support than under a system of first-past-the-post or optional preferential voting. It is important to have compulsory preferential voting.

I heard the member for Redcliffe speak about misleading voters. Obviously, the member has not read the legislation very carefully. If he reads the legislation carefully, he will find that, at page 103, the legislation refers to "candidates" and not to "political parties". That Bill states—

> "A person must not for the purpose of affecting the election of a candidate, knowingly publish a false statement of fact regarding the personal character or conduct of the candidate."

That is very similar to the provision in the existing legislation. It does not refer to a political party. I do not believe the situation has changed, and I am sure that problems will be encountered in the future. No matter what system is in operation, this legislation will not overcome that problem. I can assure the member for Redcliffe that there is nothing more in this legislation than there is in the current legislation. If the legislation is to be consistent, it would also refer to political parties.

I wish to turn to the issue of the number of members of the Queensland Parliament. In the past, members of the Labor Party have made great play of the fact that they believe that this House should have 99 members. Of course, the Labor Party put forward a submission to EARC to that effect. This is a very important point at present. I believe that 82 members is a more than adequate number of representatives in this House. If one examines other Australian Parliaments, one will find that in New South Wales the Lower House has 34 000 electors, in Victoria it has 33 000 electors, and in South Australia it has 21 000 electors.

The Liberal Party has always been of the view that 82 members is more than an adequate number of members in this House. It believes that there is no need to increase that number. Prior to 1985, the ALP was of the same opinion. The Labor Government has put forward no justification as to why the number of members should be 89. EARC adopted 89 because it was the current number. It did not really canvass the issue any further. As I say, 82 members is more than adequate. If one reads the legislation, one finds that in a number of areas the Government has moved away from the EARC recommendations, but not in regard to increasing the number of members of this House. In fact, in the first instance the ALP wanted to increase the number to 99 members, and it agreed to 89 at the last moment only as a compromise.

Finally, I refer to the reduction in the minimum time for holding elections. The Government has moved away from EARC's recommendation in this regard. EARC recommended a minimum time of 35 days. The Government has moved that minimum time back to 26 days. There has been no reason given as to why that should be so. I ask the Minister to explain that, because it is a clear move away from the recommendation that is contained in the EARC report.

Time expired.

Mr BEATTIE (Brisbane Central) (4.40 p.m.): It gives me a great deal of satisfaction to support the Electoral Bill. A number of appropriate quotes in the Fitzgerald report not only remind us of the need for this legislation, but also put to rest some of the hypocrisy that has come from Opposition members in this debate. Page 127 of the Fitzgerald report, under the heading "Electoral Laws", states—

> "A fundamental tenet of the established system of parliamentary democracy is that public opinion is given effect by regular, free, fair elections following open debate.
>
> A Government in our political system which achieves office by means other than free and fair elections lacks legitimate political authority over that system. This must affect the ability of Parliament to play its proper role in the way referred to in this report. The point has already been made that the institutional culture of public

> administration risks degeneration if, for any reason, a Government's activities ceased to be moderated by concern at the possibility of losing power.
>
> The fairness of the electoral process in Queensland is widely questioned. The concerns which are most often stated focus broadly upon the electoral boundaries, which are seen as distorted in favour of the present Government, so as to allow it to retain power with minority support.
>
> Irrespective of the correctness or otherwise of this view, the dissatisfaction which is expressed is magnified by the system under which electoral boundaries are determined. It has not always been obvious that the Electoral Commissioners were independent of the Government."

That is something with which I wish to deal. It continues—

> "Submissions and other material upon which the Commissioners have proceeded have been secret. The Commissioners did not report to Parliament, but to the Premier."

Earlier in the report at page 123, it states—

> "It is much less likely that a pattern of misconduct will occur in the Government's public administration if the political processes of public debate and opposition are allowed to operate, and the objectives of the parliamentary system are honestly pursued."

This is indeed historic legislation, and it is important to place it in context. Earlier in this debate, I was disappointed to hear the member for Warwick talk absolute nonsense and drivel about what happened in the past. The reality is that for a large part of the second half of this century, the National Party, with the support of the Liberal Party, misled Queenslanders. In doing so, they deprived country people of the roads, hospitals, and services to which they were entitled. It is absolute nonsense to suggest, as the honourable member for Warwick did, that the gerrymander had something to do with the provision of roads. Under the gerrymander, the National Party could ignore large sections of country Queensland—and ignore large sections of country Queensland it did. It did not care. With the health system and the railways of this State, the National Party took the people of country Queensland for granted. Who closed the railways? During the time that the National Party was in Government, it closed more railways than anybody could believe was possible. Under a disgraceful set of circumstances, the National Party deserted its country base, it treated country people with contempt, and at the same time it pretended to do otherwise. Under the old boundaries, all the rorts and rotten boroughs were within two hours' drive of Brisbane. They were not in the far-flung areas of Queensland, or out in the bush; they were all within two hours' drive of Brisbane. I can understand why the honourable member for Warwick is leaving the Chamber. He is embarrassed by the truth. May well he leave after that disgraceful presentation that honourable members heard from him earlier today.

For a long period, the Labor Party battled electoral injustice in this State for a number of reasons. There was a lack of confidence in the community that the Labor Party could, in fact, beat the rort that was in place. For a long period, the gerrymander affected Labor electorally. It certainly took a significant event, such as the Fitzgerald inquiry, and competent performance from an Opposition party to win Government. It was a very tall order. The gerrymander struck at the whole concept of democracy. A Government should lose power if it loses the support of 50 per cent plus one of the population it represents. This Government has brought about electoral fairness and electoral justice. At last, the people of Queensland know that they will get a fair electoral system in this State.

I turn now to the provisions of the Bill. Firstly, it provides for the establishment of an independent Queensland Electoral Commission to conduct elections. Is that not long overdue? It also establishes an independent Redistribution Commission to carry out electoral redistributions, to which former Commissioner Fitzgerald referred at page 127 of his report. I have no hesitation in saying that the blunt reality is that Queenslanders had no confidence in the rorters who drew up electoral boundaries in this State. In fact,

one of the electoral redistribution commissioners appointed by the National Party used to raise funds for that party in the Cairns area. He was a part-time fund-raiser for the National Party on one occasion, and on another occasion he would draw electoral boundaries.

An honourable member: Shame!

Mr BEATTIE: Indeed, it is a shame. One could hardly believe in that man's impartiality. Of course, he was not impartial.

When Don Lane appeared before EARC, he made admissions that the National Party had made a secret submission. Not only did the National Party lose the cabinet in which that submission was kept, it lost all its material. Why? Because it was embarrassed by what it had been doing over a long period. Members of the National Party knew that if the people of Queensland saw the direct parallel between their secret submission on the boundaries and what in fact happened, that would be absolute proof of the rorts that had occurred. In fact, I have a particular interest in the evidence that Mr Lane gave to EARC, as outlined in one of its reports. Mr Lane pointed out that my electorate, which has been altered by EARC, was one of the rorted electorates. Many Labor votes in South Brisbane and the former electorate of Kurilpa were jammed together into part of Brisbane Central. That created an unfortunate competition within the Labor Party between the Speaker and the honourable member for South Brisbane. Labor voters were corralled together in that rorted electorate so that the National Party might have a chance of winning a number of marginal seats around it. Because this Bill provides for an independent Redistribution Commission, that problem will not arise. Members might recall that former Minister Hinze said that if he was given the pen, he would take care of the electoral redistribution and the National Party would always be in power. Thank heavens that never happened, although it almost did on a number of occasions.

The basic thrust of clauses 42, 43 and 44 involves factors that the National Party would have found abhorrent in its day. Clause 42 deals with inviting suggestions from persons relating to a redistribution. Clause 43 requires the commission to make copies of the suggestions available, without fee, for public inspection at the commission's office and at other places within the State. This clause also allows comments in writing to be made by persons on suggestions made to the commission. In other words, the secrecy of the National Party days is dead and gone. At last, we will have a totally open process with a totally open, independent commission that will draw up fair electoral boundaries. The Bill provides for the registration of political parties and candidates. This approach, which has been followed for some time in the Federal sphere, is long overdue in this State. The Bill also provides for electronic rolls and printed rolls to be made available. One of the most atrocious acts of political bastardry that members have witnessed in this State was that the former National Party Government would not provide electronic electoral rolls to the ALP. Members would be aware that direct mail became the vogue in the eighties. Although the National Party provided electronic rolls to its candidates, the Labor Party could not get them. I remember this very well, because I was the ALP secretary at the time. Only after a matter was dealt with in the Supreme Court of Queensland did the National Party—in a private agreement with the Labor Party—agree to provide electronic rolls to the Labor Party. What a disgrace! The Labor Party could not even obtain electronic rolls. National Party members should hang their heads in shame at the way in which the Labor Party Opposition was treated. The Labor Party has not attempted to reciprocate in kind. It has said, "Let us have an open and independent process, so that those acts of political bastardry can never happen again." Indeed, let us hope that the National Party never suggests that the Tammany Hall days of the past, the cheating and the frauds, should be restored in any manner, shape or form. Contrary to what was said by one National Party member in this House, the electoral rolls in this State were in an absolute mess. I do not particularly care who that statement offends. The reality is that the Federal rolls contained thousands more people than did the State rolls. I do not quite know how that happened. Perhaps some people disappeared between elections. The reality was that the Federal commission undertook regular, effective and efficient canvassing, which did not occur at a State level. I am happy that the joint roll will overcome that difficulty and the past problems.

We must ensure that the rorts that occurred in Warrego—and I remember this very well—do not happen again. Members would be aware that Warrego is a country seat. Many graziers and farmers from that area retired and went to live on the Gold Coast. When we tried to clean up the roll in Warrego and remove the names of those retirees who were living on the Gold Coast and should have been voting there, we could not get rid of them. On the first occasion that we direct mailed Warrego, we received an unbelievable result. Although quite a bit of that mail is usually returned, we did not expect what happened in Warrego. We got almost half of it back.

Mr Pearce: Are they phantom voters?

Mr BEATTIE: They were indeed phantom voters who decided to live in the sunshine on the Gold Coast. On one occasion, the Labor Party would have won the seat of Warrego if the electoral rolls had been correct. That was a rorted result. I hope that that never happens again. I return to other aspects of the Bill that I believe are important. The Bill provides that the polling day is to be a minimum of 26 days and a maximum of 56 days from the issue of the writ. That means that there will be no surprise elections. It gives people plenty of time to be properly informed, and plenty of opportunity to be made aware of the election day. The minimum of 26 days is a sufficient period. Members would be aware that, when the Labor Party gained office federally, a minimum of 33 days was set. There is not a great deal of difference between 26 and 33. However, it means that the days of two and a half or three week shock election campaigns are gone. Another important provision of the Bill is that the order of candidates on the ballot paper will be determined by lot. People with a name such as Beattie might be lukewarm on that provision. I note that the honourable member for Whitsunday, Mrs Bird, agrees with me.

Mr Springborg interjected.

Mr BEATTIE: People whose names begin with S would be happier with the legislation than the Bs of this world. I know that the honourable member would like to place more on that B than a simple place in the alphabet.

Mr Springborg interjected.

Mr BEATTIE: Never. I will be interested to see whom the honourable member supports. In the interests of fairness, it is appropriate that ballot papers be drawn so that everyone has an equal opportunity to head the ticket. Another sensible provision is that the affiliation of political parties is to be shown on the ballot paper. Some people do not want to collect how-to-vote cards; they want to enter the polling booth and vote. It is important that they have the opportunity to do so.

I am pleased to see that we are now allowing candidates to get their deposit back if they receive 4 per cent of the total formal first preference votes in that electoral district. Earlier, I was discussing that matter with the honourable member for Glass House. Under the old provision, a candidate would need to get one-fifth or better of first preference votes of the winner to get his deposit back. If someone ran in a seat such as that of the honourable member for Archerfield, the Honourable Henry Palaszczuk, because it is a safe seat, one-fifth of his vote would be much higher than that of a candidate who won in a marginal seat. It was unfair. It meant that someone in one electorate would be required to obtain a higher percentage of the vote to get the deposit back. The provision of 4 per cent provides uniformity and fairness. Above all, it means that candidates are being treated equally and fairly regardless of the seat they run in.

Mr J. H. Sullivan: No disincentive.

Mr BEATTIE: I take the interjection. There is no disincentive to run in any particular seat. I am delighted to see the provision for mobile polling booths. In my electorate, because of the large number of nursing homes, there are more electoral visitor votes than in any other electorate in the State. Mobile polling booths could be used in hospitals such as St Andrews Hospital, the Holy Spirit Hospital and perhaps some of the larger nursing homes that have a large number of occupants, some of whom maintain their mental faculties but do not have the physical fitness to go out and vote.

They often prefer to place their vote in a ballot box, even if it is a mobile ballot box. They regard their democratic right as an important one, but they do not necessarily want to use the service of a postal vote or an electoral visitor. I see an important role for mobile polling. Notwithstanding that, a large number of people still see electoral visitor votes or postal votes as important. Because of the number of nursing homes in my electorate, electoral visitor votes are an important way of guaranteeing that people have their vote. Depending on the circumstances, if people have a choice between mobile booths, electoral visitor votes or postal votes, they are better covered under this legislation than they have ever been before. At one stage, I heard that some people were advocating the abolition of electoral visitor votes. I would find that a matter of some concern. Electoral visitor votes are of great importance to the elderly, the infirm or women who are about to give birth.

Mr Santoro: Do you agree with Mr Pidgeon?

Mr BEATTIE: The only thing that I agree on about Mr Pidgeon is that he is about to have his feathers plucked. When Judy Spence is finished with him, he will not come out for round two. I am about to deal with misleading advertising, and that covers Mr Pidgeon more than adequately. An important aspect of the legislation is that it provides for control of political advertising to prevent misleading or false advertising. Over the years we have seen enough of that. If we are to have honesty and fairness in campaigns, it is important that there be some regulation. The legislation provides for the abolition of the Elections Tribunal and replaces it with a Supreme Court sitting. There is a Court of Disputed Returns empowered to hear electoral disputes. I am delighted to see that provision. I must repeat that—and I hope this is addressed by the court—I am concerned at the delays that take place in the hearing of matters. The member for Maryborough would recall that, when I was party secretary in 1983, the Labor Party lost the seat of Maryborough by eight votes. The matter ended up in the Court of Disputed Returns. The process of hearing that case went on for far too long. The same thing occurred with the member for Nicklin. I do not particularly care about the politics of the matter, but those Courts of Disputed Returns, in terms of results, must determine matters more quickly. Delay can produce situations such as we saw arise in Nicklin, which are not in the interests of the democratic process.

In terms of the marking of ballot papers, I am delighted to see that clause 113 sets out that by writing the number 1, a tick or a cross in a square opposite the name ensures a valid vote. As well, the clause introduces optional preferential voting.

Mr FitzGerald: Is it true that you are saying that if you support me you put a tick in there and if you don't like me you put a cross against my name? Is that what you are saying?

Mr BEATTIE: If the honourable member's constituents realise how stupid he is, he will not be re-elected. I cannot help someone who needs as much help as he does. The Bill gives people the maximum opportunity to record their vote. It is a sensible provision which means that the number of informal votes will be reduced. Today we have heard much bleating and opposition to optional preferential voting from the conservative side of the House. The reality is that members opposite have nothing to fear about optional preferential voting. When I was party secretary, I noted that many people who voted Liberal but were disenchanted because of the fight between the National Party and the Liberal Party did not want to exercise their second choice for the National Party. They did not particularly want to exercise their second choice to the Labor Party, either, but they were compelled, because of compulsory preferential voting, into voting for the National Party or the Labor Party. At one stage the Labor Party was receiving a 20 to 30 per cent drift of Liberal Party preferences from disenchanted Liberals who did not want to vote for the National Party. The legislation provides that, if people only want to vote 1 for their political party or candidate, they have a choice. If people want to exercise an option and give their preference, they can. Why are members of the Liberal Party and the National Party so scared of people having a choice? They run around arguing about freedom of choice. The legislation is giving people freedom of choice. What are they scared of? They are simply scared that they

will not be able to force their supporters to give their votes to either the National Party or the Liberal Party. They are scared that people will exercise their freedom of choice.

This is an historic Bill. One of the most significant achievements of this Government is electoral reform. I congratulate the Minister and I congratulate the Government.

Mr ROWELL (Hinchinbrook) (5 p.m.): I have mixed feelings on some of the aspects of this Bill, particularly in relation to the use of ticks and crosses and optional preferential voting. The recent referendum was an attempt by the Labor Party to get four-year terms. There was massive confusion about that referendum, and I think that the same thing could occur again when people are offered various methods of voting. I understand that, when there are four candidates, if a person puts a 1, a 2 and two 3s, the first and second preference will be taken and the other two will be discarded.

Mr Milliner interjected.

Mr ROWELL: One gets the first preference and then the second preference. Equally, if a person puts a 1, a 2 and a couple of crosses, the same thing will apply. Because the provision is not clearly defined, there is a degree of confusion. It is inconsistent with voting in the Federal arena. We have failed to achieve uniform voting throughout Australia even though many other aspects of government within the country have been made uniform. This legislation will cause some disruption to that uniformity. I think that we are going about things the wrong way. I am not happy about the fact that if a shire councillor or the chairman of a council decided to run for State Parliament, he would have to stand down as a councillor prior to submitting his nomination. That would be to the detriment of many good people who have put a lot of time into providing a service to councils. They spend a lot of time at their work, although they are not terribly well paid, and I think that having that necessity of having to resign hanging over their head would deny a lot of good people the opportunity to enter State politics. I must say, particularly if one has a name beginning with "R", the draw system is fair and reasonable. A person whose name begins with a letter towards the end of the alphabet is not disadvantaged. The Electoral and Administrative Review Commission was set up by the National Party, and we were committed to carrying on with the review process. The previous system, despite what has been said, ensured equal opportunity and this was demonstrated by the fact that the Labor Party won Government in the 1989 election.

Mr Springborg: It was probably 50.1 per cent and they were in.

Mr ROWELL: Yes, it was remarkable—with 51 per cent of the vote, the Labor Party won with a handsome majority. That clearly demonstrates that each party, irrespective of where an electorate was situated, its size or its nature, had the opportunity to win that electorate. I suppose that that is exactly what happened. In some 10 seats there were only 2 000 votes that gave the Labor Party Government and prevented the National Party forming a coalition with the Liberal Party. A lot of emphasis has been placed on that point by previous speakers.

Mr Beattie: Where did you count those 2 000 votes?

Mr ROWELL: We counted them; they were there. I have got that on good authority. In relation to the numerical size of electorates—the current situation is that the 89 seats in Queensland should theoretically have some 20 300 electors. When one looks at the growth factors or loss of growth factors, one can see a 10 per cent variation either way. In Hinchinbrook, there was an 8.9 per cent loss and that resulted in some 22 000 voters being put into that electorate. It made that electorate much bigger—an electorate that is nearly 200 kilometres along the coastal strip. There are three major towns: Ingham, with a population of about 10 000; Tully with a population of about 6 500; and Innisfail with a population of over 13 000. This means that it is difficult for anybody, irrespective of where he or she lives, to represent that electorate from one single electorate office. Irrespective of where a member comes from—there is a strong likelihood that that member would come from one of the major centres, that is, Ingham or Innisfail—I believe there is a requirement for the electors to be adequately represented.

For adequate representation there is a need for electorate offices in both the major centres, that is, one in Ingham and one in Innisfail. Those offices need to be staffed and they would need equipment. We need an office of around 50 to 60 square metres, which is not excessive. If those two offices were put together they would probably be worth no more in rent than would one office in Brisbane or Surfers Paradise. It would enable constituents to receive fair representation. If that is denied them, they will have to travel great distances or communicate by telephone over great distances with their electorate representative. As all members would be very much aware, it is really difficult to understand some of the problems that people are experiencing unless the parliamentary representative can have eyeball-to-eyeball contact with them. The provision of two electorate offices would mean that the additional staff sort out the preliminary matters, and the member could then move from one office to another to resolve the final problems.

During this debate, numerous speakers referred to the gerrymander. It is interesting to note that the National Party was bagged when it received 39 per cent of the two-party vote in the 1986 election, whereas the Federal Labor Government under Mr Hawke received approximately the same percentage yet won Government under the one vote, one value system. To my mind, that raises some doubt about the validity of some of the arguments that have been put forward. It is all very well for people to look for excuses when they fail to win Government, but when they win Government they can be very "democratic" about what needs to be done in the future to ensure that they are returned to Government. Instances of manipulation of the system have been noted in the Federal arena. It is a case of the pot calling the kettle black.

I believe that the Bill contains a degree of merit. I have already referred to marking ballot papers with ticks and crosses, and I believe that there is room for the Opposition to support this legislation. The continuation of the joint electoral roll is a useful provision because, as a new member of Parliament, it enabled me to make contact with a number of constituents. Kennedy is such a large electorate that it provides a handy cross-reference, enabling me to better represent the electors of Hinchinbrook. The provision of a joint Commonwealth/State roll has made my job much easier by providing access to electoral information. Apart from the few matters that I have mentioned, I have no major problems with this legislation. In general terms, the National Party supports the Bill.

Mr FOLEY (Yeronga) (5.11 p.m.): If the people lose confidence in the electoral system, they will take to the streets and there will be civil disorder. That proposition is exemplified well in the case of the Philippines recently, where Mrs Santiago issued a call to the people to take to the streets because of a lack of public confidence in the electoral system. For many years, it was also the case in Northern Ireland where the citizens of Derry, consisting of a non-Unionist majority, were unable to elect a majority on the council which was representative of their views and backgrounds under the electoral system that was then in operation. I mention these examples lest it be thought that these matters of detail, of administration, are somehow academic and remote. They are not.

It is elementary to a democracy that there should be public confidence in an electoral system, which is nothing more than the way in which the people give power to their law-makers. In Queensland, that fundamental link between the people and Government was tinkered with over decades and it was done in a way that eroded public confidence in the electoral system. If one thing has been achieved over the last two and a half years of work, it is that public confidence has been restored in the legitimacy of our electoral system. Nothing is more important to a democracy. We have now achieved an extraordinary consensus in this House because this Electoral Bill has the support of all parties, notwithstanding some arguments as to detail. This is a most important event to which Tony Fitzgerald, QC, as he then was, looked forward in hope in his report. He looked forward to a time when public confidence in the institutions of democracy might be restored. He looked forward to a time when the taint that had crept into the body politic could be put to one side. As my learned colleague the member for Rockhampton North so eloquently said in his speech earlier today, this is indeed a red-letter day for Queensland.

It is an extraordinary phenomenon and it is somewhat difficult to explain to children that, in our democracy, people do not have a constitutional right to vote. When the school children from the Yeronga electorate come into this Chamber to discuss with me what it means to be a member of Parliament and to make laws, I confess I have some difficulty in explaining that the right to vote is not a right which is enshrined in Queensland's Constitution. It is a right that takes its force from a law which is made by this Parliament. Thus, members of this Parliament are making law which although named the Electoral Bill is truly constitutional in character because it goes to the very basis or constitution that mediates power relations between the people and the Government. Over decades, there has been discussion as to whether there is a need for constitutional reform to enshrine that right to vote. I shall return to that theme a little later in my speech.

Let me reflect upon the fact that the very normalcy of the debate, the very consensus that we have, is itself an extraordinary and newsworthy event. Three years ago, who would have thought that one might have had unanimity of purpose amongst the political parties in Queensland on a matter as divisive, as acrimonious, as the debate on the electoral system? That has come about through the work of the independent commission—EARC—and as a result also of the work of the all-party Parliamentary Committee for Electoral and Administrative Review, which I have the honour to chair. That restoration of legitimacy is a great legacy for us in the Forty-sixth Parliament to leave to the people of Queensland. The independent commission went about its task of reviewing the basis of the Legislative Assembly electoral system and produced its report to the Parliament, upon which further submissions were called by the all-party Parliamentary Committee for Electoral and Administrative Review.

One of the most salient aspects of the whole process is the absence of a single submission to the parliamentary committee suggesting that, in its original review of the Legislative Assembly system, EARC had in some way been biased or lacking in impartiality. Of course, a number of submissions quite properly engaged in debate as to the correctness of the view that EARC had taken, as to whether further weight should have been given to some considerations as opposed to others. However, who would have thought a few years ago that one could engage in the review of the State's electoral system, then call for submissions upon it and not receive one submission alleging a lack of integrity or a bias on the part of that commission? It is truly a great achievement. Commissioner Tom Sherman and his colleagues on that commission are owed a great debt of gratitude by the Parliament and the people of Queensland for that work.

As the Minister indicated in his second-reading speech, that review was one of a four-stage process, which included the distribution of seats upon the established system recommended by EARC, the establishment of a joint roll between Commonwealth and State and, finally, the establishment of a revised electoral administration. We are indeed fortunate in 1992 to be able to debate the fourth of those stages in the course of the Bill before the House. I was very pleased that, in the work of the Parliamentary Committee for Electoral and Administrative Review on the nuts and bolts of administration, we were able to achieve agreement. It is not always thus when men and women of strong will and independent purpose come together, and it is not necessarily desirable that there should always be unanimity when people come with different political and social philosophies. However, in this area, it is very important to strive for unanimity lest we erode that legitimacy, lest we fall down the slippery path of a lack of public confidence that results in the cries to take to the streets that we hear in the Philippines. At times, civilisation is a wafer-thin instrument and we must be vigilant in our roles as members of this Parliament to care for democracy and to work together in order to try to establish that basic trust amongst citizens which enables a democracy to function properly.

Let me turn to the committee's recommendations and analyse how they have been dealt with in the Bill before the House. The Parliamentary Committee for Electoral and Administrative Review endorsed the broad thrust of EARC's recommendations but made a number of specific recommendations. It made those unanimously, and they are set out

in Appendix H of the committee's recommendations. I shall deal with them in turn. The recommendations have been taken up in the Bill before the House with two exceptions. The committee recommended that the chairperson of the Queensland Electoral Commission should be a former judge of a State or Federal Court rather than a judge or former judge. The reasoning behind that was to preserve the doctrine of the separation of powers, to ensure that members of the judiciary should be removed as far as possible from the requirements of applying their mind in areas which could be seen to have an element of policy or administration.

The Bill retains the wording of EARC rather than that of the committee. However, I would respectfully urge the Minister in administering the Bill to take heed of the recommendations of the parliamentary committee. One can understand, of course, the concern of the Government to ensure that the pool of available persons not be limited, so that there be maximum options available for the appointment of a chairperson to that very important role. Be that as it may, I would respectfully urge the Minister to give sympathetic consideration to the views of the parliamentary committee with respect to appointing a former judge when the occasion arises for consideration of that matter.

The committee recommended that the State Electoral Commissioner be enabled to take objection proceedings against people enrolled on the joint roll who are State electors only. That recommendation has been accepted and given effect by this Bill. The committee further recommended that the current system of providing multiple copies of printed rolls to members of Parliament should be maintained, and the Bill differs from clause 61 of EARC's draft Bill to enable that to be so. The committee further recommended that the draft Bill be amended to enable the commission to abolish polling booths between the time of issue of the writ and the holding of the election. Again, the Government's Bill before the House has adopted the recommendation of the all-party committee.

The committee recommended that clause 84 of the draft Bill be amended to enable nominations to be accepted not merely by the returning officer in a given district but by the Electoral Commissioner. This overcomes problems that can arise in far-flung electorates such as the electorate of Cook. The committee recommended—very importantly—that electoral visitor voting be retained. EARC had recommended against that. I say with some pride on the part of the committee that this is a matter in which, in a very practical way, the Parliament is preserving the rights of people with a disability. We shall come shortly to debate the Disability Services Bill. But of course it is not sufficient to provide for people with a disability merely through some department with a label "Disability Services". We have to ensure that in the services we provide, be they electoral, personal or social services, provision is made for people with a disability and for the aged and infirm. Of course, it is said by some that this is a Rolls Royce service and that the taxpayer should not be required to foot the bill. In response to that, let me just say that the priority that the committee gave to the rights of those people was a very high one. I am delighted to see that the Government has responded to that so that the service of electoral visitors will be made available to the elderly, the infirm and people with a disability.

The committee recommended that EARC's draft Bill be amended to give the Queensland Electoral Commissioner a discretion as to the issue of non-voting notices, and that has been adopted in this Bill. The committee recommended that the draft Bill be amended to remove the requirement that temporary staff—for example, those put on just for election day—be employed under the Public Service Management and Employment Act 1988. This would have been a bureaucratic nightmare. The committee recommended against it. I am pleased to see that the Government has followed that recommendation. Similarly, the committee recommended that the draft Bill be amended to provide that returning officers be electors at the time of their appointment and to require them to make a declaration. Again, that has been adopted in this Bill.

The committee recommended that EARC's recommendations and the provisions of the draft Bill be amended to retain the current requirement that the preparation and publication of the final determination of electoral boundaries be completed 60 days after

the close of objections to redistribution proposals. EARC, naturally enough, wanted more time for its distribution commission. It wanted 90 days. No doubt, it would be convenient for the commission to have more time, but by the same token there is a public interest in these matters being dealt with speedily, and the committee adopted that view and that view has been adopted in the Bill before the House. Similarly, the committee's recommendations as to the time within which a redistribution may not be commenced have been picked up. The committee's recommendations with respect to an electoral timetable have been largely picked up. The committee recommended a polling day a minimum of 28 days away from the issue of the writ. That has been changed slightly to 26. The committee also made a couple of administrative recommendations, which I understand are receiving sympathetic consideration through the Electoral Commissioner.

The point of that detail is simply this: here we have the Parliament working together with members of different political philosophies coming to agreement upon matters of detail which enables the ordinary citizen, the ordinary voter, to repose confidence in the electoral system which is put before the House.

We have talked of the past and we have talked of the present. What of the future? In its report on the Legislative Assembly electoral system, which was tabled on 26 February 1991, the parliamentary committee identified matters which continue to require urgent attention. We have come a long way in restoring honesty and fairness. But there is no warrant to sit upon our laurels. The committee, in the majority report, identified a number of matters that require further work and further consideration, the first being Queensland's electoral obligations under international law, including the right of universal and equal suffrage; secondly, further facilities and services for members to overcome problems of electors prejudiced by remoteness, poverty, language difficulties, ill-health or otherwise; and, finally, the consideration of entrenchment of the electoral system in the Constitution of Queensland. Consideration must be given to the question of whether more needs to be done to enshrine deeply in the bedrock of our democracy that right to vote which is the heritage of all free peoples. The Bill before the House takes a great step towards achieving a fair and honest electoral system, but honourable members should look to the future and consider the importance of ongoing reform of the constitutional and legal basis of our democracy.

Time expired.

Mr HORAN (Toowoomba South) (5.31 p.m.): Together with my National Party colleagues, I support this Bill. However, I wish to speak on those matters within the Bill which particularly concern the National Party. In common with most of the members in the House who have spoken in the debate, I support compulsory voting. I believe that if the people want to be involved in Government, if people want to feel that the Government is doing the right thing by them, if they want the right to complain legitimately about decisions by Government, they must be involved in the process right from the outset. If there is to be compulsory voting and then a move to a system of optional preferential voting, an illogical situation is really being created. The Government is saying that everybody should contribute and that everybody should have his or her say to the maximum extent, but, by proposing optional preferential voting, some people will have a lesser influence than others on the question of who will represent them in Parliament. The problem with optional preferential voting is that if people in safe electorates do not vote for the sitting member and just vote for one other candidate, it is almost a foregone conclusion that the sitting member will win. If there are other candidates running for election, the voter has not really been able to indicate his second, third or fourth choice. The positive aspect of compulsory preferential voting is that it results in a fairer voting system, and it means that everybody has exactly the same influence upon who actually represents them when it comes to the final decision.

Under optional preferential voting there have been instances—and this will often happen—in which the person who is elected to Parliament will have received less than 50 per cent of the vote. This was evidenced particularly in New South Wales when Dawn Fraser was elected. A substantial number of candidates contested that election,

and she was elected with only 20 per cent of the vote. If compulsory preferential voting is in operation, it means that every person has been given the maximum opportunity to influence who is going to represent them in Parliament. Compulsory preferential voting extends in counting right down to the very last preference, and the preference of the electorate is therefore completely and fully expressed. Indeed, it is important that every person should be able to indicate their preference. It has been stated in this debate that, in many instances, the Liberals and Nationals will be quite concerned about optional preferential voting. If honourable members look in a broad way at people's voting patterns, they will see that about half the population vote conservative and the other half vote Labor. If those people who vote conservative have as their first choice a National Party candidate, they want to be able to indicate their second and third choices.

Another important point about compulsory preferential voting is that it gives proper and due respect to those people who have the courage or are prepared to put in the effort to stand for election and who score votes from electors. There will be people under this proposed system who will nominate for election and, in many cases, will not be credited with a vote from a substantial portion of the public. Those people should be given due consideration. There will be incredible confusion arising from the introduction of optional preferential voting. I believe that the member for Warwick hit the nail on the head with the comments he made. Honourable members should examine the clause that gives options to an elector. Electors can just use the number 1, a tick or a cross if they want to vote for one person. That already gives three options. Honourable members will see that the clause deals further with electors wishing to vote further down the line. Again they can give their first choice—the number 1, a tick or a cross—and then they can number as many squares as they like. If one works out the permutations and computations and discovers how many options there are, one will see that it is a very confusing system.

The Minister, in his second-reading speech, talked about free, honest, regular and fair elections. As to fairness—I am quite concerned that optional preferential voting will, in the end, not be fair. I believe that optional preferential voting will be unfair not only for some of the reasons I outlined earlier but also in the confusion that it will create. For example, there will be people—and it is not being patronising to say it—who think that, once they have put a cross, that is the end of the matter, despite what educational processes are used in pre-election advertising. Some people will think that they can no longer change from a system of crosses and ticks to a system of numbers. If the voting system was a system of numbers only, it would certainly go a little way towards removing some of that confusion. I think that the real problem is going to be faced in trying to educate the electorate on the enormous number of ways in which people are going to be able to vote. Any education or advertising campaign has to be based upon simplicity. However, this campaign will be based upon something that is not simple. When the Government endeavours to show people the various voting options, the advertisement is going to become increasingly confusing.

I believe that in the end, the advertising system will create more problems than it solves. It will be difficult to conduct the advertising campaign in a fair and unbiased way. For example, if an advertisement says that the new, easy way is simply to place a cross beside the name of the person whom one wishes to have elected, then immediately there is a bias against giving people a fair assessment of the system and what their other options are. The minute the advertising says that one can simply do this, or the easy way is to do that, the great proportion of the population will opt for that, and they will pick their member on the basis that it is the easy way out. Really, for some people, it is an extension of their not having to vote if it is not compulsory to vote. The next step is that people will just go in and go bang and mark one square, and that will be it. I believe that by this system, the Government is taking away from people the opportunity to be fair dinkum in the way in which they vote for someone. It is taking away from people the opportunity to think about all the choices they have and what the consequences of their decisions will be. In very close elections, if the advertising and education program is not absolutely fair and accurate, I can see it being used as the grounds for appeal. How

does one state in the education program the differences in a system and the choices that people will have without bringing in some form of unfairness?

I wish to comment on the Federal Government legislation that has banned electronic advertising. That ban will affect the State election. It is hard to understand why the Federal Government introduced such legislation—whether it was a matter of cost, or whether the Federal Government felt that political parties can no longer raise the funds required to pay for some of the dearer electronic media advertising. Of course, direct mailing has not been banned, and that is also a very expensive system of advertising. The Federal legislation takes away from people the freedom of choice in how they advertise. It seems to be extremely unfair on particular sections of the media. There are five radio stations in Toowoomba. Three of those stations are commercial stations, one is an FM station that relies upon advertising, and there is the ABC. By a stroke of a pen, they have been denied any opportunity to compete with the press for the right to advertise, and they really should have that right. The other matter to be considered is that radio and television are free mediums for people, whereas the press is a medium for which people have to pay.

I also wish to comment on the handing out of how-to-vote cards at elections. From standing outside polling booths, I notice that there seems to be considerable comment from people about having to take how-to-vote cards. The comment is always made about the number of trees that have to be chopped down to provide the paper for those how-to-vote cards. I believe that a how-to-vote card is a proper and fair marketing tool for all people who are standing for election, whether they are Independents or they represent political parties. I believe that more than ever, under this system of preferential voting, those how-to-vote cards will be required, because it will be extremely important to ensure that a candidate's supporters vote correctly under the optional preferential voting system.

The redistribution by EARC has received considerable comment. I wish to make some comments about what I have seen in the 12 months that I have been a member of this Parliament. I represent an electorate that is an inner-city, metropolitan electorate. It is relatively easy to service that electorate and to give it quality representation. From my office, which is situated in the centre of Toowoomba, within 10 minutes I can reach any part of my electorate. I am sure that the position is exactly the same for other members who represent city or densely populated areas. Those members who represent the electorates that surround Toowoomba will be at a considerable disadvantage in endeavouring to provide proper representation. For example, the member for Cunningham will have approximately 11 000 electors in Toowoomba. No doubt, he will be required to have an electorate office in Toowoomba. As well, he will be representing the far-flung areas of the Darling Downs, such as the towns of Clifton, Pittsworth, Millmerran, and Goondiwindi. Undoubtedly, he will have to provide electorate office support for those areas, probably somewhere near Goondiwindi. In addition, he will be invited to as many functions in Toowoomba as the members for Toowoomba South and Toowoomba North attend. As well, he will be invited to—and expected to attend—functions in Clifton, Pittsworth, Millmerran, Goondiwindi and other small areas in the district. This places a very heavy burden on him and on those members who represent larger areas. I believe it was wonderful that EARC provided a weightage system for those five major electorates of Queensland. Under a fair electorate system, two factors that are supposed to be considered are the one man, one vote philosophy, and the philosophy of quality of representation. It is really a mammoth task to give quality representation in some of those far-flung electorates which have farming communities, mining communities, Aboriginal communities and small townships, and which require a great amount of infrastructure.

The member for Gregory is a good friend of mine. I see the enormous amount of work that he does. I believe that to enable him to achieve the quality of representation that those of us who represent inner city electorates are able to achieve, he needs a helicopter and a pilot so that he can get around his electorate and see everybody. I once remarked to him that I felt that I had Queensland's most concentrated education electorate, and I listed the primary schools and high schools in my electorate. I was

amazed to learn from him of the number of primary schools in his electorate. That gave me a real understanding of what is required in larger electorates.

Mr Pearce: It is a bit different out in the bush, isn't it?

Mr HORAN: As the honourable member interjects—it is certainly different out in the bush. Earlier, the member for Brisbane Central spoke glibly about previous National Party Governments not providing sufficient support and service for rural areas. Sometimes that member paints people with a broad brush when he gets fired up. It was a great lesson for me to attend the recent National Party Central Council conference in Longreach and hear Sir James Walker speak about what was achieved in that area during 32 years of National Party Government. It gave me a great insight into what can be achieved by Governments for rural and regional areas of Queensland. Sir James spoke of the water supply and sewerage systems that were established by local government with State Government assistance. He spoke also about the School of the Air, the power supply throughout central Queensland, the pastoral college and the installation of a DPI headquarters in that area. That was a great lesson for me in what a wonderful job the National Party did during its 32 years of Government. The National Party has supported the electoral redistribution. It will be important for future generations and Parliaments to remember always that Queensland is one of the three largest States in the world. It can be compared with Texas and Western Australia. However, because Queensland is the most decentralised State in the world, it is unique. If we are to have quality of representation for this unique, far-flung State, we must seriously consider weightage in those areas where quality of representation similar to that of more densely populated electorates cannot be provided.

The ultimate result of this Bill will be an election this year under the new arrangements. My first year as a member of the National Party Opposition in this House—and my first year in politics—has given me an opportunity to see where this party stands. Despite all the comments by Government members and the confidence that they exude, during the past 12 months I have seen a real resurgence of solidarity and strength within the party that I believe will take many people by surprise. In the period leading up to the next State election, the National Party has been the only party to formulate a serious program of policies and initiatives. It has already brought forth five major policies which show that, whereas the normal pattern of Opposition has been years and years substantially in a knocking phase, halfway through its first term the National Party Opposition has very quickly got its act together and has become positive and aggressive in developing new policies that will give Queenslanders a real and outstanding choice at the next election.

Mr FENLON (Greenslopes) (5.49 p.m.): I rise to speak to the Electoral Bill because it marks a point of great significance for the political life of Queenslanders. As a Queenslander, I am no exception. In fact, the matters that are the subject of this Bill are foremost in my personal reasons for becoming involved in politics to the point at which I was part of the Labor team that changed the Queensland Government after 32 years of extreme conservative Government and rule by reaction. I was among the many thinking Queenslanders who were incensed by the corrupt system of electoral weightage that denied Queensland people the fundamental right to change the Government and to provide universal and equal suffrage. Last year, that process of change took a great leap forward when the Electoral Districts Act passed through this Parliament. I had the great pleasure of speaking during the debate on that Bill. This Bill marks the next significant stage in the development of this process of bringing in a fair and independent system of determining the ongoing structure of our electoral system and entrenching it in law.

It is significant that the Electoral Districts Act 1991 is among the other pieces of legislation that are repealed by this Bill. This Bill consolidates the principal bodies of electoral law and amends other Acts, including the City of Brisbane Act 1924 in particular. I believe that history will show these laws to be good and fair, and to form the foundation of good government in Queensland. I can confidently say that they will be good laws, because the process has been right. It has been a thorough, if not arduous procedure through the EARC and PEARC processes before final consideration by the

Government and presentation to this Parliament very capably by this Minister. It is also very significant that this reform is coming into place at this stage in Queensland's history, because members are witnessing a revolution within the State that involves the undertakings of this Parliament. I am very pleased that the Speaker is involved in setting up an education unit in this Parliament. That really could not have happened before, because to set up an education unit for children in this State one must have something to be proud of—something that one does not want to hide from the public. In the future, we can have great confidence in educating children in this State by bringing them to this Parliament and teaching them about our electoral system and structure of Government. That education unit will form a very important element within the entire State to educate children about the principles and processes that are now in place for them. I am pleased also because it forms a continuation of the demands that have been put on the educational institutions in this State. In my first speech in this place, I called on the Education Minister to enhance constitutional education in schools in Queensland. That has manifested itself in terms of a matriculation political curriculum which is now being trialled in Queensland. I again compliment the Education Minister, who is present in the Chamber, on that fine move. Queensland can be proud of the thoroughness and professionalism of the full range of reviews that have taken place into the various facets of electoral law in this State. Queensland has provided a model to Australia and to the world, and its contrast to the past in Queensland is stark. Now free, honest, fair and regular elections are guaranteed.

I will comment briefly on the issue of compulsory voting which has been raised during this debate. This issue cannot be canvassed in isolation from the other practices that are occurring in society. The decision that an elector makes in terms of attending a polling booth or not is shaped by many other factors such as the political culture of the day and the structure of the State itself, and it is more open to manipulation today than it was in the past. It can be clearly seen how that can be more open to manipulation today by the sort of manipulation of the political agenda that is taking place in Queensland by virtue of an orchestrated attempt—it comes from large elements of the conservative forces in this State and elements of the media—to downgrade the status of politicians throughout Australia. In recent Morgan polling on the status of the various professions, I noted that State and Federal politicians rated at about 10 points, which was just above real estate agents or insurance brokers. That is an appalling situation. It certainly favours the forces of ignorance behind which the conservatives in this State have always hidden because it creates a situation which turns thinking people back from a critical examination of the political issues of the day; it turns them back from rational discourse; and it turns them back from a rational approach to making a clear choice about various political programs. It has to be refuted on those grounds.

I am also pleased to see that the system to assist disabled voters to attend a polling place to cast an ordinary vote has been retained. The provision will apply to the establishment of mobile polling booths in hospitals, institutions and remote areas and will also apply to the continuance of electoral visitor voting for electors who are confined to their residence because of illness, infirmity, disability or advanced pregnancy. I am pleased to support this particular element of the Bill as it applies to electoral visitor voting as it will assist many constituents of the Greenslopes electorate who are so affected. At the recent referendum, about 500 constituents in the Greenslopes electorate sought an electoral visitor vote. It is a fine service and provides direct assistance to many people who have a marked lack of mobility and a lack of basic home support and who in this day and age are more isolated in their old age and infirmity than they have ever been before, with family support deteriorating within our generation. Those residents of the Greenslopes electorate who avail themselves of that service will be very grateful for its continuation. I urge honourable members to support the legislation as it has been put forward by EARC and the Minister.

In conclusion, I comment briefly on the optional preferential voting system which is to be enacted by this Bill. Great importance must focus on the effect of the system. Although we have debated much about the merits of the system, I believe that the effect of the system will be diverse in that it may favour certain political parties in some

electorates and not favour them in others. This is a far more scientific and clinical appreciation of the system. The merits of the optional preferential system in satisfying the fundamentals of universal suffrage is another matter, and the debate on that issue will not conclude today. Students of politics will continue to match the process with the principle. It is essentially a question of whether it is relevant for an elector to form a view on a candidate other than the candidate primarily preferred by the voter or whether that view should have any relevance to determining the outcome of the election. Perhaps the strongest argument in favour of the proposed system of optional preferential voting lies in the "optionality" of the system which at least gives a choice to those voters who do not consider that the standing of any candidate other than the preferred candidate should influence the outcome of the ballot. I moot that in future, if voters form a habit of voting in that way, the creation of the system may create more problems for Federal elections, but that is another question for people in another place. The great strength of the Bill is the enshrining of the independent commission to regulate Queensland's future election system and a key element of this is the trigger mechanism to create redistribution. That is also ensured by virtue of its gazettal. I wish the Electoral Commissioner, the Deputy Electoral Commissioner and their staff the very best because they have before them one of the most important tasks necessary for the future good government of this State.

Sitting suspended from 6.01 to 7.30 p.m.

Debate, on motion of Mr Braddy, adjourned.

CRIMINAL JUSTICE AMENDMENT BILL (No. 2)

Second Reading

Debate resumed (see p. 5254).

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (7.30 p.m.): The Opposition will support this legislation, but, once again, the reality from the Premier falls short of the public relations rhetoric. On 6 May in this House—that is less than two weeks ago—the Premier set out to create the impression, at least on the 10-second grab on the 6 o'clock news, that he was prepared to make a genuine effort to provide Noel Newnham with expanded rights of appeal. He stated that the anomaly the Government had recognised was "serious enough to warrant urgent consideration". Nobody who heard him in this House on that day left with anything other than the impression that the Premier was about to act, and act decisively, to give the stood-aside Police Commissioner expanded rights of appeal. Interestingly, this was in direct contrast to the attitude that the Premier had expressed in the same place barely 24 hours before when I requested that he expand the appeal rights. On that morning, the Premier said that the grounds for appeal were "quite reasonable". He said that it would be "highly unusual" to interfere. By Wednesday, the Premier was asking us to accept that he had had the matter under consideration for a week. He stated that there was an "anomaly" which deserved "urgent attention".

The concern by the Government over the Newnham affair is simply underscored by this sort of blatant contradiction, and there is another example of this stress-related condition before us in the legislation tonight. On 6 May, the Government was bending over backwards to help stood-aside Police Commissioner Noel Newnham. On 19 May, it has delivered too little and signalled its determination to make it too late. Honourable members do not see before them tonight the same broad rights of appeal available to anybody convicted under the Criminal Code, which is what the Opposition originally sought. Despite this legislation being pushed through the Parliament tonight as a matter of urgency, the stood-aside Police Commissioner still has fewer rights of appeal than a murderer, a rapist or a burglar. Honourable members will certainly not see anything tonight which vaguely resembles the even broader rights of appeal available against the findings of a master of the Supreme Court where there can readily be a rehearing and which we suggested was perhaps appropriate given the relative weight of the tribunal.

When one looks at the "anomalies"—to use the Premier's term—in relation to matters of fact before the judicial inquiry and before the Misconduct Tribunal, I do not doubt that a rehearing would be a fair option, at least in this case. What we do see before us tonight is a tightly constrained, heavily restricted improvement in the right of appeal on matters of fact alone. The constraint is there in the fact that appeal on this new ground can occur only with the leave of a judge of the Supreme Court. This is public relations legislation; this is bad legislation. It has been drafted according to political, not legislative, agenda. It has been drafted after pressure from the community and the Opposition. It has been drafted on the run, and the Government has got it wrong. When the Government creates legislation for the simple purpose of making it look good, it is ultimately doomed for failure. The record will show that this is Labor Party legislation and that it is bad legislation.

Mr Littleproud: Politically driven.

Mr BORBIDGE: The Deputy Leader of the Opposition has reminded me that it is politically driven. This legislation will not provide unfettered rights of appeal to Noel Newnham and to those other police officers who might potentially benefit from real amendments to the appeal provisions because the Government really does not want to vary the status quo at all. It wants to do just enough to be able to leave its implied actions unchallenged on the 6 p.m. news tomorrow night. It is betting on the fact that the gallery will see enough of a reflection of what the Government said it would do—in what it is actually doing—not to face contradictory coverage at 6 p.m. on 20 May. It wants to preserve the impression that it is bending over backwards to help the stood-aside Police Commissioner.

Explanations for the course it has adopted will be typically superficially plausible and, no doubt, extremely well promoted. Members of the Government will say that they did not want to start off a chain reaction of appeals and, therefore, had to apply a constraint. The Government will say that it simply could not afford to have a mass of appeals that might end up in full rehearings. This argument is spurious. Apart from anything else, people are simply not going to be able to afford the process and many will have simply moved on in their lives and will be looking to forget and not to remember. Honourable members have to look for the real reasons why these provisions are so restrictive. I have no hesitation in declaring again—and, if necessary, again—in this place that this Government is not interested in helping the stood-aside Police Commissioner or, for that matter, officers of the Police Service who have been placed in a similar position. I place on public record tonight that I would be very surprised if Commissioner Newnham's appeal is based on this public relations effort being pushed through the House tonight.

This Government simply is not interested in improving the quality of justice for the Police Commissioner. It is interested in rehabilitating our former Police Minister. It is interested in burying all the many serious allegations by Mr Newnham about the conduct of this Government in relation to its management of the Queensland Police Service. That purpose is obviously best served if the stood-aside Police Commissioner does not get a fair go. Put simply, if Mr Newnham's reputation is ultimately destroyed, then less credibility will be given to his extraordinarily serious criticisms of this Government. Under the Government's preferred scenario, it is possible that those allegations will never be examined. Such is post-Fitzgerald Queensland under Premier Goss!

I am sure honourable members will hear more about Mr Fitzgerald tonight on the basis of the valid criticisms of this Bill. The Premier sought to give the impression that he has been constrained in constructing wider appeal mechanisms by the requirements of Tony Fitzgerald, QC, in his commission of inquiry report. Frankly, Mr Fitzgerald's recommendations are not, and were never meant to be, tablets from the mount. They should not be considered in that light. The reform process in Queensland must be a continuing and evolutionary process. When elements of that process are found wanting by the sheer weight of experience, then the reform process should be improved. The Opposition accepts that the legislation it introduced and enacted in this House in 1989 in relation to appeal provisions was too restrictive and too imbued with the attitude at

the time which took, perhaps, too much cognisance of presumed guilt rather than innocence. I hope that it is now obvious to the great majority of Queenslanders that rights of appeal in any jurisdiction should be as broad as possible as a matter of basic civil rights. In the past, we might all have been too anxious to make the task of getting rid of the allegedly corrupt too easy and too rapid.

Mr T. B. Sullivan: That is not National Party policy, nor practice.

Mr BORBIDGE: I notice the supporters of the recently re-elected chairman of caucus barking—and so they should because what is being perpetrated tonight by the Premier, this icon of accountability, is a two-card trick that would make any grubby cardsharp in a casino feel very proud. I repeat my hope that it is now obvious to all members of this Parliament and to a majority of Queenslanders that rights of appeal in any jurisdiction should be as broad as possible as a matter of basic civil rights. In 1989, in the wake of the Fitzgerald inquiry, we might all have been too anxious to make the task of getting rid of the allegedly corrupt too easy at the expense of those people who may well have been innocent. I think it is high time that the presumption of innocence again becomes the basis of the system and the basis of our sense of natural justice. That sentiment is not anti-Fitzgerald, and if it is regarded that way by some people, then Fitzgerald and his alleged disciples are being too harsh and too zealous. I say that with full respect for his intentions and in recognition of the mood in this place in the latter stages of 1989 when these issues were being considered.

There is another anomaly—another contradiction—in this Bill. On the one hand, those members of the Police Service whose opportunity for appeal under the existing Criminal Justice Act provisions has long expired will now have another 28-day period in which to lodge an appeal under the provisions contained in the Bill. This is as it should be. Such a provision is a simple and logical recognition of the fact that people should have access to the new legislation. On the other hand, the "anomaly", to use the Premier's word, is that this logic will not be extended to cover the stood-aside Police Commissioner. Noel Newnham is specifically excluded from that provision, and the time available for him to appeal will run out next Monday. Apart from any concerns that may be held by Mr Newnham's legal advisers in relation to the limitations placed on their right of appeal on the basis of error of fact as laid down in this Bill, the further constraint of time makes a mockery of the amendments proposed by the Government tonight.

Mr T. B. Sullivan: You are wrong again.

Mr BORBIDGE: The honourable member might be interested to know to whom I have been speaking this afternoon. Every time he opens his mouth, he puts his foot in it. This legislation makes a mockery of the amendments proposed by the Government and also the alleged urgency for this Bill to pass through the House tonight. The Premier said as clearly as he said he would widen the grounds of appeal that he regards the time available as adequate, but that he would consider any approach from Mr Newnham's legal advisers in relation to extending that time. I suggest that any offer of help from the Premier to the stood-aside Police Commissioner would be treated sceptically by Mr Newnham or by anybody associated with him, and would be regarded as about as sincere as an invitation extended to the commissioner to attend a weekend barbecue at Terry Mackenroth's place. In common with this Bill, the offer is too little, too late. I do not believe that the Premier will be receiving any frantic phone calls from Mr Newnham's advisers tomorrow morning seeking an extension of time to take advantage of what we are considering tonight. This Bill offers him very little. I predict that if Mr Newnham's appeal proceeds, it will have nothing to do with the amendment relating to the Criminal Justice Act that is before the Parliament. This Bill is inadequate. It fails to deliver on the interpretation and on the perception of the Premier's promise. This legislation is cold comfort for Noel Newnham. There is cold comfort in this legislation for other police officers who are also subject to, are considering, or have failed to lodge, an appeal—although they might have done so on the basis of what the Premier said—against a decision of a Misconduct Tribunal. There is cold comfort in this legislation for justice, and there is cold comfort in it for post-Fitzgerald Queensland.

In so far as this legislation is a slight improvement on the status quo, the Opposition will support the Bill before the House. However, it is a slick, two-card trick by a political cardsharp who had to warn his caucus today that the Mackenroth/Newnham affair is damaging his Government's credibility and electoral prospects. This legislation is another example of a public relations Government that lacks substance and sincerity. It once again proves that in terms of major issues of the day, this Premier and this Government will ultimately be found wanting.

Mr FOLEY (Yeronga) (7.45 p.m.): In the course of this debate tonight, what a profound weakness in legal matters the Opposition has demonstrated. One might have hoped that, on a matter of such great importance to the citizens of Queensland as the Criminal Justice Act, one might have seen the deadly opportunism of the Opposition replaced with a little statespersonship. Instead, the Opposition tried to repeat the slogans of its campaign over the past few weeks. We are seeing an attempt to paint this amendment as too little too late. We heard the assertion by the Leader of the Opposition, which is plainly wrong, that this provision confers fewer rights of appeal than are available through the criminal appeals system. Frankly, the Leader of the Opposition is simply wrong on that point. This provision is an important provision to extend the opportunity for justice for persons seeking to appeal against decisions of the Misconduct Tribunal in its original jurisdiction. As such, it opens avenues of appeal which are very broad in their nature and, in so doing, opens up the possibility not only of errors of law being corrected but also of errors of fact being revisited by the appellate court or, indeed, the matter being remitted from the Supreme Court to the District Court.

The great British jurist, Lord Denning, set out the conundrum that faces the law: its desire to achieve order and to achieve justice. The Bill before the House is an attempt to broaden the grounds on which justice can be obtained for individuals who are the subject of an adverse finding by the Misconduct Tribunal. In so doing, the Bill changes the balance from the strict order that was established under the initial legislation. It is in that respect rather similar in nature to the legislation amending the Criminal Justice Act, which came before the House a couple of weeks ago, in that it replaces a former strict regime with a more liberal regime, a more liberal provision, to ensure that justice is done. In so doing, it engages with one of the most difficult areas of modern law, namely, that area between crime, on the one hand, and civil wrongs, or torts, on the other.

In Queensland during the time of the previous Government, a very grave problem of corruption had this State by the throat. In response to that very grave problem threatening the body politic, a new apparatus was established in the form of the Criminal Justice Commission, its Official Misconduct Division and the Misconduct Tribunals. By such a device, a new concept entered into the law of Queensland—a concept which was not a crime or a criminal offence, nor was it merely a tort or civil wrong; it was a new concept by the name of "official misconduct". During the course of the debate on this legislation, we find ourselves grappling with the difficulty of that new concept in this twilight zone between the world of crime and the world of torts. It is for that very reason that one might have hoped that Opposition members would address the matter seriously rather than resort to the callous and opportunistic slogans to which they have resorted. This sort of problem is one with which we will have to grapple if we are to come to terms with modern administrative law.

In the past couple of weeks, we saw the presentation by EARC of its report on codes of conduct for public officials and its proposal for a public sector ethics Bill. That introduces through the law the concept of unethical conduct. If one were simply to pursue the opportunistic, sloganistic method of argument of the Opposition, one would never come to terms in a just way with those new frameworks of law that are so much a part of the complexities of modern life. It is all very well to say that official misconduct is rather like criminal offences and therefore should be treated in an identical way; on the other hand, one might equally say that official misconduct has some aspects of an internal administrative appeal and should be dealt with under the body of administrative law. In truth, in this area we are facing a set of difficult, ambiguous concepts such as

official misconduct to deal with a very grave problem that the previous Government during its time in office allowed to flourish.

The definition of official misconduct as provided for under the Criminal Justice Act entails a broad range of matters. It entails conduct which could adversely affect the honest and impartial discharge of functions or exercise of powers of a unit of public administration. It does not entail merely a finding of dishonesty. Indeed, the elements of the definition make specific reference to other aspects of official misconduct. In dealing with the question of how one should get justice for a person who is found to have engaged in official misconduct, a serious problem arises. On the one hand, we have its nature as a disciplinary matter. If honourable members on the opposite side of the House did not read the legislation when they introduced it in 1989, perhaps they might take the trouble to read it now and note that the jurisdiction with which we are concerned in the debate, namely, the original jurisdiction of the Misconduct Tribunal as set out in section 2.36 of the Act, is a jurisdiction to deal with charges of a disciplinary nature of official misconduct. That is to say, we are concerned with how to deal justly with disciplinary matters. That was a very important problem in the administration of the Queensland police force. In the establishment of a new order in the Queensland Police Service—an honest, accountable order—the framework was set out to allow for the disciplinary nature of the proceedings and to allow limited grounds of appeal, namely denial of natural justice, error of law or manifest excessiveness of penalty. That was a coherent way in which to approach this difficult concept of official misconduct.

With the benefit of the passage of time, a more liberal approach has been adopted in the nature of this legislation which is before the House. How the Opposition Leader can possibly suggest that these grounds are somehow narrow really is a defiance of commonsense. The provisions in the Bill enable an appellant, with the leave of a judge, to argue errors of fact and to argue that the decision cannot be supported having regard to the evidence in proceedings before the Misconduct Tribunal and any evidence that may be adduced in the appeal. For goodness' sake, if that is not a set of grounds of appeal a mile wide, I really do not know what is.

Objection was taken to the provision that the leave of a judge is required. Yet, reflect for a moment upon the consequences of omitting that provision. What that would do would be to reduce the Supreme Court of Queensland to nothing more than a rehearing on the facts of every matter that was dealt with as a disciplinary matter on a charge of official misconduct before the Misconduct Tribunal. There are none so blind as those who will not see. What is urged, by implication, on the part of the Opposition is that the Supreme Court of Queensland should be reduced to no more than a rehearing of a disciplinary matter before the Misconduct Tribunal on each and every case. What an absurd proposition! What an absurdity at law! What a dismal disappointment to the people of Queensland that there should continue to be such profound weakness on the part of the Opposition. I look forward with some hope that perhaps a shaft of insight has come down upon the Liberal Party after all these years, for hope does spring eternal in the human breast, and I shall listen with great care.

The necessary implication of the view taken by the Opposition in the course of this debate is to reduce the Misconduct Tribunal to a simple stopping point along the way to a retrial at the Supreme Court. What an absurdity! This does not make any attempt to deal with the difficult issue which is involved. History will record that at a time when leadership was needed, that leadership, that willingness to grapple seriously with issues of justice and issues of discipline, was not forthcoming. Instead, an angle has been perceived and an attempt made to mislead public opinion into somehow thinking that these grounds are narrow. Nothing could be further from the truth.

Let me turn to another matter, however, which does affect the development of the law in this area, namely, that provision that requires the leave of a judge to be had on the grounds of errors of fact or that the decision cannot be supported having regard to the evidence. It is important that we should jealously guard citizens' rights of appeal to the courts of our State. It is the case at the moment in the High Court that one does not have rights of appeal; one has a right to make an application for special leave to appeal

to the High Court of Australia. There was a time when an appellant had a right of appeal to the High Court in matters in which the property involved was over a certain sum. Those days have gone and have been replaced with a provision that special leave of the court must be obtained.

It is important that this requirement that leave of a judge be obtained not be seen as a precedent for the development of appellate jurisdictions in this State. That is of particular importance because, over the past year, we have instituted through this Parliament a permanent Court of Appeal and Litigation Reform Commission. That permanent Court of Appeal has a deeply important function of hearing appeals in criminal and civil matters, and citizens have a right of appeal to that court set out in legislation. It is important that this not be seen as any precedent for the requirement of leave to be obtained for the exercise of that right in any way, shape or form analogous to the requirement that special leave be obtained in order to argue an appeal before the High Court of Australia, although, in making that point of caution, I do draw some analogy with the existing law which permits rehearings to be conducted pursuant to section 222 of the Justices Act. In such cases, a person aggrieved by a conviction before a Magistrates Court may appeal to a judge of the District Court who has certain discretions in the entertaining of that appeal, which include the power to conduct a rehearing. In that sense, there is already a precedent for the exercise of a discretion or a leave provision in the conduct of an appeal within the appellate framework of Queensland law. Wherever possible, those should be plain rights rather than simply matters of leave. In this case, what the Bill seeks to do is to extend the opportunities for an aggrieved person to seek justice. It does so by enabling a wide range of options to be opened, and in particular the ground of error of fact. The urgings of the Leader of the Opposition that this be a matter not requiring leave really makes him a laughing stock in legal circles, because it would simply place the Supreme Court in the position of having to conduct a rehearing on the facts of every matter that the Misconduct Tribunal was charged to investigate.

Mr Santoro interjected.

Mr FOLEY: I take the interjection from the honourable member for Merthyr. The honourable member speaks out of the abyss of a profound ignorance in this matter. That was not what the Honourable the Premier said. I urge to the honourable member for Merthyr that it is better to remain silent than to speak and remove all doubt about one's ignorance. One hopes that in matters of justice there could be an opportunity for some disciplined thinking to emerge into the minds of the members of the Opposition and the members of the Liberal Party; but it is, of course, necessary for them to resist that radical opportunism for which the urban and rural reactionaries of this State have become renowned. Sadly, the contribution of the Leader of the Opposition fell well and truly into that category. One looks forward in hope to the Damascus conversion of the honourable member for Landsborough, presented as she will have been now with the plain words of the Bill as set out in clause 3. The view that the Liberal Party adopts on this issue will indeed be an important judge of just where it is going. I have no doubt about the view that should be adopted, but one hopes that the Liberal Party will be able to resist the siren calls of radical opportunism in order to demonstrate its support for this important development in the law of Queensland, bridging as it does the area of criminal law and the area of administrative law. I firmly support this Bill.

Mrs SHELDON (Landsborough—Leader of the Liberal Party) (8.04 p.m.): Mr Deputy Speaker——

A Government member: I think we're going to be disappointed.

Mrs SHELDON: I could not possibly disappoint the honourable member for Yeronga. The Liberal Party supports the principle behind this legislation, despite having grave doubts about the legal competence of the Bill.

Mr Welford interjected.

Mrs SHELDON: Legally incompetent it is, as indeed is the honourable member for Stafford. The Bill has been conceived by a Government in panic, drafted in haste, and I

just hope that at the end of the day the actions taken by honourable members in this Parliament tonight do not leave the State of Queensland to repent at leisure. This appears to be a sloppy, rushed piece of legislation which has its eye on the political ramifications of the Noel Newnham affair rather than the legal aspects.

Mr Ardill interjected.

Mrs SHELDON: The honourable member for Salisbury would not understand legal aspects. It is designed to give the voting public the impression, in the Premier's own words, that "he is bending over backwards" to make sure Mr Newnham is given every chance to defend himself against the charge against him. In other words, the Premier desperately wants to be seen to be giving the Police Commissioner a fair go. Whatever happens during the appeal which this Bill is designed to facilitate, honourable members must remember one thing: the Police Commissioner's predicament came about because of the spiteful and false allegations of the disgraced former Police Minister, Mr Mackenroth. The member for Chatsworth got caught——

Mr MACKENROTH: I rise to a point of order. I would ask the member for Landsborough to withdraw that comment. I had nothing whatsoever to do with the Police Commissioner's payment of fares to Canada.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member for Chatsworth finds the remarks by the member for Landsborough offensive. I ask her to withdraw the remarks.

Mrs SHELDON: With due respect, I did not mention anything about that.

Mr DEPUTY SPEAKER: Order! I have asked the honourable member for Landsborough to withdraw the remarks.

Mrs SHELDON: I will withdraw the remark that Mr Mackenroth may find offensive. The member for Chatsworth got caught in the travel rorts affair and he had to go from the Ministry. However, he wanted to take someone with him. Who knows? Perhaps he had to take down the Police Commissioner, since he no longer exercised ministerial control over the man in charge of the Police Service.

Mr DEPUTY SPEAKER: Order! Those comments have nothing at all to do with the contents of this Bill. I ask the honourable member for Landsborough to return to the contents of the Bill or I shall deal with her.

Mrs SHELDON: I am referring to the contents of the Bill.

Mr DEPUTY SPEAKER: Order! I have made a ruling.

Mrs SHELDON: I will be referring to the contents of the Bill. Whatever the reasons, Mr Mackenroth made a series of allegations against the Police Commissioner. The subsequent investigation proved the Mackenroth allegations wrong in every particular, but fresh matters were raised during the investigation, and Mr Newnham was referred to the police Misconduct Tribunal. One charge stuck and is about to be appealed by Mr Newnham.

The fact that this House is debating this Bill tonight does not alter my belief that Noel Newnham has been the victim of a vendetta by this Labor Government. Now that events have overtaken the man brought to Queensland as a centrepiece of the police reform process, the Premier is playing a game of Pontius Pilate. He is washing his hands with this Bill and claiming that Mr Newnham is at the mercy of other people in other places. As a public relations gesture, this Bill has been rushed into the House tonight. Honourable members had only five hours to study the Bill and, in many respects, must rely on the advice of the Government's lawyers. I warn here and now——

Mr Ardill interjected.

Mrs SHELDON: If I was speaking about the powers of the honourable member—God help us! I warn here and now that no-one in this House can be sure of the future legal ramifications of this Bill. We simply trust that the Premier and his legal advisers have got it right. I doubt it. In the short time I have had a chance to study the Bill, there are a number of points that I would like to raise. It is difficult to understand the

distinction which the Premier draws between an error of fact and a conclusion that a decision cannot be supported having regard to the evidence. If a decision cannot be supported on the evidence, that is clearly an error of fact. What does the Premier mean when he states that, on the second ground, a court may overturn a decision of the Misconduct Tribunal even if the court is not satisfied that the decision was wrong, but merely if it considers that there was not enough evidence to support the decision. Mr Foley is not listening to this erudite discussion. Again, if a decision was reached in which there was inadequate evidence to support that decision, that is an error of law.

Mr Santoro interjected.

Mr DEPUTY SPEAKER: Order! The honourable member for Merthyr is not assisting the honourable member for Landsborough one iota. I suggest to the member for Merthyr that he desist from further interjecting.

Mrs SHELDON: The Premier went on to say that the court can give the benefit of the doubt to the appellant and overturn the decision. As a matter of law, a person charged before the Misconduct Tribunal is always entitled to the benefit of the doubt, and if the Misconduct Tribunal has not given that person the benefit of the doubt, that again is an error of law.

Mr Welford interjected.

Mrs SHELDON: This would be news to Mr Welford. As to the requirement for "leave"—the Premier stated that the new ground requires an appellant to satisfy the court of some cogent reason why the appeal should be heard. That is not what the amendment states. It would not have been difficult to draft an amendment which provided such a criterion for the granting of leave, but the present draft does not do so. It simply states that there must be "leave of a judge". How is it proposed that an application for such leave be dealt with? It is suggested that there be a preliminary hearing to determine an application for leave with a full appeal on a subsequent occasion.

Mr Welford interjected.

Mrs SHELDON: Mr Welford is supposed to be a lawyer, but I have grave doubts about his ability in that field. Is the judge expected to consider part of the evidence, or even the whole of the evidence, on an application for leave, and then to reconsider the matter on the hearing of the appeal? Is it the Government's idea that the costs of proceedings will be escalated—and, Mr Welford, that is what the Labor Party obviously wants—by having two separate applications; the first for leave to appeal, and the second relating to the hearing of the appeal? What are the criteria to be exercised in granting leave? The Premier referred to some cogent reason why the appeal should be heard. The criterion is not identified in the proposed amendment. In any event, what does it mean? Is it a cogent reason that the person involved happens to be the Commissioner of Police, rather than an ordinary constable or sergeant? Is it a cogent reason that the issue has attracted a great deal of publicity and caused considerable embarrassment to the Government? How is a judge expected to exercise the power to grant leave without some guiding principles as to the grounds or criteria upon which such leave may be granted? Mr Foley has his back to me. Obviously, he is not interested in the real legal debate that is going on. How are lawyers to advise their clients in relation to such an application unless there is some clear statement of the relevant grounds or criteria? How is a person who has been convicted by the Misconduct Tribunal to know whether he has grounds for seeking such leave without incurring the costs of such an application?

As to the provisions of proposed new subsection (1D)—the Premier refers to the fresh evidence rule. That is nonsense. Proposed new subsection (1D) does not refer to fresh evidence. It states—

> ". . . the judge may order that the matter be heard afresh, in whole or part, in the appeal."

That is the direct opposite of fresh evidence. Fresh evidence means that the court acts upon the evidence heard in the court below, together with any fresh evidence adduced

on appeal. Proposed new subsection (1D) contemplates a rehearing of the evidence which was heard in the tribunal.

Mr Beattie interjected.

Mrs SHELDON: Mr Beattie is agreeing with me. I am very pleased to hear that. Again, there is no indication at all as to the criteria or grounds which a judge may apply in ordering that a matter be heard afresh. That involves the same difficulties that I have already mentioned. Again, there is no indication as to the procedure to be adopted when an application is made for a hearing afresh. Is it contemplated that there be some kind of preliminary hearing, with the cost and delays which that entails, in which an application is made for a fresh hearing? How can a judge determine, without knowing what the evidence is, whether a fresh hearing is justified? The Premier gave the example of a case which has taken two weeks to hear before the Misconduct Tribunal. Is it contemplated that, when an order is made that a matter be heard afresh, the Supreme Court will have to sit through the same two weeks of evidence again? If, as the Premier seems to contemplate, those provisions are merely designed to allow fresh evidence, what would be the injustice in allowing the evidence heard by the Misconduct Tribunal to stand, together with any additional evidence which may be called in the Supreme Court? The Premier referred to the example of criminal appeals. He stated that in such cases there is no automatic right to have the evidence heard again. In fact, in a criminal case, the appeal court never hears the evidence again. It is always argued on the transcript of the evidence heard in the lower court. I hope that Mr Beattie is making notes as I believe he might need them. What is proposed in this amendment is a complete departure from the practice which exists in all appellate courts, whether they be civil or criminal. The Liberal Party fully supports the view that every police officer, not just Mr Newnham, should have full and fair rights of appeal from the Misconduct Tribunal.

Government members interjected.

Mrs SHELDON: Listen to the rabble. However, it is concerned——

Government members interjected.

Mrs SHELDON: I mean the rabble on the Government side of the House. However, it is concerned that those amendments have been hastily drafted to save the Government's embarrassment in a situation which has arisen through the extraordinary outbursts of the member for Chatsworth. Although the amendments proposed on this occasion are clearly designed by the Government to facilitate an appeal by Mr Newnham, which is something that the Liberal Party wholeheartedly supports, it must be remembered that those amendments will apply not only to Mr Newnham, but also to every police officer or public servant who comes before the Misconduct Tribunal.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! There is far too much audible conversation in the Chamber.

Mrs SHELDON: Thank you, Mr Deputy Speaker. The Liberal Party does not wish to say anything which may be construed as suggesting that it is opposed to the principles which motivate those amendments, but it is concerned that those amendments should be practicable and workable and not create more problems for the future.

Mr BEATTIE (Brisbane Central) (8.15 p.m.): I rise to support the Criminal Justice Amendment Bill (No. 2). In doing so, I make a number of general observations in relation to the Bill. The Criminal Justice Act 1989 is indeed a very poorly drafted piece of legislation that was rushed through the House during the post-Fitzgerald period. In December last year, my parliamentary committee tabled in this House a very substantive report No. 13 titled "Review of the operations of the Parliamentary Criminal Justice Committee and the Criminal Justice Commission—Part B—Analysis and Recommendations", which contained a total of 43 recommendations. Many of those recommendations dealt with the inadequacy of this legislation. One recommendation deals specifically with the Misconduct Tribunals. For some time, this subject has been a source of concern. The report states—

> "The Misconduct Tribunals are constituted by selection of one person from a panel of at least three persons of the rank of at least judge of the Supreme Court or its equivalent. The panellists can be appointed for up to three year terms but not exceeding six years."

To date, a total of 12 people have been appointed to the panel. That report pointed out that the committee received a submission from the CJC itself about amending these provisions. In its proposed amendments to the committee, the CJC submitted that the Misconduct Tribunals should be separated from the CJC by either constituting the Misconduct Tribunals under separate legislation or specifically dealing with them in a separate section of the Act. The committee agreed with the CJC that the tribunals should be constituted under their own legislation. The report stated further—

> "But the recommendations (from the commission) in relation to the Misconduct Tribunals do not say to whom the independent Tribunals would be responsible. Because the powers of inquiry of the Tribunals are not limited, then the Tribunals should be accountable (in the committee's view) to an external body.
>
> The Committee is of the view that the administration of the Misconduct Tribunals should be conducted by the Department of Justice which is the department responsible for the provision of administrative services to the courts. The Committee is also of the view that this Committee should have a general review function (though not a supervisory function) in relation to the performance of Misconduct Tribunals constituted under separate legislation."

The specific recommendations for that legislation were—

> "The Committee endorses the recommendation of the Criminal Justice Commission that the Misconduct Tribunals should be constituted under their own separate legislation and recommends that the legislation should provide for the accountability of the Tribunals to the Department of Justice (administratively) and be monitored and reviewed by this Committee. The Committee also recommends that the Tribunals should have a discretion to conduct appeals from disciplinary decisions of the Deputy Commissioner of the Police Service either by way of rehearing or review of the original decision."

I have referred to that report to indicate that the parliamentary committee has had the Misconduct Tribunals under careful consideration for some time. I do not say that with any reflection on the decisions that have been made. Rather, in the early days, some people who were appointed to the panel were concerned about sitting in locations close to the CJC. In fact, they insisted on sitting in locations away from the CJC. There has been a period of sensitivity involving the establishment of the Misconduct Tribunals. That is not the fault of the Misconduct Tribunals or the CJC; it is the fault of the inadequate legislation that was set up to establish the operation of the tribunals. To be kind, perhaps it was a lack of foresight in the legislation when the Misconduct Tribunals were established. As all members of the Parliamentary Committee for Criminal Justice would be aware, this has been a matter of particular concern to me personally for some time. On the private record of the committee's monthly meetings with the CJC, I am on record as raising this issue on a number of occasions. I put on record the strong view of the parliamentary committee that, in the long term, there must be wholesale change to the legislation to establish the Misconduct Tribunals under totally separate legislation, administered by the Justice Department, with the parliamentary committee having an overview.

In this debate involving the recent Newnham case, there has been confusion about where the Misconduct Tribunals line up. It needs to be set clearly on the record that, in relation to this matter, it was neither a decision of the Government nor a decision of the CJC; it was a decision of an independent Misconduct Tribunal. Confusion arose because the Misconduct Tribunals are set up as one of the divisions of the CJC under the Criminal Justice Act. Much of that confusion can be avoided in the future by simply setting up the tribunals under separate legislation. That is the strong, unanimous view of the members of the parliamentary committee. Some problems about independence that existed have been resolved, because the Misconduct Tribunals now sit in a location that

is totally separate from the CJC itself. I believe that the recommendations that the committee has made will solve other problems that existed in the past and, to some extent, still exist.

Let me deal specifically with the legislation before the House. This Bill expands the grounds of appeal to the Supreme Court from decisions of the Misconduct Tribunal when it exercises original jurisdiction to allow appeals on questions of fact. The new grounds of appeal are widely drafted—contrary to what has been said—so that if the appeal court considers that the original decision was wrong or cannot be supported by the evidence, including any new evidence that it agrees to hear, it can overturn the earlier decision and make its own decision.

Let me deal specifically with the current Act prior to this amendment. Under that Act, there are only three grounds of appeal. The first ground is denial of natural justice. Under these circumstances, it is a very difficult heading to succeed on. It is possible, but difficult. The second ground is error of law. Again, it is possible, but difficult. The third ground is manifest excessiveness of penalty. That is a lot easier, but it does not remove the decision in relation to guilt or otherwise. The amendment which is being moved gives a new ground of appeal allowing the judge at his or her discretion to examine whether the Misconduct Tribunal made a factual error. That is a significant change, and not to be dismissed lightly, as we heard from the honourable member for Surfers Paradise.

An appellant cannot automatically appeal on a question of fact. The consent of the judge must be obtained before the appeal can be heard. This is necessary, otherwise every party dissatisfied with a factual finding of the tribunal would appeal even in cases where they had little chance of success. The model for this, as the honourable member for Yeronga pointed out, is found in the right to special leave to appeal to the High Court. This is not something that has no precedence, nor is it something that is untoward in any way. In this Bill, if an appellant has found some new relevant evidence which was not presented to the Misconduct Tribunal, the judge will have a discretion to hear that evidence under the rules which normally apply when new evidence is found.

Also, if the judge considers it is appropriate, he or she has a discretion to rehear some or all of the evidence given before the Misconduct Tribunal, that is, the legislation allows for the calling of witnesses. As that is discretionary, it means that an appellant must satisfy the judge of some cogent reason why any evidence should be heard again. What is wrong with that? There is absolutely nothing wrong with that. To suggest otherwise is to show a total misunderstanding of the intent of this legislation. If there was an automatic right to have all the evidence reheard by the appeal court, every dissatisfied party would appeal and the hearing before the Misconduct Tribunal would become a pointless exercise, as the whole case would be heard again by the court. Furthermore, this would delay the process of determining official misconduct cases, which former Commissioner Fitzgerald intended should be a speedily determined process to ensure stability in the Police Service. This Bill provides for speedy resolution of matters by giving the Supreme Court power to refer an appeal to the District Court to be heard, as the District Court has a shorter waiting list. The legislation bends over backwards to make this process as quick as it possibly can be, and that is in the interests of everybody, particularly in the interests of stability of the Police Service.

The time for appeal remains at 28 days from the date of the announcement of the Misconduct Tribunal's decision. However, the Bill operates retrospectively—I will come back to that in a minute—so that persons——

Mr Santoro: There's no guarantee.

Mr BEATTIE: What does the honourable member mean by "no guarantee"? What sort of a goose is he? Has he read the legislation? Of course it provides for retrospectivity. I am happy to hand a copy to the honourable member. The Bill operates retrospectively so that persons whose time for appeal on the new grounds has already expired will be given a further 28 days so they can appeal on a question of fact. Mr Newnham has until Monday to lodge his appeal on any of the grounds.

I will deal now with the consultative process. The Premier wrote to both the Criminal Justice Commission and the Parliamentary Criminal Justice Committee. The CJC was provided with a copy of the draft Bill and so was the parliamentary committee. I had the opportunity to have a discussion with Marshall Irwin, the general counsel for the CJC—a matter I reported to the full meeting of the Parliamentary Criminal Justice Committee. The CJC provided advice to the Premier on these amendments and that advice, along with the letter from the Premier, was considered by the parliamentary committee. I make it clear that the Premier has consulted widely and, in terms of the process, to a stage of being more than adequate. I have no criticism of the consultative process. We were consulted fully and properly.

Let me deal with the Parliamentary Criminal Justice Committee's consideration of this issue. The reason I do this is that there was an unfortunate media report on the matter and I indicated today at a meeting of the committee that, when this debate came on, I would set the record straight so that everyone knows the position. A majority of four members of the Parliamentary Criminal Justice Committee recommended full support for the provisions that are before the House and argued for retrospectivity. There was a minority view of three members of the parliamentary committee which supported the recommendations but which opposed retrospectivity and took the view that the legislation should apply from the date of proclamation of the Bill. The only difference in terms of the position of the parliamentary committee between the four to three vote was a question of timing.

Mr Santoro: No.

Mr BEATTIE: I beg the honourable member's pardon. It was a matter of timing. The minutes of the parliamentary committee confirm that we are talking about a question of timing. If the honourable member has a serious objection, I would appreciate it if he clarified that. I am quite happy at a future occasion, should the need arise, to table the minutes of that meeting of the parliamentary committee which have been approved today by the committee. There was a difference of timing; that is the issue.

Mr Santoro: We did not know what the legislation was.

Mr BEATTIE: Let me clarify the position. The committee considered a draft proposition that was sent to it by the Premier. Included with that letter from the Premier was the draft legislation to come before the House. We considered that draft legislation. In view of comments that were made by the CJC, we suggested some changes. Most of those comments by the CJC have been picked up in the legislation. If the honourable member wants to nitpick, that is his privilege, but the basic thrust of the legislation was endorsed by the parliamentary committee. The difference was a question of timing. The only difference was that the majority of four argued for retrospectivity—I will return to that—and the minority of three took the view that they supported the legislation in general terms, if that satisfies the honourable member, but the timing was the difference. The minority view was that it should apply from the date of proclamation of the Bill. In other words, there was general committee support for the Bill. As a lawyer, I do not usually support the principle of retrospectivity. It is a principle that should be used very sparingly, but under these circumstances it was justifiable.

Mr Foley: It infers a benefit rather than a detriment.

Mr BEATTIE: I take that interjection from the honourable member for Yeronga. That is the exact and only reason why I would support such legislation.

A Government member interjected.

Mr BEATTIE: Indeed, that is why I support the amendment. I support the retrospective application of this Bill because there were a number of people who have sought to appeal from the Misconduct Tribunals in their original jurisdiction. There has been some confusion in this debate about the number of people who appeared before the Misconduct Tribunals. In this case, we are talking only about people appearing before the Misconduct Tribunals in their original jurisdiction. The number of people who have appeared before the Misconduct Tribunals in their original jurisdiction are listed on the two pages that I have before me. I had those provided to me by the CJC so that I

could table them tonight for the information of the House. I do so now with the enclosing memo that came from the CJC. We are only dealing with a small number of people, so I table this document for the information of the House. In doing so, I refer to a letter from the CJC, which I will also table, which deals with two people who are likely to use this legislation to appeal. I refer to page 2 of the letter from the CJC to the Deputy Director-General of the Office of Cabinet, which states—

> "As I am sure the Government will appreciate, it would be detrimental to the reform of the Queensland Police Service if the amendment was to be perceived as one made solely to assist any particular person. This is particularly so because of the five cases which have already been investigated and determined by the Misconduct Tribunal in its original jurisdiction"—

the details of which I have just provided to the House—

> "other than the recently well publicised case involving the Commissioner of the Police Service, two police officers have been the subject of a finding that official misconduct has been established. Reference has already been made to Mr Hall."

He was one of them, Mr Deputy Speaker. The letter continues—

> "The other is named Webb. Both Hall and Webb would be out of time to appeal under either the present or proposed section 2.38.
>
> I am sure the Government will agree that it is essential for a disciplined Police Service that the same standards be applied throughout its ranks.
>
> The Commission is therefore strongly of the view that an amendment to section 2.38 of the CJ Act, to provide a ground of appeal on questions of fact from decisions of the Misconduct Tribunal in its original jurisdiction, must be framed so as to ensure in the interests of fairness, that Messrs Hall and Webb are given the same entitlement as any other person after it is enacted."

That, in fact, has been done. The Premier and the Government have accepted that recommendation from the CJC as endorsed by the Parliamentary Criminal Justice Committee. In other words, the CJC had its way, as did the parliamentary committee, with that recommendation, and it has been incorporated in the legislation before the House. In the short period that remains, I want to deal with a number of matters. I am concerned about some of the points that have been made in this debate. The honourable member for Surfers Paradise referred to the grounds of appeal on criminal matters. He is wrong. The grounds in this Bill are wider than those on criminal matters. This Bill provides for wider grounds of appeal than the conventional criminal appeal grounds.

Mr Connor interjected.

Mr BEATTIE: If the idiot who is interjecting had listened to me before, he would have heard that I said that the precedent applied from the High Court. That is exactly the process. I have already been through that. I will have to write it in crayon on a board. The point that is important is that these grounds are wider than those given to rapists and murderers; they are not narrower. It is legally wrong—there is no argument about it—to suggest otherwise. In terms of criminal matters, the position is very simple. There is no appeal on error of fact. That is what is given in this case, and that is important. In criminal matters, one cannot have a rerun of the trial. One simply has to prove error of law—there is a right of appeal, admittedly—but one has to prove the error of law. One does not have the opportunity of error of facts. These amendments before the House tonight are important. They certainly give Commissioner Newnham a wider range of appeal—there is no argument about that. They also protect those other police officers, such as Hall and Webb, who have been denied appeal rights in the past. I have always held the view that this section was too narrow. It was not brought about by the Newnham matters. If the catalyst to change the law is right, that means we should do it, not run away from it.

Time expired.

Hon. W. A. M. GUNN (Somerset) (8.35 p.m.): I doubt that the honourable member for Brisbane Central has convinced many members in this Chamber; I do not think he has even convinced himself. He certainly has not convinced me. However, he mentioned a meeting of the parliamentary committee held in Mackay and made one error in relation to that meeting that I would like to bring to the notice of this House. At the same time, I express my disgust at an article which appeared in the *Courier-Mail* written by Morley and Gagliardi that came from a meeting in Mackay of the Parliamentary Criminal Justice Committee. The leaking of information from that committee is absolutely illegal. In this case, it was a selective leak. The full story was not told—not that any part of the story should have been told. In the past, the committee has not played politics and, to my knowledge, there have never been any leaks. Because this will be my last year in this Chamber, it is a grave disappointment to me. The committee has been working very well indeed. Its members did work together for the benefit of the people of Queensland.

When I read the article I was quite shocked. The fact that the *Courier-Mail* did not contact me is no surprise. Once again, I will quote Ian Callinan, "Near enough is good enough." That has been the policy of those journalists for as long as I have been in here. The *Courier-Mail* has never been a friend of mine, and the feeling is mutual. I won seven elections without the assistance of the *Courier-Mail.* In fact, I won the elections in spite of it, not with its assistance. The standard of its reporting is even worse than it was when I entered this Chamber in 1972. My great hope is that another daily paper will start in Queensland—and the sooner the better. Only then will we have that level playing field we hear so much about. I can assure honourable members that at the present time it is full of humps and hollows. Senior staff of the *Courier-Mail* are racing to provide damage control for some of their friends on the other side. We see this almost daily. However, their day will come and I think it will come more quickly than they think.

The Newnham case must puzzle many people not only in this Chamber but also outside the Parliament. I am not suggesting that Mr Newnham has not done a good job under very difficult circumstances, but after reading the evidence given to Judge Loewenthal and Mr Chesterman, QC, I am absolutely amazed that a person who rose to such a high position would put himself in the position in which he is now placed. The question on everybody's lips throughout the State of Queensland is, "Why did he put himself in this position?" There is a good deal of talk about corrupt police officers, but there would be only a minuscule number left because most of the corruption has been cleaned up. Throughout Queensland, 99 per cent of police officers are genuine and are generally decent people. However, Judge Loewenthal and Mr Chesterman, QC, who are at the top of the legal field, had no alternative but to come to the conclusion they reached.

The Queensland Criminal Justice Commission is one of the best investigative bodies in Australia. The parliamentary committee visited all States of Australia and looked at similar bodies. I was very disappointed in the New South Wales ICAC operations, and the other remaining States have only a couple of similar bodies between them. In fact, the other States of Australia have next to nothing in terms of investigation of public sector affairs. The member for Yeronga, Mr Foley, and others can condemn the work of the National Party, but we put together the best criminal investigation commission that Australia will ever see. There are two ways in which the work of the CJC can be interfered with, namely, political involvement and starving the commission of funds. As far as the future of this State is concerned, I hope those types of interference never happen.

Let me turn to examine the case of Mr Newnham. He nominated to have the matter heard by the CJC and had been given every opportunity of presenting his case to the commission. When an adverse finding was made, there was a public outcry which amazed me. I would say that a lot of the people who were outraged had not read the evidence, but what intrigued me most of all was the fact that the ABC and some interest groups were jumping up and down about the finding. As a matter of fact, they suggested that a fund be set up to assist him. That matter has been discussed, and because honourable members have already discussed the details, I do not wish to talk

about Mr Newnham's financial affairs. Tonight, I wish to address my remarks to the little battlers. Mr Beattie mentioned Mr Webb and Mr Hall. If my memory serves me correctly, Mr Webb has already appealed on the grounds of the penalty being manifestly excessive. What damn chance would he now have of successfully presenting an appeal based on an error of fact when he has already suggested that he should get some penalty but that the penalty he was given was excessive? That case can be wiped away, and I do not believe that Mr Hall, who has not worked for a couple of years, would have the funds to proceed with his case. These are the little battlers, and they have no hope as far as the appeal process is concerned. My thoughts go out to the people who have lodged appeals on the existing grounds.

I have always believed that Mr Newnham would appeal on the existing grounds. I would be interested to see whether he lodges an appeal based on the provisions that are contained in this Bill. I do not think he will, so what will the grounds of his appeal be? Will he appeal on the grounds of a denial of natural justice, an error of law, or a manifestly excessive penalty? I believe that long before this legislation was introduced, his mind was made up and he intended to lodge an appeal. I admit that I have no evidence of that, but it was generally accepted that there would be an appeal, and members of the public thought so, too. Of course, this Government has panicked—absolutely panicked.

Mr W. K. Goss: Absolutely what?

Mr GUNN: The Government panicked. The Government went into a mad panic.

Mr W. K. Goss: I am sorry, I just did not hear it.

Mr GUNN: I am pleased that the Premier accepts it. A survey conducted by Channel Ten—I do not know whether Channel Ten has very many viewers, anyway—showed that 82 per cent of people support Mr Newnham. Following that, the Premier stated that he was prepared to widen the grounds of appeal to include an error of fact, which I cannot understand at all. The matter received wide publicity and there was an expectation abroad in the community that the widest possible opportunity would be given to people who wished to appeal. I do not know what the Premier thinks, but if Mr Newnham does not appeal on the ground of error of fact, I do not think others will appeal on that ground for the reasons I have already stated, namely, they are not financially secure. I guess that a person would not get much change out of $10,000 or $20,000 a day when an appeal is being heard, and for that reason I cannot see people lodging an appeal on the basis of an error of fact. Mr Newnham's advisers have said that they do not need the extra time, so I presume that they will fight the appeal on one of the three existing grounds of appeal. If that is the case, I cannot see the reason why the Government would want to rush this legislation through the Parliament tonight. I can recall that when the previous Government took similar action, it made the headlines in the *Courier-Mail*. I do not believe this matter will warrant a mention on page 15 tomorrow.

Mr Mackenroth: I think you might be in it tomorrow, too.

Mr GUNN: I point out to the honourable member that when the previous Government rushed legislation through the Parliament, a great protest was heard from the Opposition. I believe that the present Government intends to ram this legislation through the House instead of allowing the usual seven-day period for perusal. I condemn the Government's actions because in the past its members of the Labor Opposition condemned legislation being rushed through the Parliament. Let me refer to the history of the Police portfolio. I was a Minister for Police, and Mr Mackenroth was the Police Minister before Mr Warburton took over. I must say that it is a very difficult portfolio and that if anything is certain, it is that the Queensland Police Minister will never please the Queensland Police Union. The Minister for Police has no hope of satisfying the union, and there is no way that members of that union could even be happy in heaven. No matter what a Police Minister does for the police officers of this State, the Police Service does not want any interference. The fact is that the Police Service just wants the Government to write out the cheques, and as long as the Police Minister continues to do that, police officers will fix things up. When the Fitzgerald

inquiry was taking place, I was the Minister for Police. As soon as I took over that portfolio, there was no need to tell me what was needed.

Mr Warburton interjected.

Mr GUNN: The present Minister for Police will find that I am right in everything I say. I do not want him to commit himself in this Parliament tonight, but I can tell him that the member for Chatsworth, Mr Mackenroth, found out that what I am saying is correct. We often swap notes over that. Whatever a Police Minister does, it will never be enough for the Police Service, but the position is that the ordinary rank-and-file police officer is okay. The top echelon is different. In this case, one of the great problems that Mr Mackenroth came across was the fact that the police wanted to do it their way. Governments are elected to govern and they must control the finance of every department, not only the Police Department. When things go wrong, Governments must accept the blame. Therefore, Governments are elected to govern, and they must do that. I do not think that the Police Department likes that very much. However, I did have a couple of happy years in that portfolio only because of those rank-and-file police who work in the community under adverse conditions.

I believe that the grounds for the extension in the Bill are unnecessary at this time. I call this the Newnham amendment. It is a panic move by the Government, and who will it help? It will not help too many people. How many people who have been dealt with by the Misconduct Tribunal—and I must look at the list that Mr Beattie has—will be able to afford an appeal or will be able to benefit in any way? I always thought that the appeal provisions were absolutely adequate, and I still think that they are adequate. Mention was made of the two sergeants who are likely to appeal. I will bet my bottom dollar that they do not appeal for the reasons that I have just given. I conclude by saying that the amendments are no more than flummery and are a great waste of public funds.

Mr SANTORO (Merthyr) (8.47 p.m.): I have listened very carefully to the words of the honourable member for Somerset and I find myself in considerable agreement with a lot of the detail that he went through. I rise not to speak necessarily in favour of the Bill but to express the reservations which prompted me to vote the way that I did—by proxy, admittedly—on the Parliamentary Committee for Criminal Justice. Before I make the substantive remarks that I want to make, I simply remind Government members that it is very easy for them these days to take the credit for being the supporters of a move to give Newnham a fair go. I simply ask Government members to be fair to the process of recollection and to remember the circumstances that led Mr Newnham to be in the position that he is in today. As the honourable Leader of the Liberal Party and the honourable Leader of the Opposition said, it is fair to say that Mr Newnham was practically hounded into his present position by members of the Government. When the temperature got a bit too hot for Government members, Mr Newnham was hounded. From the word go, it was members of the Liberal Party who came out and spoke up. The Liberal Party was the only political party whose members spoke in favour of fair, due process. It cannot be denied by anyone in this place that members of the Liberal Party started talking about the unfairness of the process which saw Mr Newnham get into his present position and about the need to help redress that situation.

The Bill is not about doing the right thing. It is not about upholding the reform process. It is about politics. The Bill is about a Premier who wants to be seen to be doing what the public wants, while playing other games in the background. As the Leader of the Opposition and the Leader of the Liberal Party have said, it is all about destroying the integrity of the reform process while keeping up the mirage of accountability. The Bill is not about justice but about the cynical manipulation of this place for the Machiavellian objectives of the Premier. It is obvious that the view of the general public is that Commissioner Newnham is an honest police officer who has done much to restore a sense of integrity and professionalism into the ranks of the Police Service. That in turn has contributed greatly to the restoration of public confidence in the Police Service, which is one of the reasons why Commissioner Newnham enjoys a great deal of public support and esteem, despite the current difficult personal circumstances in which he finds himself. That in turn is one of the reasons—if not the

major reason—why the Bill is before the House tonight, that reason being that the Premier wishes to cash in on and to associate himself with that public confidence in the commissioner by trying to come across as the reasonable Premier by making it easier for the commissioner to lodge an appeal, when all the time it has been and remains within the hands of the Premier to save the commissioner from a fate which may be precipitated by the obvious lack within the Act, that is, that errors of facts cannot be considered.

I agree with the Chairman of the Parliamentary Committee for Criminal Justice that the Act is deficient. The Premier has set a precedent by interrupting due process. However, if the due process had been followed, the Premier could have overturned the recommendation of the tribunal by referring to the provisions within the Police Service Act, which would have required a recommendation from his Minister and a decision by Executive Council that the commissioner be sacked. I have spoken quite disparagingly about the Premier's ability as a lawyer, and that is demonstrated in the Bill. The matters raised by the Leader of the Liberal Party were valid legal points. The Premier, as a lawyer, is surrounded by the member for Yeronga, the member for Brisbane Central and the member for Stafford. On the Government side, there are plenty of lawyers. We on this side of the House are happy to admit that we are not lawyers. However, it does not take a lawyer to understand the political and parliamentary bastardry that is contained in the Bill. It does not take a lawyer to see the way in which the Parliament is being manipulated because the Premier wants to be associated with the gloss that surrounds Newnham. When the issue started—when the commissioner was under attack by the former Minister for Police, who had been given briefings by members opposite—the Premier stayed aloof. He had to wait for the public rallies, the letters to the editor and the talkback shows. He had to wait to clearly figure out that public opinion was on the side of Newnham. So what does he say? He says, "Goodness, I can't lose any of my gloss. This is a bit of a winner. Let's introduce a piece of opportunistic legislation." I remind the House that not even the Premier thought of that; it was up to somebody else to recommend it. But the Premier jumped on board. Mr Foley talked about——

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! I remind the honourable member for Merthyr that the correct term is not "Mr Foley" but "the honourable member for Yeronga". I ask him to refer to honourable members by their correct titles in the Chamber.

Mr SANTORO: I accept your ruling, of course, Mr Deputy Speaker. As other speakers before me have said, unfortunately we have had only a few hours to look over this Bill. But even in that time we have found that it is more of a problem than we thought, because it is not what the Premier promised. The honourable member for Yeronga refused to take my interjection.

Mr Foley: I did take your interjection.

Mr SANTORO: No. The honourable member refused to take my interjection to the effect that this Bill is not what the Premier promised.

Mr Foley: I did. I reminded you of the abyss of ignorance out of which that comment proceeded.

Mr SANTORO: Obviously, I found that comment so irrelevant that I refused to register it. For the best part of a week, the people of Queensland have been told that the Premier and the Government would provide a mechanism to allow, as a right, appeals to be heard on matters of fact. Even this afternoon, the Premier stated in his second-reading speech that—

> "The Government considers that it is only fair that any person facing such proceedings by a Misconduct Tribunal should have a clear right of appeal on questions of fact."

Honourable members should note the wording of that statement—"a clear right of appeal". But this is not just misleading by the Premier; it is wrong. This Bill does not provide a right of appeal at all. What it provides is the right to lodge an application for an appeal to be heard. That is vastly different from the Premier's promise of a right to an

appeal hearing. Under this amendment, a prospective appellant will have to go, cap in hand, to a judge and ask nicely if an appeal might be heard. The judge decides whether or not there is an appeal hearing, and that is not the "right of appeal" that the Government and the Premier have been promising. It does not matter how members opposite try to portray it; a clear right of appeal is not contained within this Bill. Indeed, I will quote the Premier again. Further in his second-reading speech he stated—

> "An appeal on the new grounds requires an appellant to satisfy the court of some cogent reason why the appeal should be heard."

A "cogent reason why the appeal should be heard"—so much for the right of appeal that had been promised! I think that what was in the Premier's second-reading speech is not in the Bill. It must be said that the requirement that prospective appellants seek leave to appeal on matters of fact on the basis that the decision was not properly able to be supported on the evidence is, on the surface, a better situation for the commissioner, but in reality not that much better.

The fact remains that the Premier has tried to con the people of Queensland. He has tried to con Commissioner Newnham. A previous speaker said that Commissioner Newnham would remember the Liberal Party's so-called opposition to this amendment. As I have just said, on the surface this Bill goes some of the way, but in reality it means absolutely nothing for Commissioner Newnham. I would suggest that the Premier has also successfully conned the other police officers who were found guilty by the Misconduct Tribunal and who believed they would now have an automatic right of appeal. In fact, this Bill was sold to the public and the gullible Labor caucus on the basis that it would be fair not just to the commissioner but to the other police officers who have been dealt with and found against by the Misconduct Tribunal. I listened very carefully to what the honourable member for Somerset said. Those two individuals whom he named and anybody else on the list tabled by the honourable member for Brisbane Central effectively will not be able to appeal because of cost, because the grounds on which they previously appealed——

Mr Beattie: And some of them got off.

Mr SANTORO: Some of them got off. There are all sorts of reasons. The major reason is that even those who were found against and who are now out of the Police Service and have chosen to pursue another career will effectively not want to invoke the new provisions of this Bill.

Mrs Woodgate: They'll have the chance.

Mr SANTORO: I know they have the chance. I accept that. But a chance does not mean effective provision. That is what this Bill is all about. It should be about effective rights of appeal. Unfortunately, that is not what it will mean in practice. If legislation is to be workable, it has to be good. For those people to whom this Bill applies retrospectively, this is just no good. Let us consider what might happen now.

Mr T. B. Sullivan: Did you want it retrospective?

Mr SANTORO: I will say something about retrospectivity. There are all sorts of reasons why I have chosen to speak in this debate, but some of the reasons relate to the fact that I need to make clear what my position was on the Parliamentary Criminal Justice Committee. If the member for Nundah has a bit of patience, I will get to retrospectivity.

As I was saying, let us consider what might happen now. Commissioner Newnham lodges his application for an appeal and a Supreme Court judge decides whether or not there will be an appeal. If the judge decides not to grant leave, the whole matter is back in the Government's court. If the appeal is heard and is allowed, the commissioner wins and goes back to work. But if the appeal is heard and is lost, once again the matter is back in the hands of the Government. This is an important point and one about which the Government—and the Premier in particular—has become obsessive in seeking to deny. This Government fears like the plague a situation in which it might actually be forced to make a decision on this matter. That is not unusual for the Goss Government but is especially problematical in the Newnham case in which a very popular Police

Commissioner has found himself in difficulty because one of the key numbers men of the Goss ALP Government has practically forced him—pushed him—into that particular position. That is a point that we should not allow members in this place and members of the public outside this place to forget.

As I said before, the introduction of this Bill was not even the initiative of the Government. It was up to the opposition parties to suggest the amending provisions that this Bill was supposed to contain. It was not the suggestion of the Premier of this Government but that of the Leader of the Opposition. In fact, as others have commented, it is clear that the Government—or at least many Government members—would take great delight in seeing Commissioner Newnham dismissed and sent packing. I need not go into great detail about that aspect of this whole sorry affair, because the matters have been widely publicised, they are on the public record and they have been spoken about in this place. However, I am also quite happy to go on record with my strong belief that this Government is quite committed to getting rid of Noel Newnham. Indeed, this Bill puts yet another obstacle in the commissioner's way—the need to seek leave to appeal. I repeat that that is not what the Premier promised. The Premier promised a clear right of appeal for an honest commissioner. I remind the Premier that that is how he described Mr Newnham—an honest commissioner. If, on fact, the Misconduct Tribunal's decision could have been denied, the Premier, as a lawyer and as the head of the Government, acting on the advice of a Minister to either sack or not sack the commissioner——

Mr DEPUTY SPEAKER: Order! I remind the honourable member for Merthyr to return to the contents of the Bill.

Mr SANTORO: I thought I definitely was speaking to the Bill.

Mr DEPUTY SPEAKER: Order! I have made a ruling.

Mr SANTORO: As I said, indeed this Bill puts another obstacle in the commissioner's way. I suggest that this Government is seeking to keep up the appearance of being on the side of the commissioner, while at the same time pouring oil and banana skins all along the path in front of him, hoping he will go for a tumble. Indeed, there is a strong case to argue that this legislation is quite unnecessary. The Premier keeps telling honourable members that Noel Newnham is an honest man. If he truly believes that, he could demonstrate that belief by refusing to order the commissioner's dismissal if an appeal on the matter of law—the original grounds for appeal—failed. Once due process of Fitzgerald had been completed, as I have stated, he could have used his personal knowledge and belief to say that this was a special case and that the Government would make an exception. However, the Premier chose to distance himself and pass the buck to somebody else—anybody else. Under the legislation, if the Supreme Court does not uphold the appeal, the Government will be in a real spot, because it will have to make a decision.

Mr Welford: You have been through this before.

Mr SANTORO: I want to remind honourable members of this aspect, because I do not believe that the members of the Government, when they supported this process in caucus, actually read the legislation that makes these provisions and details the responsibilities of the Government. Section 2.37 of the Criminal Justice Act states—

> "Subject to any appeal instituted against the decision of a Misconduct Tribunal exercising original jurisdiction, a decision of a Misconduct Tribunal is binding on and shall be given effect by all persons concerned."

However, the situation is not as clear as it might seem, because a later Act, the Police Service Administration Act of 1990—introduced by this Government and, therefore, presumably with the intention of it having superiority over the previously introduced Criminal Justice Act—provides for a detailed procedure for the removal of a Police Commissioner. The future of a commissioner found guilty by a Misconduct Tribunal is clearly in the hands of the Government. I will not read in full from the Act because, as honourable members opposite have said, it has been canvassed before. Section 4.5 of the Act states—

"(4) If one or more of the grounds prescribed by subsection (3) exists, the Commissioner may be removed from office by—

(a) the Governor in Council, on a recommendation of the Minister in which the Chairman of the Criminal Justice Commission concurs;

or

(b) in default of exercise of the authority conferred by paragraph (a), by the Governor, on an address from the Legislative Assembly praying for the Commissioner's removal from office."

Thus, if the appeal process fails, the final responsibility for ultimately determining the fate of Noel Newnham rests with the Government. I suggest that that is a responsibility which terrifies the Government, particularly if the Chairman of the Criminal Justice Commission was to refuse to concur with a recommendation from the Police Minister that Mr Newnham be dismissed, and the whole issue would have to be decided in this Parliament. It may well be that the commissioner is granted leave to appeal and will win that appeal. I believe that, for the sake of all of Queensland, Opposition members hope that that occurs. However, if he does not win that appeal, the Government, with its numerical superiority in this place, will have to make the final decision. All along the line, the Government has sought to pass the buck on this issue. This is what I believe is the relevant part of this Bill—the politics of this Bill——

Mr T. B. Sullivan interjected.

Mr DEPUTY SPEAKER: Order! The honourable member for Nundah will cease interjecting.

Mr SANTORO: The Government has sought to pass the buck, first to Judge Loewenthal, then to the Chesterman Misconduct Tribunal, and now to a Supreme Court judge, who will firstly decide whether Mr Newnham is allowed to appeal and, if so, to the court hearing itself. The Government keeps putting extra detours in the commissioner's path to drag the whole matter out and to try to distance itself from any decisions. Then there is the final problem—and this is for the benefit of the honourable member for Nundah—that this whole business of introducing amending legislation gives the appearance of preferential treatment for the commissioner. The precedent will now be established that when a high profile and influential Queenslander finds himself in difficulty—rightly or wrongly, and I am not making any judgment on that issue—the Parliament will change the law halfway through the process to fix the problem. That is the reason why reservations have been expressed by members of the Opposition.

Mr Fenlon interjected.

Mr SANTORO: No, there is no disagreement. This whole issue is being tackled by members of the Opposition in a sense of bipartisanship. However, Opposition members will not let members of the Government come into this place and say that this has been done for wholly noble reasons, because they want to give Mr Newnham a fair go. What the Government wants to do is clearly attach itself to the glow of approval that Mr Newnham currently enjoys within the community. This Bill is a sham, and it will not do what the Premier has promised. It will bastardise the Fitzgerald reform process. It will create an unfortunate legal precedent, and will again demoralise the police, who will see one rule for the commissioner and another rule for everybody else. That is the conclusion that many of the rank-and-file police officers can and will come to. This Bill is a mirage and, as the Leader of the Liberal Party said, it will allow the Premier to assume the role of Pontius Pilate—sending the commissioner off for someone else to deal with and washing his hands of his responsibility. Those are the reservations that the Opposition has about this Bill. The Government may be able to con people in its slick way, but it certainly will not con the Opposition. The Opposition will continue to talk to people in this way and it will——

Time expired.

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (9.07 p.m.), in reply: First of all, I thank all

honourable members for their contributions to this debate. I thank the National Party and the Liberal Party for their support of this legislation in the House and for their support of its expeditious passage through the House. As members would be aware, this has had to be dealt with speedily so that an appeal can be finalised and filed by Mr Newnham's legal representatives in the week ahead. I would stress again, as I said at the time of my second-reading speech, that advice has been forthcoming from Mr Newnham's lawyers that the passage of this legislation will occur in adequate time to enable them to complete and file their appeal within the normal 28-day period. Any criticism that time is too short is, in fact, completely baseless. I again thank members of the Liberal Party and the National Party for their support of the legislation and their assistance in passing the legislation through all stages today.

I now deal with some of the comments that have been made. As to the claim by the Leader of the Opposition that Mr Newnham should have the same rights that would apply in a case of a criminal conviction, I make a couple of points: those appeal rights are adequate, reasonable, and are comparable with appeal rights that apply in similar cases elsewhere. Also, as I said when I introduced this legislation, Mr Newnham has not been the subject of a criminal conviction. There has not been a hearing before a judge and jury. The comparison falls down in some respects in that regard. There has been further criticism by the Leader of the Opposition and a number of members of the requirement to obtain leave. Let me simply assure the House that after close consultation with the Litigation Reform Commission, which is constituted by the senior Court of Appeal judges in this State, the Criminal Justice Commission, the Crown Solicitor and the Solicitor-General, that provision has been inserted. I was going to elaborate on those points in relation to the claim made by the member for Landsborough in respect of the legal competence of the Bill. I think that it is really a bit much for somebody of the vast experience of the member for Landsborough to question the legal competence of the Bill when, as I say, the drafting has been done in close consultation with the Litigation Reform Commission, the Crown Solicitor, the Solicitor-General and the Criminal Justice Commission. Perhaps enough has been said about the member for Landsborough. I will leave it at that.

In relation to the claim made by the Leader of the Opposition—and I am sorry that I missed this, but I think that I am correctly representing it—he said that the National Party's original legislation was influenced too much by the climate at the time. I am not entirely sure what he meant by that remark.

Mr Borbidge: That was a misinterpretation. Read *Hansard*. You were not even here.

Mr W. K. GOSS: The honourable member should make an interjection and tell me his point.

Mr Borbidge: You weren't even here. You should have been here. You walk in late and you take things out of context. Typical!

Mr W. K. GOSS: I conceded to the Leader of the Opposition that I was not here. I hoped that I was representing him correctly. If I have not, I accept that. I did offer the honourable member the opportunity to make an interjection. Let me say in relation to his criticism of my not being here—I did have another commitment, and it has been my general experience that I miss nothing when I miss the honourable member's speeches.

I now refer to the member for Landsborough. I thank her and her party for their support. I have already responded to her query about the legal competence of the Bill. In relation to the vendetta allegations which, I understand, she pursued, and which the member for Merthyr also pursued—of course, that is absolutely malicious, dishonest rubbish. They know it. I think that to have the member for Merthyr talk about opportunism and cynicism in this place is irony of a spectacular kind. I gather that the member for Merthyr also queried the issue of leave to appeal and an appeal requiring two separate applications. The answer is that those procedures are commonly, regularly and conveniently pursued together.

The other point raised by the member for Landsborough, as I understand it, was that she was concerned that there were no grounds for new evidence to be adduced. Once again, that is not correct. When the member for Landsborough reads the transcript of tonight's proceedings, as recommended by the Leader of the Opposition, I refer her to proposed new subsections (1D) and (1E) of the legislation combined with proposed new subsections (1A) (b) (ii) (B). Those proposed new subsections clearly state that one can consider any evidence that may be adduced in the appeal which clearly incorporates new evidence. Proposed new subsection (1D) states that, once leave is granted, the judge may order that the matter be heard afresh, in whole or part. The following proposed new subsection states that the appeal must be determined on the evidence and proceedings before the Misconduct Tribunal subject to the provisions of proposed new subsection (1D). I do not think that there is any problem, as suggested by the member for Landsborough.

The member for Landsborough also made the criticism that the Bill should contain the criteria for leave. Once again, that is not a concern. It is simply a misunderstanding, or a lack of knowledge on her part in relation to the legal process. It is the usual requirement of appeal courts to make such decisions. That is done on the basis of practice and on the case law, not on any need to have the criteria spelt out in legislation. Generally on the question of leave which has been harped on by the Leader of the Opposition, the member for Landsborough and the member for Merthyr—I have been provided with a copy of section 668D of the Criminal Code. To the best of my knowledge, I have the latest print-out of the section. It refers to the right of appeal under the Criminal Code, and states—

"A person convicted on indictment may appeal to the Court—

(a) Against his conviction on any ground which involves a question of law alone; and

(b) With the leave of the Court, or upon the certificate of the judge of the court of trial that it is a fit case for appeal, against his conviction on any ground of appeal which involves a question of fact alone, or question of mixed law and fact, or any other ground which appears to the Court to be a sufficient ground of appeal;"

With respect, I would suggest to the learned counsel on the other side of the House that what has been introduced into this House fits fairly and squarely with those principles. As was acknowledged by some Opposition spokesmen, they are not lawyers and therefore can perhaps be partly excused. But that is not really a good enough excuse, because they had several hours in which to consult their own legal advisers, and the benefit of a briefing from senior legal officers of the Government.

Mr Borbidge interjected.

Mr W. K. GOSS: I would doubt that. If there was any deficiency in the briefing, it would have related to the questions posed. As to the comments made by the member for Somerset—I believe that he made some very perceptive and genuine remarks. His comment about the public reaction and the reaction of some sections of the media was accurate, particularly when he said that it was quite clear that many of those people had not read the judgment. To give him credit where credit is due—I understand that it was necessary for him to point out a few facts and, indeed, to explain the judgment to his own leader.

The member for Somerset queried whether or not Mr Newnham would in fact appeal on this ground, and said that he did not believe that Mr Newnham would appeal on this ground of error of fact. That is a very interesting insight. I do not believe that the member for Somerset would have made that comment lightly. It will be interesting to see what happens. Mr Newnham might not appeal on this ground. As a Government, we have not sought information about his grounds of appeal, nor do we believe that it would be proper to do so. That is a matter entirely for Mr Newnham and his legal advisers. Certainly, the suggestion was put forward by very close supporters of Mr Newnham, the Leader of the National Party and the Leader of the Liberal Party that this

ground was absolutely essential to Mr Newnham's getting a fair go. In terms of any criticism from the member for Somerset of the Government's response—the member is clearly aiming the very same critical barbs at his own leader and at the Leader of the Liberal Party. The member for Somerset also underlined the difficulty of administering the Police portfolio. I am sure that any current or former Minister would attest to that.

The member for Merthyr said that Mr Newnham was hounded. With respect, I shall point out something to him, even though he does not need it pointed out. The member knows the truth and chooses to ignore it, and that is pretty much a pathological state of affairs for the member. Nevertheless, for the benefit of other members of this House and members of the public, I point out that the process by which the member for Merthyr claims that Mr Newnham has been hounded is simply that the Chairman of the Criminal Justice Commission felt—quite properly, in my view—that the only proper course of action for him was to appoint an independent person in the form of former Judge Loewenthal to inquire into various allegations. Sir Max Bingham and the Criminal Justice Commission decided to widen the terms of reference of Mr Loewenthal to enable matters such as the Canada affair to be brought into the purview of the inquiry. Mr Loewenthal, who was appointed by the Criminal Justice Commission pursuant to that process, recommended that Mr Newnham be sent to the Misconduct Tribunal, and that was the only course of action open to former Judge Loewenthal. It was then Mr Chesterman, QC, appointed by the Criminal Justice Commission, who carried out his duty under the Misconduct Tribunal provisions of the Criminal Justice Act that led to the adverse finding against Mr Newnham.

If Mr Newnham has been hounded, he has been hounded by that process. If the member for Merthyr is criticising that process, let the record show—in relation to his term "unfairness of process"—that the member for Merthyr is making a direct criticism of the reform process and of the process set in train by Sir Max Bingham and the Criminal Justice Commission. I look forward to his taking up this matter with Sir Max Bingham at the next meeting of the committee and the commission if, in fact, he genuinely believes for one second one word that he said tonight about this matter. I would bet London to a brick on that, when next they meet, the member for Merthyr will not raise with the Criminal Justice Commission the issue of unfairness of the process, because he did not believe in his own heart or head one word of what he said tonight about that.

According to the member for Merthyr and the member for Landsborough, when one does not do what the Liberal Party wants and when one has not interfered with the process, that person is persecuting the individual concerned; but when one does what the Liberal Party advocates, that person is being cynical and Machiavellian. How can one take those people seriously? It is no wonder that nobody does. The comments made by the member for Merthyr betray a fairly sad level of ignorance and cynicism. Let me give one example in response to the absurd notion of the member for Merthyr that at any stage the Government can somehow act arbitrarily in this matter. For example, let me say that the individual concerned and caught up in this process was Frank Bischoff, or the corrupt former Police Commissioner of New South Wales, Mr Allen. Let me say also that Mr Bischoff or Mr Allen was found guilty by the Misconduct Tribunal of official misconduct and that the appeal was dismissed by the Supreme Court. If a Government of the day—for example the Labor Government in Queensland—then disregarded the adverse findings of the Misconduct Tribunal and the Supreme Court in relation to Bischoff or Allen, what would the Liberal Party do? It would squeal.

Mr Ardill: And so they should.

Mr W. K. GOSS: As the member for Salisbury says—so they should, because it would be an improper overturning of the legal process laid down by law and, in this case, also laid down by the Fitzgerald report and people such as Sir Max Bingham who drafted the legislation to represent the aspirations of Queenslanders to have a reform process.

Mr Santoro interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member for Merthyr will cease interjecting.

Mr W. K. GOSS: The point is not to compare Mr Newnham with Bischoff, Allen or any other corrupt Police Commissioner. The point to make is that these matters should be determined according to the law—according to the proper process—and the discretion must be exercised according to principle, something which is completely foreign to people such as the member for Merthyr. Therefore, it is understandable that that does not enter into his argument. In conclusion, I thank again members of the House for their support for the legislation. I thank in particular members of the Government, the member for Yeronga and the member for Brisbane Central, for their contributions. I thank the member for Yeronga for drawing to my attention the comparable appeal provisions of the Criminal Code. The comments of the member for Yeronga and the member for Brisbane Central show some understanding of the complexity of the issues and the law reform that is involved in this legislation. The member for Brisbane Central also made reference to the cases of Webb and Hall. We should reflect for a moment that other officers who came before the Misconduct Tribunal did not have those rights, but now the Government has acted on the basis of a potential anomaly and has extended the legislation so that the opportunity is provided for them as well. I concede that it is not as satisfactory an opportunity as is afforded to Mr Newnham or future officers who may find themselves in this situation, but it is the best in the circumstances that we can do.

Motion agreed to.

Committee

Clauses 1 to 3, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr W. K. Goss, read a third time.

ELECTORAL BILL

Second Reading

Debate resumed (see p. 5297).

Mr RANDELL (Mirani) (9.26 p.m.): It gives me great pleasure to speak to the Bill. The Minister is fairly competent and does a fairly good job. I commend him for his stand against the banks on credit card interest. He is doing a good job in that respect, and he has my support to go for his life.

The National Party spokesman stated that he did not oppose the Bill, but he raised concern about some clauses. Unless the Minister, in his reply, allays our concerns and adequately explains the provisions, the Opposition will be putting forward some amendments at the Committee stage. In his second-reading speech, the Minister almost made me laugh when he said that three sets of fundamental principles established by EARC—he claimed the credit for it—for the conduct of electoral administration provide the core values and fundamental beliefs enshrined in the Electoral Bill. He stated that those fundamental principles were—

"(a) Protection of the right to vote or to be a candidate."

That provision had been in legislation for years while the National Party was in power. Other principles were—

"(b) Maximum opportunity to exercise the right to vote. Electors should be provided with maximum opportunity to cast their vote.

(c) Preservation of the secret ballot . . .

(d) Freedom from influence. Electors must be free to cast their votes without coercion or improper influence."

Those provisions have always been contained in legislation. Later in my speech, I might touch on some of the coercion that occurred under the Labor Party. Another fundamental principle was—

"(e) Assistance and information for voters."

That has always been in legislation. Another one was—

"(f) Maximisation of the formal vote."

That has always been there. A further principle was—

"(g) Accurate counting of votes."

That has been there. The final principle was—

"(h) Protection of the rights of candidates."

All those principles have always been contained in legislation. Why is the Minister claiming great steps forward in the democratic process and a demonstration of fair play? Those provisions have always been in the legislation. In his reply, the Minister might tell me what is different.

Earlier today, the member for Rockhampton North, Mr Schwarten, spoke about one vote, one value and about the gerrymander that he claimed existed in the past. He was very selective in nominating years when the National Party was in power. I will deal with earlier years and point out the hypocrisy displayed by the Labor Party. In 1939, the Labor Party received 47 per cent of the vote but had a majority of 27 members in this place. Labor members talk about a National Party gerrymander, but they know all about these facts. In 1944, the Labor Party received 45 per cent of the vote; yet, in spite of that, it had a majority of 18 members in Parliament. That was another gerrymander. In 1947, the Labor Party received 34 per cent of the vote and still managed a majority of 12 members in this House. Government members should not talk to me about gerrymanders. For 40 years the Labor Party got away with a gerrymander, but Government members do not refer to that. They prefer to condemn the National Party. For 40 years, the Labor Party had a zonal system—a gerrymander—that kept it in power, and it did not obtain 50 per cent of the vote at any time. The United Nations, which is the highest forum in the world, does not even operate under the principle of one vote, one value. China, which has a population of more than one billion people, receives one vote. On the other hand, Denmark, which has a population of two million people, also receives one vote. That system is good enough for the United Nations, which is a forum for resolving difficulties throughout the world.

I am confused about the way the Premier thinks. Recently, following the Premiers Conference, we were treated to a bit of Canberra bashing. He suspected Keating of doing the same thing—one vote, one value with the grants to the States being made on a population basis. It seems to me that the Premier is a firm devotee of fiscal equalisation. I would like to tell honourable members what that is. In the simplest terms, it is a concept that the distribution of funds to the States should be based on a number of factors. These include: population, distance, geography and the difficulty of providing services as a result of sparse population coverage of parts of the State. That is exactly what the National Party has been saying for years. The Government should be taking those factors into account. The problems are in the rural areas, but the Government wants one vote, one value. When this Premier goes down south and the Prime Minister tries to feed him with the same thing, he will not have it.

The National Party happens to agree with the Premier on fiscal equalisation. It is the only honest way to approach the problems of allocating money in the fairest way to the States. It recognises that distance and remoteness mean real problems in the provision of services. Any Labor member who takes the trouble to move outside Brisbane will soon see that Queensland needs much more than per capita consideration if our citizens in the rural areas are to have the same level of services as the people in the postage stamp States in the south. The very same arguments that apply to fiscal

equalisation apply to the electoral weightage that the Labor Party hates so much. Honourable members should talk to the member for Gregory. The people out in his area are entitled to the same services from him as the people of Mackay are from their member. It takes 14 minutes to drive across the electorate of Mackay, it takes the member for Gregory four days to drive across his electorate.

Mr Johnson: They make the dollars.

Mr RANDELL: That is right. This Government is making the people in the rural areas second-class citizens. The Government does not have any compunction about doing that, because it is political expediency that it thinks will keep it in power. The Government has another think coming.

It is strange to hear the Premier talk in glowing terms about considerations that he used to heap scorn on. It is okay to bash Canberra for proposing grants on a population basis, but in no way will the Premier contemplate the same criteria for the people of Queensland, particularly rural people. During the last election campaign, he wandered all over the State talking about the gerrymander. That is what he called a weighted electoral system that took into account distance and all the problems that caused for people in remote areas. I will not attribute motives to the Labor people who introduced electoral zoning. I will, however, talk about our motives in maintaining a system which tries to guarantee at least some level of services for people in the less populated parts of this State. As I said before, the people in the electorate of the honourable member for Gregory are entitled to the same services as the people in Brisbane. They are a long way from all the services provided by the Government. They are generally a very long way away from their elected member of Parliament who, in these remote areas, functions very much like an ombudsman. Members have to do that, because they are the only point of contact for most people. That is even more true since the Labor Government came in and ripped the heart out of the public service offices away from most major centres. What a blow to country Queenslanders, right on top of removing a major part of their electoral representation. It is childish for anyone to stand here and argue that members of Parliament can adequately represent the same number of people in a rural area as they do in the cities.

In his second-reading speech, the Minister made great show about free, honest, regular and fair elections. I think the Minister has a bit of a hide. How can an ALP man talk about these things when it is his own party that has done so much to achieve the opposite result. I remind honourable members that both John Cain and Peter Dowding called their last elections early to get in before the damning reports on Tricontinental and WA Inc. They won those elections because vital information was kept from the voters until after the election. I wonder whether this Premier will pull the same stunt to try for a new mandate before the current scandal reveals his Government for the hypocritical sham that it is. I warn honourable members opposite that there are a few more bombs waiting to explode. Of course, the Premier's beaten hero, Bob Hawke, gave us the example of what Labor thinks about regular elections. About the only regularity he showed was in regularly calling them early when the polls told him he had his best chance. As to being honest and fair, the Labor Party wrote the book on phantom voters. Some people call them the graveyard voters. There were widespread complaints before the last election that the Labor Party was stacking the rolls. I refer honourable members to *Hansard* in the period before the 1989 election, when the former member for Mount Gravatt related some very interesting figures for the seats of Maryborough, Salisbury and Stafford. I would like to see the member for Stafford in the House but I note that, once again, he is not here. Anyone reading those figures would be left in no doubt that votes cast on polling day should not have been cast. I remember the great movie comic W. C. Fields reminding a crooked politician of services rendered and "I voted for you Mayor . . . I voted for you three times." That is what is happening in Labor electorates. I make no imputation against any specific member, but we all have to wonder who might have ended up in this House on the basis of a majority provided from a graveyard.

I would like to refer to the speech by Mr Gygar, the former member for Stafford, who spoke about lack of fairness, the virtues of democracy and the need for ordinary citizens to be heard. I quote Mr Gygar's speech in this House on 3 October 1989. He stated—

> "Many people are aware of the outrageous electoral frauds which came to light after I defeated the ALP and, as the member for the area, was able to examine the Stafford State electoral rolls. Voters in the cemetery, in creeks, on fences and at non-existent addresses were enrolled. In all, during my first term in this Parliament, about 700 voter registrations were challenged and removed from the Stafford electoral roll.
>
> . . .
>
> I must regretfully advise the Parliament that, as a result of that examination, I have today lodged with the Principal Electoral Officer formal objections to 673 voter registrations currently appearing on the Stafford electoral roll. Many of them relate to enrolments, which must raise the gravest suspicion of attempted electoral fraud in the mind of any observer.
>
> There have been a large number of additional enrolments in Stafford over recent months and, as I always do, I wrote a letter to each of my new constituents as soon as they went on the roll . . . many of those letters were returned to me by Australia Post and that the real residents at the addresses to which they were sent marked the envelopes 'unknown', 'not at this address', 'wrong address', etc. Those returned envelopes indicated that the people who had lodged enrolment cards had never lived at those addresses and were completely unknown to the residents."

He continued—

> "I urge the Minister to take immediate and positive action to check the electoral rolls, not only in Stafford but elsewhere, to ensure the results of the next State election are not manipulated by organised fraud in marginal seats."

Now I come to the crux of what was going on there. He said further—

> "It is not surprising that these problems have resurfaced in Stafford so soon after the Socialist Left faction of the Labor Party—the most ruthless and unprincipled group within any Australian political party—staged a coup in the local branches and installed its choice as candidate in Stafford, despite the objections of the majority of local ALP branch members."

A plebiscite was held to select the ALP's candidate for Stafford, and the Socialist Left contender was rejected by the local branch. However, through factional deals done at the Trades and Labor Council, the electorate of Stafford had been traded off to the extreme Left. In a display of arrogance and contempt for local opinion and the democratic process, the faceless manipulators in Trades Hall overturned the results of the local plebiscite and imposed the Socialist Left candidate on the unwilling members of the Stafford branch of the ALP.

Mr Bredhauer: Tell us about Max Menzel.

Mr RANDELL: I will get around to the honourable member later and he will have a bit to cop. Naturally, the local members were outraged, as they should have been, when they saw the so-called principles of the ALP being thrown out the window by a power broker who ruthlessly used them as pawns in a factional deal that is typical of those governing every action and decision of the ALP's Queensland branch. This afternoon, a good deal has been said about corruption, open government and democracy, but now the truth is coming out about the Australian Labor Party. Many decent members of the Australian Labor Party's Stafford branch were so appalled by what had happened that they resigned in disgust. I wish to read a letter that I received at that time from a Mr Daryl Beattie. I do not know whether or not he is a relation of Mr Peter Beattie, but he has been vice-president and president of the Stafford branch; vice-president, secretary and president of the Stafford EEC; and vice-president of the Lutwyche MEC. The letter states—

> "During this time, I have contributed thousands of manhours, thousands of dollars, and even endured harassment by the police during the late Dennis Murphy's successful campaign in Stafford. Now, after having kept faith with the ideals of the Australian Labor Party through all these hard times, it has been made devastatingly clear to me that the Party no longer values the commitment of grassroots branch workers."

These are the grassroots people who hold dear the ideals of the Labor Party and of democracy. The letter further states—

> "One would have thought that the Oxley debacle would have alerted the factional wheeler-dealers"—

Mr DEPUTY SPEAKER (Mr Hollis): Order! I ask the member for Mirani to return to the Bill. He has strayed too far.

Mr RANDELL: Mr Deputy Speaker, I expected this. I am speaking to the Bill. The Bill refers to corruption, and I am simply pointing out where the corruption can be found. All afternoon, this Parliament copped the member for Stafford, Mr Welford, saying how the National Party was corrupt, and members of the Government are still saying it. I am proving that he has a case to answer. If he dishes it out, let him cop it back. Mr Deputy Speaker, you can either order me to resume my seat or allow me to carry on.

Mr DEPUTY SPEAKER: Order! I have just asked the member for Mirani to return to the Bill.

Mr RANDELL: I claim that this is part of the Bill, but I will deal as quickly as I can with it. The letter goes on to state—

> "For years now, workers in Stafford have held together a small, but committed, organization purely because we have accepted the principle of majority rule.
>
> . . .
>
> In my view, the Welford nomination cannot be justified on any grounds beyond sordid and politically myopic factional intrigue and, as such, constitutes a betrayal of the majority of the long-suffering Stafford organization."

This letter was written by a former president of the Stafford branch of the Australian Labor Party.

Mr DEPUTY SPEAKER: Order! That has nothing to do with the Electoral Bill.

Mr RANDELL: As far as I am concerned, it has a lot to do with the Bill.

Mr DEPUTY SPEAKER: Order! I rule that it does not.

Mr RANDELL: I have nearly concluded that part of my speech.

Mr DEPUTY SPEAKER: Order! The member should do so, because this has nothing to do with the Bill.

Mr RANDELL: The letter continues—

> "For these reasons, I am no longer prepared to contribute time and money to a party which clearly holds me, and people like me, in complete contempt."

It is obvious that the people of the Stafford branch of the ALP are very upset about this matter. The member for Stafford, Mr Welford, spoke emphatically against corruption during the debate this afternoon, but the question must be asked, "Where was democracy and fair play at the time of the selection of a candidate for Stafford?" The member should hang his head in shame.

Mr DEPUTY SPEAKER: Order! I have warned the member for Mirani twice about straying too far from the Bill. I ask him to return to the Electoral Bill.

Mr RANDELL: Mr Deputy Speaker, I wish you had been in the chair this afternoon because members of the Opposition seem to cop one type of treatment from you and a different type of treatment from others, with all due respect. If this is supposed to be a wide-ranging debate, I would prefer it to apply to both sides of the House. If you are going to order me to resume my seat, you are denying democracy in this House. Am I allowed to continue?

Mr DEPUTY SPEAKER: Order! The member can continue his speech.

Mr RANDELL: Government members spoke about rorting, and they should know all about that. I wish to respond to what they have had to say about rorting. The ALP at State and Federal levels are past masters at rorting, and members of the Labor Party must shudder when they think about WA Inc, the Cooke report and the investigations into waterfront practices. There can be no doubt that the ALP has its hands in the pockets of not only the workers but also all the other citizens of Australia. Those Government members who spoke about members of the National Party having their snouts in the trough certainly know all about it because members of the Australian Labor Party have had their snouts in the trough for a long time. Over the next few days, the matter will come to light. This afternoon, every Government member who spoke during the debate referred to corruption, so I will take this opportunity to respond to some of those remarks. I refer to the inquiry into union activity conducted by Mr Cooke. The reports were all about ballot rigging and union activities and matters referred to in the Electoral Bill. If one goes carefully through the reports, it can be seen that the political donations and affiliation fees paid by the unions were given to the ALP. At this stage, I might ask a relevant question that is being asked by many people in Queensland, "When will we see some action taken on the Cooke report?" I believe that I could bet even money that the report will not rear its ugly head before the State election that must be held before the end of the year. Part of the Cooke report dealing with section 57A of the Industrial Conciliation and Arbitration Act states—

> "Section 57A of the Industrial Conciliation and Arbitration Act 1961-1989 (Qld.) provides that a union shall not expend money which expenditure constitutes political objects unless it maintains a political objects fund which fund shall be separate and distinct from the other funds of the union.
>
> . . .
>
> Section 57A protects the member from being forced to pay money which is to be used to support a political party or campaign with which he does not agree. That would seem to be a basic democratic right."

I emphasise the point that it is a basic democratic right of union members not to pay money to support a particular party. However, as soon as this Government came to power, it immediately enacted legislation to abolish section 57A, which relates to the political objects fund, and presently funds can be given to the ALP without disclosure. Moreover, members have no say and do not know where their fees go. I believe that the repeal of section 57A was made retrospective to look after this Government's mates, which is why the relevant legislation is known as the "Little Mates" Bill. At that time, there was not a whimper from the member for Stafford, Mr Welford.

I turn now to refer to some of the money that was paid out in relation to elections. Reference is made in the Cooke report to political donations and affiliation fees. A donation was made to the campaign for election of Mr John Purtill, who is a member of the Socialist Left faction and who stood for preselection in Merthyr. On 30 April 1986, he was given $5,000 by the Trades and Labor Council. At a later date, he was given another $3,000, which makes a total of $8,000 that was contributed towards the campaign of an ALP candidate in Merthyr, yet members on the Government side of the Chamber talk about honesty, democracy, fair play and democratic rights. When that matter was disclosed, we heard not one whimper from Government members. Every one of them took that money. All Government members have their snouts in the trough, because they took money from the unions that was not theirs to take, yet it was being given to them to get them into power. Government members should not talk to me about democracy. I do not have respect for many Government members. Donations were

covered up under affiliation fees. We have affiliation fees of $18,200, $17,200, $14,800, $12,300, $12,390 and $10,491. That money was given by union members as union dues but was given by the Trades and Labor Council to the ALP behind the door and dropped in the lap. Government members should not talk to me about fair play because I do not believe that they know one thing about it.

Mr Milliner: Have you got that off your chest now? Do you feel a lot better?

Mr RANDELL: I feel a lot better, but what will the Government do about it?

Time expired.

Mr BREDHAUER (Cook) (9.47 p.m.): Mr Deputy Speaker, I am glad that you persevered with that speech because it allowed the member for Mirani to get it off his chest. While he was ferreting around, he was proving to everyone on the Government side of the House—and probably to people throughout Queensland—that he does not know anything about the new Electoral Bill. He did not even bother to read it; therefore, he could not refer to it in his speech. I wish to speak briefly to this important piece of legislation and, once again, to focus on the issues that affect people who live in remote areas, such as the Cook electorate.

Mr Randell: You supported one vote, one value.

Mr BREDHAUER: Yes, I supported one vote, one value, and I continue to do so. In just a minute, I will come to the reasons why I did so. The honourable member should just sit there instead of carrying on like a ferret, as he did for the past 20 minutes. The legislation establishes in clear and concise terms the operation of the Queensland Redistribution Commission, and, for the first time, an Electoral Bill in Queensland provides specifically for the determination of fair electoral districts and the proper criteria for electoral redistributions. Those provisions finally put an end to the last vestiges of the zonal system, which was finely honed by the National Party to its political advantage, and the overt political manipulation of electoral redistributions. No more idiosyncrasies, such as the famous Wujul Wujul island case, can be perpetrated and no more will the system be abused to the extent that the most remote and the second-biggest electorate—that is, the electorate of Cook—had more than 50 per cent more voters than a seat such as Roma, within a few hours' drive of Brisbane. That is one of the inconsistencies that make the argument of people such as the member for Mirani not worth the paper that he wrote it on, if he did indeed write it down.

The zonal system that was meant to provide fairer representation for the people who live in the remote areas of the State did no such thing. It propped up the cronies of the National Party, such as the member for Mirani. The seat of Roma has 8 000 voters and is only a few hours' drive from Brisbane, yet the seat of Cook has 350 000 square kilometres of the most remote country in Queensland and has 14 000 voters. There are well over 50 per cent more voters in the seat of Cook than in the seat of Roma, yet the honourable member for Mirani has the hide to tell me that it was a fairer system for looking after the people in the remote areas.

The other inconsistent argument of the member for Mirani to which I want to refer briefly is the analogy that he drew with the Premiers Conference and the fiscal equalisation policy. It just goes to show what little he understands about the process. The analogy with fiscal equalisation is quite good, because that policy recognises that those States that are geographically diverse and have large remote areas, such as Queensland and Western Australia, should get some extra accounting in terms of providing resources for those areas. That is exactly the argument of one vote, one value. However, the member for Mirani does not argue that, because Queensland is twice as big as New South Wales, Queensland should get two votes at the Premiers Conference. The member for Mirani argues that extra resources should be allocated——

Mr Littleproud interjected.

Mr DEPUTY SPEAKER (Mr Hollis): Order! The member for Condamine will cease interjecting.

Mr BREDHAUER: That is what the Electoral Bill does. If the member for Mirani were to open his eyes, he would understand it. The Bill argues that one vote, one value is the proper principle, and I support that principle. I am happy to get out there amongst the constituents of the Cook electorate. I do not know what is the matter with the member for Gregory if he cannot get around his electorate. I can get around my electorate, and I bet that the people in Cook see me a lot more than the people in Mirani see the member for Mirani. He is too lazy to get out there and work the electorate properly, unlike those of us who go out there and do our best. If people want better representatives, they should vote for the Labor candidate and toss the member for Mirani out on his ear.

This Bill for the first time provides for the operation of mobile polling booths. In essence, mobile polling booths are designed to cater for people in two circumstances. Firstly, the commission may declare an institution such as a hospital, an aged-persons home or other institutions a mobile booth. In providing access for aged and infirm people to mobile booths, the Bill recognises that people should be given a reasonable opportunity to exercise their right to vote. I will mention briefly the electoral visitor voting, because it is an important principle. I am glad that, contrary to the original recommendation of EARC, that principle is enshrined in the Bill. The Bill also provides that the whole or part of a building structure, vehicle or place can be made a mobile polling booth if the commission considers that an area is too remote to have enough electors to justify an ordinary polling booth. Under the provisions of the Bill, mobile polling booths can operate at appointed times from a period commencing 11 days before polling day and up to 6 p.m. on polling day.

Although I welcome the sentiments of the Bill in that regard, I am anxious to ensure that there is no deterioration in the opportunities for people in remote areas to vote. At first, the argument might seem incongruous with the provisions of the Bill, but I want to develop it a bit further. As it is currently drawn, the Cook electorate contains 54 polling booths—more than any other electorate in Queensland. Some of those booths are small and many are extremely remote. Stephens Island in the Torres Strait is a good example. One of the few islands without an airstrip, Stephens Island is accessible only by dinghy or helicopter and must be regarded as one of the remote—if not the most remote—population centres in Queensland. It would also probably be amongst the smallest booths in Queensland, with a total of 20 votes cast at the 1989 State election. The fact that all 20 votes were most wisely cast in favour of the ALP candidate is coincidental but shows just how seriously Stephens Islanders take their right to vote. That is indicative of virtually everyone who lives and works in remote areas. Perhaps it is their very isolation which heightens their interest in elections and their determination to vote.

When I found out that the Bill provided for mobile booths, I took the trouble to contact members of the Northern Territory Assembly, where such arrangements have existed for some time. Some of the pitfalls that were drawn to my attention, particularly in Territory elections—and they drew the distinction between Territory elections and Commonwealth elections—included insufficient time being allowed to record votes. By nature of the way in which mobile polling booths operate in remote areas, usually they are in a particular centre for only a given period in a day before they move on. Therefore, whereas a normal polling booth gives people an opportunity to cast their vote within a 10-hour period, in places in which mobile booths operate, people may have only two hours or four hours in which to cast their vote. They actually have less time in which to cast their vote.

Another problem is that the people operating the mobile polling booths are unable to meet appointed times because of delays in travel such as those caused by breakdowns. In remote areas, where it can easily happen that motor vehicles or planes could break down, appointed schedules are difficult to keep or unable to be met. There have even been circumstances in which voting times and places have been changed for convenience. They were some of the examples that exist in the Northern Territory and which were brought to my attention. I think we would need to be careful if such a system were to be used in this State. In fact, I would hope that all 54 booths in the

Cook electorate would maintain their current status as full polling booths on election day. People know where they will operate, they are accustomed to the procedures and they may vote between the hours of 8 a.m. and 6 p.m. The other problem with mobile polling booths is that when people vote 11 days before an election, they may be disadvantaged in terms of not knowing of developments that may occur late in an election campaign which could cause them to change the way in which they will vote.

I want to talk briefly about optional preferential voting and the method of marking a ballot paper, which has drawn quite some attention from the other side of the Chamber. Optional preferential voting was not some scheme hatched by the Labor Party to deprive either of the opposition parties of seats. Obviously, the paranoia being displayed by the Liberals and especially the Nationals is an attempt to mask a bitter pill which must be hard for them to swallow. The fact is that many Liberal voters do not like the Nationals, and many National voters do not like the Liberals—and who could blame them? The rift has progressively widened since the debacle of 1983, and Terry White could tell us about that. No amount of kissing and making up by the members for Surfers Paradise and Landsborough can bridge the chasm between the views of their supporters. Ken Crooke and Paul Everingham are deeply concerned that optional preferential voting will provide a vehicle for conservative voters to demonstrate their disenchantment with the other party. In common with what the member for Brisbane Central said earlier, I am not suggesting for a minute that in most cases they would cast a preference for the Labor Party, but many of them would choose not to cast a preference for the other conservative party. Two early casualties of this process might well be the members for Surfers Paradise and Landsborough.

Like most other members in this House, I suppose I have done my share of scrutineering the counting of ballot papers. It has been to my unending frustration that some voters have clearly signified their voting intention but had their votes declared informal because not every square was numbered. Who could forget the time when there were 33 candidates for a Queensland half-Senate election? How many people had their votes declared informal because they used a number twice and finished up on 32? What about the referendum on four-year terms when there was conjecture about ticks? What could be more clear about a voter's intentions? I applaud the reforms which have allowed the widest possible interpretation as to what signifies a voter's intentions.

I also need to address the issue of postal voting. Along with other members, including some opposite—and I note that the member for Tablelands spoke about this issue—I received numerous complaints during the lead-up to the referendum on daylight saving about difficulties in procuring postal votes. The fact that this is not a new problem does not diminish its importance. I know, as do many others in the House, that some people have abused the postal voting system by claiming a postal vote when they no longer live in a remote area. But the legitimate right of people on properties, in small mining operations and in other remote areas must be upheld. This Bill accommodates both issues by providing for electors to become special postal voters and to make a declaration vote if their real place of living is not within 15 kilometres of a polling booth, and in certain other circumstances. A special postal voter will automatically be sent voting papers, and in the near future anyone currently registered under the Commonwealth Act as a postal voter will receive correspondence and an application form. However, eligibility for special postal voter status will be reviewed on a regular basis. I think that is the important issue.

Concerns about postal voting generally were raised with me by Mary Shepard from the peninsula branch of the Cattlemen's Union and by the union's State vice-president, Bill Tincknell, who is a constituent of mine in the Cook electorate. I have taken very seriously the concerns of those people who live in remote areas about difficulties of postal voting. In fact, last Saturday in Laura, I attended a field day and meeting of the peninsula branch of the Cattlemen's Union. The matter of postal voting was high on the agenda for debate at the conference. Members of that union asked me to make certain representations. One of their concerns is that, under the Commonwealth Act, a registered postal voter is not actually sent the ballot papers, as happens in Queensland elections, but an application form, and time delays have been experienced

in the delivery of mail. I was asked by resolution to use my office to talk to the Federal member and others to see if I could secure a change, which is something that I intend to do. I do recognise the concerns that have been raised with me by people such as Mary Shepard and Bill Tincknell. During the referendum campaign, we did our utmost to help out anyone who contacted my office with concerns about postal votes. I do recognise that people in remote areas who have irregular mail services do have such difficulties. However, I really believe that, through the provision of special postal voter status, this Bill provides a mechanism for some of those problems to be overcome. In fact, when this Bill has passed through the House, I will be writing to all of the people in my electorate who obtained a postal vote at the last election to advise them of the provisions which exist in this legislation and encouraging them to take up the option of becoming special postal voters so that they do not have to apply for a postal vote on every occasion.

Generally speaking, the comments that have been made by members on this side about the Bill being a reforming one and the embodiment of an important principle are true. I support the Minister. I think he and his ministerial and departmental staff have done a good job with this reform and with many other reforms in his portfolio. I support the Bill.

Hon. N. J. TURNER (Nicklin) (10 p.m.): I would like to quote from the transcript of proceedings of a public sector management conference held on 22 and 23 April 1992, and from a paper on an evaluation of the new electoral boundaries by Malcolm Mackerras. I consider that paper recommended reading, and it is worth studying the enclosed graphs, which dispel a lot of the hot air and hogwash that has been expressed in this debate relative to gerrymanders in Queensland. Of course, the ones who have cried the loudest and longest forget to mention that Ned Hanlon, the then ALP Premier of Queensland, introduced the gerrymander in 1949—not the National Party, as some people would have us believe.

Mr J. H. Sullivan: That fact has always been acknowledged.

Mr TURNER: I might enlighten the honourable member as I go on. I do recommend that people read those words—not mine, but those of Mr Mackerras.

Mr J. H. Sullivan: No one should read yours.

Mr TURNER: The honourable member would not be able to, because I believe he spent about four years in Grade 1. In that paper, Mr Mackerras stated—

> "Labor was out of power from August 1957 to December 1989, a period just exceeding 32 years, a record period of opposition for a major party. It is not surprising that the ALP sought to explain its repeated defeats in terms of a gerrymander operating against it.
>
> There were some fairly gross inequalities of elector numbers. Thus Queensland clearly had a malapportionment. Yet the National Party repeatedly demonstrated an ability to win the swollen electorates. It did not rely on merely winning the low-elector outback and country seats. The point is best illustrated by Table 1 which shows the extreme enrolments at the last two elections held before the dismantling of the malapportionment. The ability of the Nationals to win at both ends is striking."

It might be worth recording that the National Party at that stage did win seven out of the top nine seats with the greatest number of voters in each of those seats. The paper further stated—

> "At no election has Labor ever failed to win office when it won a majority of the aggregate two-party preferred vote. Moreover, whenever its primary vote exceeded 50 per cent, it was able to win more than 60 per cent of the seats.
>
> . . .
>
> The gerrymander was something of a myth propped up by statistical-mongering. The most blatant example of that was the assertion that the

> gerrymander was proved to exist when, in 1986, the Nationals won an absolute majority of seats with only 39.6 per cent of the first preference vote."

Honourable members should remember that figure—39.6 per cent of the first preference vote. The paper continues—

> "Yet when Bob Hawke led Federal Labor to victory in 1990 did anyone assert that a gerrymander was proved to exist by the fact that Labor secured only 39.4 per cent of the first preference vote?"

That is 0.2 per cent less than the National Party vote. The paper continued—

> "Although the Queensland gerrymander was a myth the fact remains that incessant media propaganda caused most voters to believe in the existence of that gerrymander."

They are not my words; they are the words of Malcolm Mackerras. I do not think that anyone would say that he is a National Party stooge. Prior to the ALP's election in 1989, it was last in power in 1956 when it got 52.1 per cent of the vote and won 65.3 per cent of the seats. In 1989, the Labor Party got 50.3 per cent and won 60.7 per cent of the seats on the old so-called gerrymandered boundaries. As I said, not once since 1956 until 1989 had the ALP polled 50 per cent of the vote.

Mr J. H. Sullivan: It won seats like Glass House.

Mr TURNER: It had not polled 50 per cent of the vote, and that is why it had not got in. Frankly, I am tired of hearing Democrats and other people talk about one vote, one value. I find it incredible. Why do not they talk about the Senate? I am not asking that the Senate be changed, but it is incredible that in the Senate where there is something like 12 to 1 discrepancy between the number of voters and senators in Tasmania and the number of voters and senators in New South Wales. Let honourable members examine the situation in other States. There is a 20 per cent tolerance in the Northern Territory. In Western Australia, until 1987, it was 8.5 to 1. From 1987 until recently, it was 1.88 to 1. Now there is a 15 per cent tolerance. If honourable members examine the information kit published by the Parliamentary Library on 16 February 1991 entitled "Electoral Boundary Reform, the search for impartiality", they will note that that article points out what happens in the House of Commons, the mother of Parliament and democracy—

> "The size of some electorates at the 1987 general election ranged from an enrolment of only 23 000 for the Western Isles electorate in off-shore Scotland to 98 000 for the Isle of Wight. Inner London electorates such as Hammersmith and Kensington with 48 000 are much smaller than central English electorates such as Swindon with 83 000 and Milton Keynes with 97 000. In Wales, electorates include Meirionnyd Nant with 31 000 and Merthyr with 58 000, whilst the Scottish urban electorate Glasgow Hillhead with 57 000 has two and a half times the enrolment of the Western Isles."

I put to honourable members and the people of Queensland that there are other sides to the story of the so-called one vote, one value gerrymander and the talk of corruption. If one looks at one vote, one value as it applied in New South Wales and notes what happened there some years ago under Mr Wran, when Mr Briese, Mr Farquhar and Lionel Murphy were charged, and Mr Jackson, the Prisons Minister, went to gaol, one may understand what has happened to one vote, one value in other areas.

Turning now to the legislation, I refer to the Minister's second-reading speech in which he talked about speedy results. Election results should be made available as soon as possible, so one can only agree with that statement. Counting procedures and the resources available to count the vote should reflect the need to count all classes of votes without delay. Delay due to legal proceedings arising from the election should be minimised. I do not believe that anybody would be better qualified than me to know what can happen. I will recount what happened in the Nicklin electorate in 1989. I would like to think that some of the provisions in the Bill will overcome the problems that arose at that time. I do not know whether this position can be changed by the provisions in the Bill. I had to wait for a writ to be returned before I could take action in the Court of

Disputed Returns. In the meantime, another member was elected to the Parliament. While that member was voting in the Parliament, because of a number of irregularities, including a mix-up in the ballot boxes and the counting, and a judge going on sabbatical leave, I had to wait for the appeal to be heard. The point I raise with the Minister is that what happened in Nicklin is that Mr King was elected and he was sworn in. I am not saying anything derogatory about him, but the fact of the matter is that for approximately 12 months he was the member for Nicklin. The Full Court overruled the decision and declared—and I think the exact wording was—that it determined that Robert George King was never the duly elected member for Nicklin and that Neil John Turner was the duly elected member from the date of the election.

Mr Prest: You won't be back.

Mr TURNER: The honourable member said that a long time ago, but he should wait and see. He might not be around to do the counting. The fact of the matter is that that honourable member voted on Bills before the Parliament. I wonder whether the Minister has considered the position in which there is a difference of only one seat between the Government and the Opposition, and the decision in one seat is overturned. Would that make some laws invalid? I will leave it at that and ask the Minister to clarify that point. It is absolutely imperative that this legislation speeds up that decision-making process. It is disgraceful that it could take a year to make a decision on a seat which determined whether a party was re-elected to power.

Mr Milliner interjected.

Mr TURNER: No. Perhaps the Minister might be able to inform me where he has cut down on the time. What happened in Nicklin was not good enough for me, Mr King, or the political parties that we represented. More particularly, it was not good enough for the people in the electorate. They really did not know who was going to represent them in Parliament. I commend the Minister for the provision in the legislation which allows the positions of candidates on ballot papers to be decided by a draw. I think that goes a long way towards overcoming the problems that many, many candidates whose surnames begin with a letter further down the alphabet experience. They are always on the bottom of the ballot paper. Whether or not anyone likes it, a donkey vote applies in any election. I believe that this provision in the legislation will overcome that problem. At times, I have rather facetiously said that the only way to overcome the donkey vote is to have a round card divided up into quarters. No-one would know where to start. I might even patent that card. I ask the Minister to comment on what occurred in Nicklin and what he is doing to overcome the problem.

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (10.11 p.m.), in reply: I thank all honourable members for their contributions in this debate on the Electoral Bill. It is a very important Bill. It is also a Bill that affects each and every one of us in this place. Every three years, we all go through social events called elections. It is important that we understand what is contained in the legislation and also that we have a Bill that is workable. It is a unique piece of legislation that affects every member of this House. I thank all honourable members for their general support for the legislation. I will refer to some of the comments that have been made by honourable members. Obviously, I will not refer to all of them. I will touch on only some of the points that each member made. I do not want to indulge in tedious repetition.

I thank the member for Lockyer for his support. I also thank him for his comments about the plain English wording that is used in the legislation. Of course, all legislation is now introduced in plain English. It removes the mystique in the law, and that is as it should be. The average person should be in a position to understand legislation. It should not be written in a way that can be understood only by lawyers. The member for Lockyer raised the question of optional preferential voting. That matter has been canvassed ad infinitum. It was a recommendation of EARC, it was accepted by the parliamentary committee and it is now contained in the legislation. Obviously, there are arguments for and against optional preferential voting, as there are for compulsory voting.

I think that it is interesting to consider the number of people who turn out for State elections. Generally, between 85 per cent to 100 per cent of the population turns out to vote at elections. In a country such as New Zealand in which there is not compulsory voting, approximately 90 per cent of the population turn out to vote. There is a very good reason for that. A very extensive education program is undertaken in schools in New Zealand, and I think that is the key. I would rather see people go to the polling booth in command of all the facts and in the knowledge that they can cast an informed vote. It disturbs me to see people roll up to a polling booth, take a how-to-vote card, and say to themselves, "Who is the best looking candidate? I will vote for him."

Mr FitzGerald: Some of us would have no chance.

Mr MILLINER: That immediately rules us out. It disturbs me, and I believe that the Government must consider that matter. It must educate young people so that they fully understand the democratic processes and actually want to vote. The Government should not have to force people to vote. They should want to vote. That education scheme is further down the track. In the meantime, I support compulsory voting. The member for Lockyer also raised the question of the appointment of the Electoral Commissioner. There will be consultation with the Liberal Party and the National Party on the appointment of the Electoral Commissioner. I am very pleased to say that the Government has a very dedicated Electoral Commissioner in Mr O'Shea, who is present tonight. He is doing an outstanding job in that position. I have no doubt that he would receive the support of the Liberal Party and the National Party. The honourable member for Lockyer also raised the question of the registration of political parties. Again, I believe that that is a desirable aspect of the legislation, because it will impose some control over who puts himself forward as a member of a political party. It does not deny any person the right to stand at an election, but it does ensure that that person does not stand as a member of a political party and, therefore, dupe the electors into believing that he or she is a member of a political party.

I thank the honourable member for Stafford for his support. He raised a very important aspect of the Bill, that is, assistance with voting. I am a very firm believer that, when we introduce legislation affecting the very important subject of elections, we should do everything possible to ensure that voters are entitled to cast their votes and have their say in a democratic way. That is why I have gone out of my way to ensure that we have done everything possible to ensure that assistance is provided to voters.

The honourable member for Merthyr raised a number of issues. Together with other members of the Liberal Party, he questioned the number of seats in the Legislative Assembly. Whether it be 82, 89 or 99 seats—that arbitrary figure will be adjusted from time to time. If someone can devise a foolproof formula to determine the number of members to be contained in any Parliament, I wish him good luck and advise him to patent the idea because he will make a fortune. I believe that 89 members is a comfortable number in this place. If we reduce the number of members, that would create bigger electorates and more work for members. We must also consider the quality of representation that members can give to their constituents. From representations that are made to my ministerial office, I know that each and every member of this Parliament works extremely hard. I do not say that lightly, because I honestly believe that all members on both sides of the House work very hard in their electorates representing their constituents. If the number of members were reduced to 82, that would place an extra burden on the remaining members in this place. However, as I said, the figure is arbitrary, and whether it is 89, 82 or whatever is for someone to determine. Following the EARC recommendation, the Government decided that the number of members in this place should be 89.

I believe that the honourable member for Redcliffe made a very worthwhile contribution to the debate. I thank him for his support. As usual, he pushed very hard for his electorate. He is extremely well known for pushing for his electorate at every available opportunity. Tonight, during this debate on the Electoral Bill, the member spoke about schools and hospitals in his electorate. But that is indicative of how hard he

works in that electorate. I congratulate him on his contribution. The electors of Redcliffe are extremely fortunate to have such a tireless worker representing them in this place.

I thank the honourable member for Tablelands for his contribution. He raised several very important issues, including the issue of optional preferential voting. He was the first member to raise the subject of the method of voting—whether it be by a tick, a cross or the number 1. As I said, I am very firmly of the view that we should do everything possible to ensure that if a person takes the trouble to go to a polling place and cast a vote, his or her vote is counted. As to informal votes—in excess of 3 per cent of the vote at the last State election was informal. I reiterate that we should do everything possible to ensure that, wherever possible, votes are counted. That is why I have always very firmly held the view that, so long as a voter's intention is clear, that vote should be counted. At the referendum, because we adopted a system of counting votes if voters marked their intentions clearly, the informal vote was only 0.4 of 1 per cent. It is quite clear to me that that gives a person who goes to a polling place——

Mr Littleproud: Only two choices.

Mr MILLINER: Yes, but it gives people the opportunity to have a say. That is what elections and the democratic process are all about. We should do everything humanly possible to ensure that people have that say. That is why I firmly believe that if we include this provision in the Act, we will substantially reduce the informal vote at elections and, therefore, a greater percentage of the population will have a say in who forms a Government in this State.

I thank the honourable member for Rockhampton North for his support and contribution. He raised the issue of education, which is a very important aspect of the electoral process. That is why, as part of the referendum campaign, the Electoral Commission embarked upon a very extensive educational program to ensure that voters are as well informed as possible before they go to the polls. As members would be aware, an electoral info pack was delivered to each household. Some members contacted me complaining that some constituents had not received that info pack, which was sent out in a general distribution as a letterbox drop and not through the mail system. I believe that in some cases the info pack was probably delivered. But in this day and age when people get a proliferation of material in their letterboxes, the info pack was probably despatched to the rubbish bin without anybody realising what was contained therein.

Mr Stephan: It was too consistent in some areas for it to be delivered.

Mr MILLINER: I am not denying that there were problems with the delivery. But I do not believe that the problems were as widespread as it appeared. That was the start of that education process to inform voters about the electorates in which they resided. I believe that it was a worthwhile exercise. I might add that it was relatively inexpensive compared with the cost of posting that material to every elector, which was the case with previous referendums. When the referendums legislation was introduced, members debated whether the information should be posted to voters. It was decided not to post it but to look at other ways to distribute that material, and that was how it was done. I thank the honourable member for Warwick for his contribution. He indicated that this will be his last term in the Parliament. In 1977 I came into this place with the member for Warwick, and I have a great admiration for him. He is a great bloke. I will be sad to see him leave this place.

Mr FitzGerald: He said you were both retiring at the same election.

Mr MILLINER: No. I will be here for a bit longer. The honourable member for Warwick raised a question about the voting method and he was offering casket tickets all over the place. I did not take him up on that because, in 25 years, I intend to visit Warwick and talk with the honourable member for Warwick in a rocking chair on a verandah and we will be able to discuss the voting method. By that stage, it will be obvious that the legislation is very effective. In 25 years' time I will probably take the casket ticket off him. He raised also the question of the speed of counting of votes. I acknowledge that we must do everything possible to get a quick result. I assure the

honourable member that the Electoral Commission is examining the process to ensure that an accurate result is achieved quickly.

I thank the honourable member for Mulgrave for his support. The honourable member for Toowong spoke about problems with telephones at the Electoral Commission during the referendum. At that time, as a result of the number of calls received, the phones were out of order. Unfortunately, we did not anticipate that. If we had, we would have taken a different course of action. However, I assure the honourable member that we are talking to Telecom to ensure that that will not happen again. He raised also the question of the number of members of Parliament, which I have already answered.

I thank the honourable member for Brisbane Central for his support. He spoke about the Court of Disputed Returns. When I address the contribution of the member for Nicklin, I will deal with that matter. The member for Brisbane Central raised also the method of voting. The honourable member for Hinchinbrook also raised a question about the method of voting, which has already been answered. I thank the honourable member for Yeronga for his contribution to and his support for the Bill. I thank him for his advice as the Bill was being drafted. I acknowledge and pay tribute to him and his parliamentary committee for the work that they carried out on the Electoral Bill. Although they were working within a tight time frame, they worked well to produce the parliamentary report. Without the guidance of the member for Yeronga, the report would not have been able to have been delivered in the way that it was.

The member for Toowoomba South spoke about the voting method. I thank him for his contribution. I thank also the member for Greenslopes for his contribution. The member for Mirani started off his speech extremely well, particularly with his support for a reduction in credit card interest rates. I appreciate that support and I hope that he distributes the petition throughout his electorate. Then he raised the question of the fundamental principles contained in the legislation. The previous legislation contained fundamental principles, but EARC reinforced them. I apologise to honourable members because, after he addressed that aspect of the legislation, I do not know what happened to the member for Mirani. He must have sat on a tariff somewhere. He went right off the beam and launched an attack on the member for Stafford. That is not his usual form. I do not know what got into him. However, I was pleased that he was able to get the matter off his chest in the way that he did. He is now sitting back quite relaxed, which I am pleased to see.

I thank the honourable member for Cook for his contribution. He is vitally interested in the legislation. Representing a vast electorate such as Cook, he experiences many problems—as would the member for Gregory—at election time. I thank the member for Cook for his understanding of and input into the legislation. It will greatly affect him and also greatly assist the electors of Cook when they vote at the forthcoming State election. I turn to the matters raised by the honourable member for Nicklin. He spoke about the need for speedy results of elections. I do not disagree with him. We must do everything possible to ensure a speedy result. As I said, the Electoral Commission is examining procedures for the conduct of elections to ensure an accurate result is obtained quickly.

Mr Turner: There seems some areas like the hold-up where it took some three months while a judge was on sabbatical leave. Can we cut those corners?

Mr MILLINER: I will cover those matters. The honourable member talked about the return of the writ. Obviously, a person cannot challenge the result until the result is declared. Once all the ballot papers are counted, the writ can be returned quickly. Ten days after the election, the writ can be returned very quickly. We will be encouraging returning officers to return writs as quickly as possible so that, if there is going to be a challenge, it can be launched.

Mr Turner: You have got a problem where you have part-time counters—where you have got magistrates that count a couple of hours a night and have another job during the day.

Mr MILLINER: We are addressing that matter. I appreciate what the honourable member is saying. The honourable member for Whitsunday will vouch for the fact that at the last election the clerk of the court at Proserpine was the returning officer. On the Monday after the election, a committal hearing for a murder was heard and so no counting occurred in the Whitsunday electorate for a week or so after the ballot, which was most frustrating for everybody concerned. We are aware of that difficulty. I assure the honourable member that we will do everything possible to ensure a speedy result. We will ensure that the writ is returned as quickly as possible. I accept what the honourable member said about a delay of 12 months to get the matter to court and through the legal process. Obviously, that is far too long. The honourable member raised the question of the judge going on long leave, which also contributed to the problems that he had to face. What brought about this problem was that under the old Act a judge was notified as the judge to constitute the Elections Tribunal. Under this Bill, the matter will go to the Supreme Court, which means that any one of the judges in the Supreme Court will be able to hear the matter. It will not be one specific judge. That, we think, will overcome the problem that the honourable member faced in Nicklin where, because one judge was nominated to the Court of Disputed Returns, one had to wait until that judge was able to hear the matter and, unfortunately, he went on leave. A number of other things delayed the hearing of that case. The Government accepts that that was most unfortunate and that is why we have moved to have any one of the Supreme Court judges constitute the Court of Disputed Returns. The Government believes that that will streamline the system and ensure that what happened in Nicklin after the last election will not occur again. I thank all honourable members for their worthwhile contributions. I believe that this is very good legislation and that it fulfils the Government's commitments to electoral reform. When we go to the election later this year, I believe that we will have the best possible legislation under which to conduct that election.

Motion agreed to.

Committee

Hon. G. R. Milliner (Everton—Minister for Justice and Corrective Services) in charge of the Bill.

Clauses 1 and 2, as read, agreed to.

Clause 3—

Mr BEANLAND (10.33 p.m.): I move the following amendment—

"At page 13, line 30, omit—

'or a tick or cross'."

I have moved that amendment so that the definition will now read—

". . . the number 1 written in a square opposite the name of a candidate on a ballot paper".

It is quite clear that what I want to do is remove the ability to use a tick or a cross. I indicated the problems that the use of a tick or a cross would cause in my speech earlier today. In his second-reading speech, the Minister spoke about the need for commonality of voting methods and said that there should be a maximum level of compatibility practicable between ballot marking methods in Federal, State and local authority electoral systems. That is fine. Honourable members are looking at the difference between the voting methods in State, local and Federal electoral systems. What we decide here in relation to the State will apply to local authority elections, and that will then have to be compared with the Federal method. and it is quite clear from the Commonwealth Electoral Act that ticks and crosses are not allowed on House of Representatives ballot papers. The information provided in the Commonwealth electoral procedures set out by the Australian Electoral Commission states—

"A House of Representatives ballot paper is formal if a first preference is shown by the presence of the number 1 in the square opposite the name of one,

and only one, candidate, and there are numbers in all the other squares on the ballot paper, or in all but one square, which is left blank. Ticks and crosses render a ballot paper informal."

Honourable members should be trying to get some commonality and avoid the problems which occurred in the last local authority elections in this State when they coincided with the referendum. There was anything from 10 to 20 per cent—or more in some cases—informal votes because ticks were allowed on the referendum ballot papers but not on the local authority ballot papers. This amendment would overcome that problem. No good reason for this provision has been put forward—and I have read what the commission and the committee have said in relation to all these points. Clearly, the recommendation by EARC was that it would be looking at comparable systems and at the system in New South Wales. It also talked about the need for some commonality between the systems. The commonality here, surely, is between what applies to the House of Representatives and what applies in the State of Queensland in voting for the Legislative Assembly. Compare like with like and, in both cases, it is quite clear that we ought to have numerical voting and that ticks and crosses should not be allowed. Without that distinction, we are going to find that there is going to be an awful amount of informal voting. I ask the Minister to give some consideration to my amendment because there has not been any justification given for the change to include ticks and crosses. We should follow the Minister's reckoning and stick to numerical numbering, starting with number one.

Mr FITZGERALD: The Opposition will be supporting the honourable member for Toowong, Mr Beanland, in his attempts to have his amendment accepted by the Committee. The Opposition does not support optional preferential voting. I concur with the honourable member for Toowong when he says that we need uniformity in voting and I agree with him that there is going to be more trouble than the Government has bargained for in local authority elections. When confusion reigns, I am afraid that I will have no alternative but to advise the irate voters and the councils that this confusion has been brought about by the Government, which acted without the support of the Opposition in this Chamber.

Mr MILLINER: I do not accept the amendment moved by the honourable member for Toowong because, as I quite clearly pointed out, the reason for the inclusion of this method of voting is to allow as many votes as possible to be counted. One only has to look to the experience gained at the recent referendum to know that a significant number of votes are informal. There is no doubt whatsoever that by allowing the broadest possible method of counting votes, the number of formal votes will be maximised. As I pointed out earlier, at the last State election the informal vote was 3 per cent and in the referendum the informal vote was 0.4 per cent, which speaks for itself.

Mr BEANLAND: I listened very intently to what the Minister said and I agree totally with his comments. That is why I raised the matter in relation to the practice followed in the House of Representatives elections. If the Minister extends the logic of his thinking in relation to this matter, he must realise that there is a reason why the form of voting under consideration is not allowed. It is quite clear that there will be a considerable increase in informal votes for the House of Representatives, and it is no use the Minister denying that the Queensland Parliament will finish up with the same problems as those experienced in local authority elections. In spite of this, the Minister supports an increase by a factor of four in the current rate of informal votes from 1.5 per cent or a maximum of 2 per cent, which will mean that the proportion of informal votes could reach 10 per cent. Heaven help us if it reaches the number recorded during the last local authority elections! Is that the outcome that the Minister is endeavouring to achieve? The alternative is that the method could be kept the same as it is now to ensure that increases in the informal vote do not occur again. If the Minister examines his thinking on this matter, I hope he will reconsider his proposal, because in the light of what he has said, he agrees with the points that I have made. To achieve a follow-through, Queensland must stick with numerical numbering beginning with the figure 1 and exclude ticks and crosses. Otherwise, the very situation predicted by the Minister

will certainly occur in elections for the House of Representatives, and the Government to which the Minister belongs will be directly responsible for it.

Mr ARDILL: Obviously, the member for Toowong has not read clause 97 (3). Voters will be informed quite clearly by the ballot paper to place a figure 1 in the space provided. The clause now under discussion allows people who make a mistake to still cast a valid vote. From approximately 40 years' experience in counting ballot papers and scrutineering, etc., I know that a tremendous number of people continue to put crosses and ticks on their ballot papers. They did so even in the recent referendum. The main purpose of this clause is to stop people from having their votes declared informal when they have clearly indicated their intention. Obviously, the member for Toowong has not read clause 97 (3), or he would not be making the assertion that this Bill will cause further confusion. The truth is that it will reduce confusion.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 50		NOES, 30	
Ardill	Hollis	Beanland	Turner
Barber	Mackenroth	Booth	Veivers
Beattie	McElligott	Borbidge	
Bird	McGrady	Connor	
Braddy	McLean	Coomber	
Bredhauer	Milliner	Dunworth	
Briskey	Nunn	Elliott	
Burns	Pearce	FitzGerald	
Campbell	Power	Gilmore	
Casey	Robson	Goss J. N.	
Clark	Schwarten	Hobbs	
Comben	Smyth	Horan	
D'Arcy	Spence	Johnson	
Davies	Sullivan J. H.	Katter	
De Lacy	Sullivan T. B.	Lingard	
Dollin	Szczerbanik	Littleproud	
Eaton	Vaughan	McCauley	
Edmond	Warburton	Perrett	
Elder	Warner	Randell	
Fenlon	Welford	Rowell	
Flynn	Wells	Santoro	
Foley	Woodgate	Sheldon	
Gibbs		Slack	
Goss W. K.	*Tellers:*	Springborg	*Tellers:*
Hamill	Prest	Stephan	Neal
Hayward	Pitt	Stoneman	Quinn

Resolved in the affirmative.

In division—

The CHAIRMAN: Order! I remind honourable members that for all future divisions the bells will be of two minutes' duration.

Clause 3, as read, agreed to.

Clauses 4 to 6, as read, agreed to.

Clause 7—

Mr SANTORO (10.48 p.m.): This clause, to which I will move an amendment, as circulated, is one of the most fundamental clauses in the Bill. It deals with a part of the elections mechanism that was under very critical review and subject to much critical comment by various members of this place, in particular members of the Government who were then in Opposition. The clause deals with the appointment of commissioners. Government members and members on this side of the House will recall that that aspect of the elections legislation was the subject of strident criticism on the basis that the appointment of commissioners by previous Governments was a flawed process. As I recall and as I have read, the allegations used to be along the lines that various people who were appointed by previous administrations were the friends or the mates of the

administration and were therefore incapable of bringing about a fair electoral redistribution, which was the task with which they were charged.

I acknowledge that this particular provision in the Electoral Bill 1992 goes a considerable way towards remedying the situation in which accusations of bias on the part of Electoral Commissioners——

The CHAIRMAN: Order! There is far too much audible conversation in the Chamber. The Chair is having difficulty hearing the honourable member for Merthyr.

Mr SANTORO: As I was saying, I acknowledge that the clause goes a considerable way towards bringing about a process that will see the involvement of the parties in this place as the selection process is undertaken or at least commenced by the Government. I have spoken to the Minister privately, but I suggest to him now that he should go one step further, given the precedent that was set on that type of fundamentally important appointment. I refresh the memory of Government members, including the Minister, that when appointments such as the Chairman of EARC and a commissioner or the Chairman of the CJC were made in the final days or months of the previous Government, that Government not only properly consulted with the then Opposition and the Liberal Party but also sought their approval on those appointments. After such detailed and civilised consultation was undertaken in the true spirit of bipartisanship, those appointments were made to the satisfaction of the leaders and, through the leaders, the political parties that are represented in this Chamber.

I suggest to the Minister and honourable members that this type of appointment is as fundamental as those appointments that I have just described, because we are dealing with a process that influences the redistribution process. When Government members were in Opposition, we used to hear them say that the redistribution process was flawed and—if I remember correctly the words used by those members—corrupt, which led to all the other problems that Fitzgerald unravelled, about which members from both sides of the Chamber have spoken. It is because of that logic and that reasoning that I seek to convince this Committee that my amendment has merit. As I am sure the Minister would acknowledge, in any deliberation in which the approval of a commissioner was sought from the party leaders in this place, the debate would be undertaken in a fairly constructive manner, because no leader and no party would want to be seen as deliberately obstructing the process of selecting a commissioner in whom all parties had confidence. If all parties express confidence in a commissioner and approve his or her appointment, that means that the public has confidence in the electoral system because the public sees the electoral system as being a result of a process that is unfettered by partisan and biased applications. I would strongly recommend that the Minister consider this as constructively and as seriously as I know he is capable of doing. I look forward to listening to his argument. In fact, I anticipate some of that argument and I will seek to reply to it when I speak again.

Let me remind the Minister and other members that this is one of the most fundamental clauses in this legislation. The proper treatment of this clause and, I believe, a properly amended clause, will help to increase the confidence of the public in the electoral system of Queensland. I think it was the honourable member for Yeronga who said that if the public does not have confidence within an electoral system, it will uprise against it. I am not suggesting that the rejection by members opposite of this amendment will indeed lead to that sort of fall in confidence in the bringing about of a fair electoral system. I am not suggesting that at all. However, if members opposite want to demonstrate a real commitment to the reform process, of which they seem to be so enamoured—and so they should be—I suggest that one very good way of demonstrating it is by involving in a very real way the leaders of the political parties in this place. By a "real way", I mean seeking their approval in relation to fundamental appointments such as commissioners.

This power still basically resides with the political parties in terms of the appointment of the Chairman of the Criminal Justice Commission and the Chairman of EARC. It is not as if there will be set a precedent that members opposite have not embraced and still do not embrace, because when, for example, the new Chairman of

the CJC is appointed, that appointment cannot be made without the approval of all the political parties. I am not talking only about consultation, I am talking about formal approval, albeit in a slightly different forum in this case, at a committee level. We tender these suggestions and these amendments in the true spirit of bipartisanship and we hope that the Minister and his Government receive them favourably.

Mr FITZGERALD: The Opposition supports the amendments that are before the Committee. As was mentioned by the member for Merthyr, persons who are proposed by the Premier to fill the role on the CJC or EARC must obtain, under the respective legislation, bipartisan support before they can fulfil those positions. I believe it is fundamental that the person who is to be the chief electoral officer in Queensland should have bipartisan support. I must advise the Committee that I have never received a complaint about the person holding the position of the chief electoral officer in Queensland—I think he was called the registrar. Obviously, all parties have been happy, and even all voters have been happy, because no-one has ever made a formal complaint about the way in which that person has administered his job. Persons holding that position have always been congratulated on their impartiality, and I suspect that that will continue to happen. But this amendment is getting down to the basics of a philosophy of a Government that wants to appear to do things right. Obviously, it is not doing it right in this case. It is consulting. We know what "consulting" is. I will not refer to the appointment of the EARC commissioners and the way in which this Government dudded the Opposition at the time by using the Act and making the appointments prior to the parliamentary committee coming into being. If the Government had good faith, it should have made provision in this legislation so that the appointment is made with the support of the leaders of all the political parties in the Parliament. In that case, justice would not only be done but also be seen to be done. That would remove any stigma of bias by the Government in making the appointment.

Mr MILLINER: I do not accept the amendment moved by the member for Merthyr. He wants to put in place a system under which his party will have a right of veto. That is what he is saying. If his amendment that the appointment must be with the approval of the party leaders is accepted, for any reason and without any explanation a political party has the right to veto. Under his amendment, if a member of the anarchist party were elected to Parliament, the Government would have to seek that person's approval—he would not just be consulted—before it went ahead with the appointment of a commissioner. That person could veto every nomination for appointment that the Government put forward. Therefore, the honourable member's amendment is unacceptable. This legislation allows consultation to occur between the political parties, and quite rightly so. I would expect that the political parties would make a contribution in the nomination of the person for the position of Electoral Commissioner. But for a political party to have a right of veto is quite wrong. However, I believe that it is quite right and proper that the political parties are consulted, as is outlined in the legislation.

Mr SANTORO: I think the Minister misrepresents—and perhaps genuinely so—the motives of the Liberal Party. We are not trying to give ourselves the unreasonable power of veto. I want to assure the Minister and other members opposite that that in fact is not the case. If the Minister's argument follows, what we could expect—and I do not wish to err away from the Bill—is for the Government to move to take away the rights of the Parliamentary Criminal Justice Committee to have a say in the appointment of the chairman. That really is the implication. If the Minister is to apply that line consistently, if he basically wants to reserve the power of appointment exclusively to the Executive for such fundamental appointments, I suggest that is what he will end up doing. I am not saying that is going to happen. I am not saying that is what the Minister has in mind. I am just pointing out the flawed nature of the Minister's logic.

I again deny that the Liberal Party is out to unreasonably exercise a right of veto. I believe the biggest check against the unreasonable exercise of a power of veto will be that the public will see that a party is being deliberately obstructionist and unreasonable in terms of the appointment of a commissioner. If a party is perceived as being unreasonable and disrupting fair electoral processes regarding the appointment of a commissioner, I believe that the public will mete out its anger at the next election,

whenever that is, after the appointment of the commissioner. No party, including the Liberal Party, would be so stupid as to deliberately knock back a good nominee for the position of commissioner recommended by the Government by refusing to give its approval. I suggest to the Minister that unreasonable veto and power of veto is not what the Liberal Party is seeking.

In relation to the election of members representing the anarchist party or any other extreme party—the Minister is aware that that is quite a hypothetical situation. Queensland does not have the reputation that some other States have for electing Independents—particularly Independents who represent extreme fringe-type movements or parties—to this Chamber, and I do not believe that this State is about to gain such a reputation. I would respectfully put to the Minister that the unreasonableness which he assumes may exist in such a member, if such a member were elected, is not a reasonably based opinion. Again, I say to the Minister that the Liberal Party is not seeking to be in any way unreasonable, and I give on behalf of my party the assurance that we would not exercise, as the Minister puts it, the power of veto unreasonably.

The Liberal Party would again ask the Minister to take some action in the form of accepting an amendment which seeks to enhance and enshrine public confidence in the electoral process. That is what this amendment seeks to do. It seeks to establish and then enshrine greater public confidence within the electoral process. I believe that the Minister may make some reference to the appointment of commissioners. I am happy to acknowledge that the EARC legislation provides for sunset clauses. However, I still see an inconsistency between the stance taken by the Minister in relation to this legislation and the provisions currently in legislation relating to the appointment of other commissioners. If one assumes that the commissioner appointed under this legislation is as fundamentally important as the other two commissioners to whom I have referred—I am prepared to make that assumption and the Liberal Party is prepared to make that assumption—that inconsistency within different pieces of legislation should not exist.

Mr MILLINER: I return to the fundamental approach that the Liberal Party takes on this matter. The Liberals want the right of veto. To draw an analogy between the chairman of the CJC and the chairman of EARC is quite wrong, because I have been informed that the only time that the Premier was to consult the Leader of the Opposition and the Leader of the Liberal Party was in the absence of a parliamentary committee. The appointment of a commissioner to either the EARC or the CJC must be decided by a majority of the parliamentary committee members from more than one party. Therefore, to draw an analogy between the commissioners appointed to the CJC and the EARC and this commissioner is quite wrong. The fact is that the Liberal Party wants the right of veto but it does not give any reasons, and the Government will not cop it.

Mr BEANLAND: I thank the Minister for his comments in relation to this matter, because I believe they have highlighted the point being made by the honourable member for Merthyr. The fact is that the parliamentary committee must still be consulted in relation to future appointments to the EARC or the CJC. I think that is the very point that the member for Merthyr is making with this amendment. Surely after all the rhetoric we have heard in this place today regarding this elections legislation, the Government considers the Electoral Commission to be at least the equivalent of the CJC and the EARC? Or is the Minister saying that it is of lesser importance in the make up of the reform process in this State? The Liberal Party certainly does not consider that to be the case, but obviously the Labor Party does.

The Electoral Commission is going to be the poor cousin. It is going to be an organisation that the Government obviously wishes to trample upon, and perhaps exert some political interference over. What the dickens is going on? Either the Minister considers this commission to be equally important as far as the reform process is concerned, or he is going to throw the whole reform process out the door. According to what honourable members have heard from the Labor Party, this is the most crucial aspect of the reform process. I certainly support it. It is the most crucial aspect. It is a concept which the Labor Party and the Liberal Party have been talking about for many

years in this Chamber. It has been incorporated in this legislation, and the central feature of it is a nonpartisan Electoral Commission in which the leaders of the political parties—and there are definitions for those—will have a say in the future, just the same as they do now, in relation to the EARC and the CJC.

In the future, the CJC Committee must approve appointments. It was only a one-off situation that the leaders of the political parties approved appointments. The Liberal Party is saying that instead of having committees approve appointments, the leaders should be allowed to approve them. Quite clearly, the Government is saying that the Electoral Commission is different and has a lower order of rating. It is something that the Labor Government will trammel upon in the future. The Government will not get public confidence and faith in this system unless it ensures that the leaders of the political parties, or a committee representing all of the political parties within this Parliament, approve the appointment of those commissioners. They are fundamental to the whole process of the reform process.

I believe that the Minister needs to think through a little more carefully a number of the statements that he has made. The legislation states that the Minister must consult. Of course, everyone knows what "consult" means. The Minister can say to the Leader of the National Party or the Leader of the Liberal Party, "I am going to appoint so and so, so and so, and so and so. I have consulted with you. If you do not like it, lump it. Tomorrow morning I am going to announce that those people are going to be appointed. I have consulted." That is "consulting". Alternatively, the Minister could ring up the Leaders of the National and Liberals Parties and give them 24 hours to say whether they agree with the appointment. That is "consulting". The end result is the same. The Minister can still proceed with the names of those people that he put up in the first instance. It is all for nothing. Of course, unless this provision is correct, most of the legislation that we are debating will be for nothing.

I think that the whole emphasis that Mr Fitzgerald placed on this matter must be considered. Of course, the Labor Party now wants to throw that out. When it comes to a matter as crucial as the Electoral Commission and the electoral process in this State, it does not suit the Labor Party. I ask that the Minister take a moment to reflect on the importance of this matter and the speeches that have been made from members on the Opposition side of the Chamber. If the Minister does not allow this amendment to proceed, quite clearly, it means that what he has said is purely rhetoric and the Government's actions shall speak for themselves. The people of Queensland know what the Labor Party's actions can be in relation to electoral matters. They know how the gerrymander came to pass in this State. It was created by the Labor Party, not by the National Party. They know who, at the end of the day, sold out on weighting in the latest electoral redistribution in this State. It was the Labor Party. I return to the central feature of this legislation, and I ask the Minister to reflect for a moment and talk to his advisers about the importance of this amendment.

Mr SANTORO: I was going to commence my small contribution by saying that the Minister, in his previous comments, misled the Committee. I believe that I am being respectful and considerate of the Minister's necessity to consult in suggesting to him that he was misled by whoever gave him the advice that he tendered to the Committee. Because the Minister referred to the Criminal Justice Act, I wish to read to honourable members the provision within it which gives the parliamentary committee the effective power of veto. In Part II of the Act, section 2.5 (3) states—

> "Where consultation is had under subsection (2) with the Parliamentary Committee, a person shall not be recommended for appointment as Chairman unless his appointment is supported by the members of the committee, unanimously or by a majority thereof, other than a majority consisting wholly of members of the political party or parties in Government in the Assembly."

The Minister was given the wrong advice. I think that members on the Government side of the Chamber would agree that the appointment of the Chairman of the Criminal Justice Commission is as fundamentally important as the appointment of the Electoral Commissioners. It needs to have the approval of people other than Executive

Government. It is clearly stated within the Act. I remind honourable members that when it came before this place in late 1989, that legislation was passed with the support of all members. The precedent has been set and it exists in relation to appointments as important as those that have been discussed by honourable members.

Before I continue along this line, I should say in passing—and I made this statement during the second-reading debate—that anything that honourable members say should not reflect upon officers who are currently appointed and serving the State of Queensland. I made it perfectly clear that the Liberal Party has every confidence in the current commissioner and the officers who assist and advise him. The Liberal Party has no problem in relation to that. However, when considering this type of legislation, honourable members must have an eye to the future and an eye to the potential for abuse—an accusation that members of the Labor Party once levelled at members of the previous Government. The members of the Labor Party did it with consistent regularity and monotony. When commissioners were appointed, members of the Labor Party would claim that they were friends or mates of the Government and, therefore, were incapable of discharging their responsibilities and duties under the legislation in an unbiased and unfettered manner.

I again remind the Minister that the type of appointment that this legislation deals with is fundamentally important. Members on the Opposition side of the Chamber regard the appointment as being as important as the appointment of the Chairman of the Criminal Justice Commission. If the Government is to continue to support the provisions in that legislation—and I will not diverge by suggesting that the Government would very much prefer that the parliamentary committee did not have those particular responsibilities—and if it is going to be consistent, then it should equally make provisions in this particular legislation. If we take the Minister's argument to its conclusion, and if that particular provision remains within the CJC legislation—what will happen in the future if some members of that committee are members of the anarchists party and they refuse to give their final approval and imprimatur? Does the Minister get my drift? I believe that his argument is inconsistent with provisions in other legislation that seem—and I use that word advisedly—to have the support of this Government.

I move the following amendment—

> "At page 18, line 11, after 'appointment' insert—
>
> 'and each such proposed appointment must receive approval from the leaders of all political parties, before it can proceed'."

Question—That the words proposed to be added be so added—put; and the Committee divided—

AYES, 30		NOES, 50	
Beanland	Turner	Ardill	Hollis
Booth	Veivers	Barber	Mackenroth
Borbidge		Beattie	McElligott
Connor		Bird	McGrady
Coomber		Braddy	McLean
Dunworth		Bredhauer	Milliner
Elliott		Briskey	Nunn
FitzGerald		Burns	Pearce
Gilmore		Campbell	Power
Goss J. N.		Casey	Robson
Hobbs		Clark	Schwarten
Horan		Comben	Smyth
Johnson		D'Arcy	Spence
Katter		Davies	Sullivan J. H.
Lingard		De Lacy	Sullivan T. B.
Littleproud		Dollin	Szczerbanik
McCauley		Eaton	Vaughan
Perrett		Edmond	Warburton
Randell		Elder	Warner
Rowell		Fenlon	Welford
Santoro		Flynn	Wells
Sheldon		Foley	Woodgate
Slack		Gibbs	
Springborg	*Tellers:*	Goss W. K.	*Tellers:*
Stephan	Neal	Hamill	Prest
Stoneman	Quinn	Hayward	Pitt

Resolved in the negative.

Clause 7, as read, agreed to.

Clause 8—

Mr BEANLAND (11.22 p.m.): This clause covers the functions and powers of the Electoral Commission. I refer particularly to the funding of that commission, which will be the most important aspect once it is up and running. If the commission is not adequately funded, the problems that occurred in the past will recur in the future. Much has been said by Government members about restraints in budgetary matters, problems associated with the recession—which Labor brought on—and that revenue in a number of sectors has fallen. It is only fair that members receive a commitment from the Minister that the Electoral Commission will be properly and adequately funded and that, during the course of the next State election, problems are not created because the Government has not adequately funded the commission. That could very easily occur. I ask the Minister for some assurance that the Government will adequately and properly fund the Electoral Commission. The need to adequately fund the Electoral Commission, and the problems that could arise if it does not receive adequate funding, were mentioned by EARC in its report.

Mr MILLINER: This Government has a history of adequately and properly funding the Electoral Commission during the recent referendum. This Government will honour its commitment to the Electoral Commission.

Mr SANTORO: I shall speak very briefly in support of the honourable member for Toowong. I am aware of instances in which returning officers, who are responsible people, have sought to save the State money and to bring about greater efficiencies within their operations. In one instance, a polling booth was closed down. One of the reasons given for that was that holding elections was a costly business, and people felt a genuine obligation to reduce the costs of running elections. Although I did not intend to speak to this clause, I was prompted to remember something in which I have been fairly heavily involved and about which I have already made some formal representations. I remind members opposite that one of the major responsibilities of any Government, and one of the major operational criteria of any electoral Act, should be to

totally facilitate the ability of electors to vote. In this instance, a polling booth was closed because of cost considerations. A great number of elderly people have petitioned to the effect that they were inconvenienced.

Mr Milliner: Whereabouts was that?

Mr SANTORO: The polling booth at the Anglican Church hall in Olive Street was closed down for the referendum.

Mr Milliner: By the returning officer?

Mr SANTORO: Yes, by the returning officer. I place on record that I believe the returning officer acted sincerely and in good faith in relation to that booth, but cost considerations were a factor.

Mr Milliner: Is that what he told you?

Mr SANTORO: Yes. He mentioned that point.

Mr T. B. Sullivan: Don't take him as a good RO, Santo. You've got a bad RO there.

Mr SANTORO: I am not saying that. Again, the honourable member for Nundah has interjected and totally distorted the truth. I have had to represent the people whom the honourable member for Nundah has sought not to represent. They have complained to me and I have submitted petitions for the reopening of that booth. I am not grandstanding; I have been acting sincerely and constructively.

Government members interjected.

The CHAIRMAN: Order! I remind the honourable member for Merthyr that casting personal aspersions against other members of this Chamber will not be tolerated. I ask him to return to the contents of the clause or I will sit him down.

Mr SANTORO: Mr Chairman, I take your ruling as being a constructive one, but I am sure that reasonable people such as you would agree that I have been provoked.

The CHAIRMAN: Order! I have made my ruling. I now warn the member for Merthyr.

Mr SANTORO: The point that the honourable member for Toowong made is a good one. Funding considerations are very important. Because of concern at the cost of elections, decisions may be made that will eventually impair the ability of people to exercise their democratic right to vote. In the instance that I mentioned, a number of people asked me how they could bring their views to the attention of the authorities. I helped organise a petition which was circulated and which shows that widespread concern existed about the closure of that booth. I encourage the Minister—I am sure that he will accept the encouragement in the positive manner that it is given—to provide the Electoral Commissioner with sufficient funding so that decisions are made that will not impair the ability of people to vote. I strongly recommend the sentiments of the honourable member for Toowong to the Minister.

Mr QUINN: Clause 8 (1) (b) refers to the commission's function in changing the number of electoral districts in the State. When EARC presented its first report on this matter, it recommended that the commission undertake the investigation and its recommendation automatically became the number of electorates without the Minister's having to grant approval. In its second report, the commission recommended that the decision should lie with the Parliamentary Electoral and Administrative Review Committee. When reporting to the Parliament, the committee rejected that idea and said that that should not be the case, that another body should consider it. Given that on both other occasions the commission excluded the Minister from the decision-making process, why has he now included himself in the process?

Mr MILLINER: The reason it was felt appropriate that the Minister should make the decision was because, quite obviously, when the number of electoral districts is discussed, it will become a very political exercise. As the responsible Minister, I am ultimately responsible. The Minister responsible for this legislation should accept responsibility for it. That is why it is right and appropriate that the Minister, in accepting

his responsibility, should do certain things to ensure that a review of the appropriateness of the number of electoral districts takes place. It is a very sensitive political issue and one for which the Minister should be responsible.

Mr QUINN: That is exactly my point. When the EARC made these recommendations it decided to take this issue out of the political arena. The Minister is now putting it back firmly in the political arena. The whole spirit of this Bill is to take away the very conflicting processes between political parties and put them out in the open, away from the political arena. The Minister is putting the issue firmly back into the arena. In other words, the Minister is taking us back to the dark old days when the number of electorates in Queensland could be at the whim of the Government of the day. That goes against the spirit of what the commission ordered in the first place and, indeed, goes against the spirit of the rest of the Bill.

Mr BEANLAND: I rise in relation to the issue of funding, on which I spoke earlier. The Minister seemed to indicate that the commission will continue to allocate funding in the same way as it did for the referendum. I do not want to see that continue. I want to see the provision of adequate and proper funding. Problems arose regarding the referendum and we do not want those problems arising during a full-scale election. I am sure that there will be greater pressures—far greater pressures—during a full-scale State election than those that were experienced during the recent referendum. That was just a pipe opener, a forerunner.

In spite of all the rhetoric I hear, because of the Labor-induced recession, this Government will certainly be looking at ways in which it can save some money in the forthcoming Budget. No doubt, it will be looking closely at this commission. If the Minister is going to save money, he will have to make cuts in the commission's budget. I do not think that this Committee has received any real assurance from the Minister that that will not happen. In spite of the statement that the Minister made before, he seems to have raised more questions than he has answered on this particular issue. The honourable member for Merthyr raised another issue, and I am sure there are others. I do want an unequivocal assurance that when it is looking at ways of reducing expenditure in this very severe recession, the Government will not reduce the funding to the Electoral Commission and that it will ensure the provision of adequate funding so that all aspects of the legislation will proceed in the manner in which they ought to.

The honourable member for South Coast raised the issue of the number of electorate boundaries and he touched on a matter that I wanted to refer to. I will raise that issue now. It is a very important point. We know that the ALP made a submission to the EARC that there be 99 seats. This legislation provides for 89 seats, as recommended by the EARC. It may be that in a very short period the Minister will turn around and say, "The Labor Party wanted 99 seats and, by heavens, it is now under my control and I'm going to recommend 99 seats." It could be that the Government of the day will get those 99 seats after all. Some assurance needs to be given regarding the Government's position on these matters.

Mr MILLINER: The honourable member for Toowong has staggered me. He has talked about all the problems that occurred during the recent referendum on daylight-saving. He contacted the Electoral Commission once to complain about the telephones. I acknowledge that there were problems with the telephones. Not once has the honourable member communicated with either me or the Electoral Commissioner about any of the problems that he experienced. He states now that all of these massive problems arose during the recent referendum, yet he did not have the intelligence to communicate those problems to the authorities so that they could be addressed. It is absolutely amazing.

The referendum was adequately funded; there is no doubt about that. I will ask the Electoral Commissioner to consider the matters raised by the member for Merthyr. However, the placement of polling places in electorates is quite rightly the responsibility of the local returning officer. If the honourable member is not happy with the local returning officer, he should take the matter up with either me or the Electoral Commissioner. Not once has he taken those matters up with me or the Electoral

Commissioner. I am absolutely staggered that all of a sudden, at 11.30 p.m., he rises in this place and advises the Committee of all these massive problems that arose during the recent referendum.

It is not the responsibility of the Minister to determine how many seats there are in the Legislative Assembly. It is the responsibility of the Minister to request the commission to review the number of electoral districts within the Legislative Assembly. It is not the responsibility of the Minister to indicate the number of seats. It is the responsibility of the Minister to request the commission to review the number of members to be in this place.

Mr SANTORO: I thank the Minister for his willingness to look into the specific matter that I raised. However, in defence—and I think reasonable defence—of the honourable member for Toowong, the Minister acknowledged before that because the infopacks were not distributed by post, the efficiency of that distribution was impaired. I think that is a fair statement to make. In the main, the infopacks were distributed fairly well in the new electorate of Clayfield, but there were fairly large pockets where they were not.

I remember ringing the Electoral Commissioner's office after the referendum to ask for a supply of infopacks to be sent to me. People had been saying that they had not received them and asked if I would mind sending them one. I received a supply of about 20 and I have four or five left. There was a breakdown in the distribution of these infopacks. I do not want to carry on too much about it, but clearly the distribution had been funded and conducted through Australia Post. Ensuring that people received these infopacks is certainly one way that the referendum could have been better conducted.

I believe that the honourable member for Toowong does have a valid point. We need to look at and learn from the referendum. I think that it was conducted very well, given that we were dealing with new boundaries. That was certainly a complication. People were confused not only about which electorate they were in but also about booths, and several even queried voting hours. I am sure the Minister would acknowledge that the latter problem was not assisted by a misstatement of the closing times printed in the major daily newspaper circulating in Brisbane. Points made by the honourable member for Toowong should be taken on board because many members of the Liberal Party provided feedback and made complaints. However, in the main, we were pleased—certainly, I was very happy—with the way those points and complaints were handled.

The Minister mentioned a request that was made to the commission inquiring about the number of seats that would constitute the total Queensland electorate. I remind him that all the time ample precedent is being set by legislation indicating that recommendations made by independent commissions, including EARC and the CJC, are not always taken on board by the Government. Eventually and essentially, it is the responsibility of the Government to govern. Members of the Liberal Party acknowledge that the Government exercises that right and that not everything that has been recommended by EARC and the parliamentary committee is being implemented by this Bill. This morning, I mentioned the issue of electoral visitor voting. I point out that just because the Bill institutes a process of, for example, determining the number of electors, the Minister is not obliged to accept that recommendation for the reasons I mentioned during the second-reading debate and for the reasons I will elaborate on shortly. If the Minister thinks that the public expectation of fewer than 89 members is correct, he has the power and, I dare say, the responsibility to fulfil that wish.

Clause 8, as read, agreed to.

Clauses 9 to 25, as read, agreed to.

Clause 26—

Mr MILLINER (11.41 p.m.): I move the following amendments—

"At page 26, line 2, omit—

'the Commission's leave'

and insert—

'leave of absence' ";

"At page 26, line 9, omit—

'Commission's'

and insert—

'Minister's'."

The reason for these amendments is that when the Bill was returned from the printer, it contained typographical errors. The clause deals with termination of appointments. The Governor in Council may terminate a senior electoral officer's appointment if the senior electoral officer under subclause (2) (d) is absent without the commission's leave and without reasonable excuse. The clause should have stated, "is absent without leave of absence and without reasonable excuse", and subclause (2) (f) should read, "engages in paid employment outside the duties of the office without the Minister's approval." The amendments are intended to correct typographical errors.

Amendments agreed to.

Clause 26, as amended, agreed to.

Clauses 27 to 31, as read, agreed to.

Clause 32—

Mr FITZGERALD (11.42 p.m.): My concern in relation to this clause relates to the part stating that a person must not be appointed as a returning officer if a person is "(a) a minor; or (b) a member of a political party." By virtue of that clause, a returning officer would be barred because of membership of a political party. I ask the Minister whether this provision appeared in the Elections Act 1983. I have been unable to find any reference to it. I can understand the sensitivity attached to having a member of a political party as the chief electoral officer in Queensland and I accept that that may be beyond the pale. However, it has been past practice for poll clerks of different political persuasions to operate in many electorates. On occasions, these people have distributed how-to-vote cards and have acted as poll clerks. I have always been treated with courtesy and without bias or problems by those people, and I know that a very sensitive returning officer will balance his selection so that he will group together at tables people who can get on with each other and have previously demonstrated their allegiance to the electorate. To my mind, that has not presented a problem. I do not believe the provision is contained in the existing Act, and I find it curious that by virtue of this Bill a returning officer would have to resign from a political party.

I strongly support the view that it is better to have a person who is proud to be a member of a political party fulfilling the position of returning officer than some clandestine political supporter who is not prepared to declare that he or she is a member of a political party and who assists a political party behind everyone's back. My experience has shown that when a person says, "I am a member of a political party and I am in a position in which I have to determine certain matters", he or she is extremely careful not to be seen to be displaying bias. In fact, I can see no disadvantage in a person disclosing membership of a political party. I believe it is important that members of the community take on the position of poll clerk. For example, in country areas where the National Party receives strong support, it is a fact that the National Party has more members in those areas than any other party and that its membership in those areas exceeds by far membership of the Labor Party and the Liberal Party. For example, small places such as Coalbank, which is located in a part of my electorate that I will not be representing after the next election, have booths which record one vote for the Labor Party and the rest of the votes for the National Party's candidate. At times, I can see no harm in a returning officer for an electorate declaring that he or she is a member of a political party. It may be important for the Chief Electoral Officer to know that that person is a member of a political party so that the Chief Electoral Officer can keep an eye on that person's activities. If a returning officer makes it known that he or she is a

member of a political party, I see no problem with that. Poll clerks can be members of a political party. I do not think that the Bill contains any provision to bar them. I do not support a proposal that poll clerks be barred from being members of a political party. It is curious that it should be proposed. I do not believe that the Bill contains such a provision but, if it does, I would be pleased if the Minister would advise me of it.

Mr GILMORE: I support my colleague in respect of the clause. This is not a political statement, it is one of our basic political freedoms. The Minister is barring an awful lot of potential returning officers from ever becoming members of political parties. The old days when the magistrate used to be the returning officer are gone. Any individual can be a returning officer. The legislation states that the Governor in Council may appoint an elector, so that anyone who is on the roll could be eligible to fulfil the position of returning officer. That is unfair, given the basic freedoms that we have to assemble, to join political parties and so on. Secondly, it seems to me that the premise is that, if one is a member of a political party, one is politically inclined, and that all other people are politically neutral. That is patently absurd. I wonder why the Government felt obliged to insert this provision. Is it some kind of mad rush to accountability without really considering the implications of what we are doing? We in this place are all political people, and we know that the vast majority of people in this State have some kind of affiliation or political feeling, whether they be ALP, National, Liberal or communist. I honestly believe that the Minister was overzealous with the clause, to say the least. I would happily have the Minister remove the clause from the Bill. The Minister would not be serving my side of politics any more than he would be serving his own. It would be perfectly reasonable to take out the clause.

Mr SANTORO: The Liberal Party generally supports the provisions of the clause. We beg to differ from the National Party on that. It is slightly different from the principle that applies to the appointment of public servants, on which we all agree that political affiliations should have no major impact, particularly if that appointment is undertaken on the basis of merit. I have been on record in this place and elsewhere as saying that I do not believe that is happening in all instances in Queensland. When we deal with the discharge of a function that affects the raw side of politics, where people are very heavily involved in party-political activities—such as candidates, campaign committees for candidates, relatives and whoever else is helping the candidate—emotions could run wild if a known member of a political party were to be appointed as a returning officer. That suspicion and paranoia would interfere greatly with the proper conduct of an election in a particular electorate. The Liberal Party agrees with the National Party that that particular provision should not be extended to poll clerks. Depending upon the size of the electorate and the size of polling booths—particularly in country areas where there are a great number of polling booths and therefore a need for a greater number of polling clerks—if that provision applied to polling clerks, it could make the conduct of an election extremely difficult, if not impossible. For the two or three chief officers in an electorate who are trusted with the conduct of elections within that electorate, the provision makes sense, and the Liberal Party registers its support for it.

Mr MILLINER: In answer to the honourable member for Lockyer: no, it was not in the original Elections Act. It was a recommendation of EARC, which I support. Returning officers must not only be impartial but also be seen to be impartial. A returning officer is part of the management team of an election and, as part of that management team, is required from time to time to make decisions. If he were a member of a political party, it could impinge on his impartiality. It is a safeguard.

Mr FitzGerald: No problem with former members who just resigned the week before?

Mr MILLINER: That is right. If someone wants to be a returning officer and that person is a member of a political party, that person resigns, as a person who is appointed to the judiciary resigns from his political party because he must be impartial and must be seen to be impartial.

Mr Gilmore: Do you think that that matter really neuters him politically—because he resigned last week?

Mr MILLINER: Obviously, a returning officer must be seen to be impartial. It is only right and proper that someone who is part of a management team in an election should not be affiliated directly with a political party. A returning officer may have political views and, no doubt, he would have political views. However, he would not have that formal link with a political party.

Clause 32, as read, agreed to.

Clause 33, as read, agreed to.

Clause 34—

Mr SANTORO (11.52 p.m.): I move the following amendment—

"At page 30, line 20, delete—

'89'

and insert—

'82'."

I listened very carefully to what the Honourable the Minister said in reply to the comments that I made about the issue, and I thank him for his comments. However, the Minister did not convince me with his argument. I will paraphrase, and by interjection I will certainly be corrected if I am wrong. The Minister asked how we would determine a fair number or a fair quota of electors. That was basically the Minister's response to the points that I raised in the second-reading debate.

I would suggest to the Minister that several criteria can be applied to determine what is a reasonable number of electors. The first criterion that could be looked at is what is happening elsewhere. Federal electorates have enrolments of approximately 70 000 electors per electorate. Given that number of electors, Federal members seem to be able to discharge their responsibilities in a fair and proper manner. Of course, members in this place would quickly point out that the major difference between State members and Federal members is that Federal members are given more staff and have more facilities and more funding for the various functions that they have to perform. That is certainly acknowledged. If the recommendations of EARC in relation to staffing and funding for backbenchers and particularly for members of the opposition parties—and we look forward to those recommendations being implemented sooner rather than later—were implemented in this State, there is no reason why we also should not be able to represent with equal facility a greater number of electors.

There is ample precedent for a larger number of electors, and at a Federal level that number is 70 000. As I said in my second-reading speech—and I will not go through it again in the detail that I did—in New South Wales the average enrolment per electorate is 32 504, and in Victoria it is 31 514. If consideration is given as to why the current situation should be changed, I think there is fairly well established and entrenched precedent in other States and at the Commonwealth level. I am not going outside the jurisdiction of Australian Parliaments both State and Federal because cases involving overseas countries can be cited. There seems to be reasonable argument in favour of a reduction in the number of seats and at the same time increasing the number of enrolments in a reduced number of seats.

The other aspect that can be looked at is what is reasonable and what is the public expectation. At that stage, one needs to determine whether that public expectation is reasonable. I think it is fair to say that most members of the general public would like to

see fewer politicians rather than more. I will not go into great debate as to why that is so. I think it is suffice to say that members of the general public think that they are overgoverned and that when all levels of Government—local, State and Federal—are considered, there is a great number of politicians. Members of the public believe—I think with some justification—that they as Australians, as citizens within the Commonwealth, are overgoverned and that they expect us as politicians to seriously consider reducing the overall number of politicians. In this particular case, that reduction is obviously at a State level.

We have to determine whether or not that expectation is reasonable in terms of what we perceive are our duties as members of Parliament. As I have just stated—again, I will not canvass the issue in any great detail—there is sufficient empirical evidence to suggest that greater numbers of constituents can be serviced. I heard the Minister state in his reply at the second-reading stage that all members of this place work very hard. I acknowledge that. I am also happy to say that some work harder than others. The Minister said that he believes that it would be difficult to service our constituents as well as we do now if their numbers increased because the total number of seats was reduced. The argument that follows is that we should be calling for reductions in enrolled electors at a Federal level or indeed in other State jurisdictions. Again, I am sure that the Minister will not go out encouraging his Federal or State counterparts to increase the number of seats so that the number of enrolments within the greater number of seats can be effectively reduced resulting in the constituents in those seats being better represented. I am sure that the Minister will not do that. I certainly do not encourage him to do that. In fact, I suggest the opposite. Because of that experience, the argument exists—and that argument, I believe, is firmly held and believed in by members of the general public—that the number of seats should be reduced.

Some people will say that this is political point scoring by the Liberal Party. However, I do remind honourable members that the Liberal Party has been the only political party within the State of Queensland that has been consistently advocating a reduction in the number of seats. In doing so, we believe that we are supporting a workable electoral system in that we do not believe that, if there were fewer seats, the serviceability potential of members would be reduced. At the same time, I think we are acceding to reasonable public wish. I would suggest that the Minister does take our amendment seriously. I realise that some logistical problems would have to be overcome, but with the goodwill of everybody within this particular place I am sure that it could be overcome easily.

Mr J. H. SULLIVAN: I rise on this point and in response only to the comments we have just heard from the member for Merthyr. The seat of Glass House, which I currently represent, is one seat that has a number of electors similar to those numbers that he has mentioned in seats in Victoria. I think that this is a basic apples and oranges situation. Unlike the States of Victoria and New South Wales, this State does not have an Upper House. Many of us would like to think that members of Upper Chambers do nothing, but it is my view that they are like members of the Lower Houses in those States and they are indeed very serious and hard working people. However, both of those States are States of closer settlement, as I am sure my parliamentary colleagues in the National Party will hasten to point out. The suggestion that a member of this Chamber could represent 70 000 people is one that does not need to be taken terribly seriously, given the size of the State. There is already a situation in which some concession is given—albeit perhaps unwillingly, if the truth be known—to the western areas of the State. Imagine how many seats in this Parliament would represent people outside the south-east corner if a number of 70 000 were to be considered. I do not

dispute—because I have done it perfectly well myself—that a member could represent a number of electors greater than the 20 000-odd that is currently proposed under the redistribution that has recently passed through this place. However, in order to reduce the number of seats in this Chamber, all the Minister needs to do is ask the commission to have a look at the number of members in this Chamber. The commission itself could choose to either increase or decrease the number. It is not a decision of the Government. The only decision that the Government would make would be to ask the commission to review the number of members who are in this Chamber. If honourable members refer back to the Minister's answer on that point, they will see that it is to review the number of people who are sitting in this Chamber, not to indicate to them that they must review the number upwards or must review it downwards. It is a request for a review. I believe that, in this instance, the decision about the number of electors who ought to be represented and the decision about the number of seats in this House are matters that are quite properly with the Electoral Commission.

Mr FITZGERALD: The National Party Opposition believes that at this point 89 is the appropriate number of seats for the State of Queensland while it has a unicameral system. I personally believe that the number of seats in this House should be reduced by one third and an Upper House should be established. That is my personal point of view. However, while there is a single House Parliament, the National Party believes that the number of seats should be 89, for various reasons. If the number of members in the House is decreased, the workload on members will increase to such an extent——

A Government member interjected.

Mr FITZGERALD: It would be fractionally. It would probably mean that there will be just over 2 000 extra voters per seat. Taking into account the weightage for the western seats, there might be a fraction more, but there will be fewer members in this House to do the committee work and the other tasks honourable members undertake. There are a lot of arguments to say that this place does need approximately 89 members. I will not repeat what I said in my speech during the second-reading debate, but the position is quite clear.

Mr SANTORO: I listened very carefully to what the honourable member for Glass House had to say. I do not believe that his argument can be sustained if one examines what is happening in not only this jurisdiction but also another jurisdiction. For example, there are seats in Western Australia—and in fact there are seats here in Queensland—that are extremely large seats, which could contain seven or eight seats of the size represented by the honourable member. The seat of Kalgoorlie in Western Australia is practically half the size of that State——

Mr J. N. Goss: Seven-eighths.

Mr SANTORO: Yes. What my research has shown is that not one constituent within that seat has ever objected to a lack of representation or underrepresentation.

Mrs Edmond: That is because they are represented by a very good member, a hard-working member.

Mr SANTORO: I am happy to take the interjection from the honourable member for Mount Coot-tha, that that is because of the hard work of a good local member. I also note—even though the honourable member for Mount Coot-tha will not like me saying it—that that particular person continues to disagree very publicly and violently with the Government, and therefore does display the sort of courage and wit——

Mrs Edmond interjected.

Mr SANTORO: Yes, that member does represent his electorate well, but that proves and sustains my point and goes against what the honourable member for Glass House says, that the size of the electorate is really irrelevant. If the electorate is represented by a hard-working member who is properly resourced, the size of the electorate is really an obstacle and a problem that can be overcome. In fact, there are other members in this Chamber who represent electorates far larger than that represented by the honourable member for Glass House, and they also go about their responsibilities in a cheerful and efficient way and, I am sure, keep their constituents happy. In relation to the reintroduction of an Upper House—that is another argument, and it is something that I have not made much comment on during this debate. However, honourable members may recall that in my maiden speech I made great mention of an Upper House. I regarded the whole concept of an Upper House important enough to be a fundamental part of my maiden speech. What I said there——

Mr Fenlon: You just want to stop any reform in Queensland forever. You never want to see any reform. That's the effect of it.

Mr SANTORO: I do not quite get the sense of what the honourable member for Greenslopes says. However, I take interjections from my honourable colleague that not many others do, and I regard myself in good company when I say that. What I said in my maiden speech was that I favoured the reintroduction of an Upper House which is a genuine Upper House—that is, one that does not have members of Executive Government in it, so that when it in fact functions as it should, as a House of review, it is not impaired and is not constrained by the discipline that honourable members would have to exert on themselves as members of Cabinet and Executive Government. I am in favour of Upper Houses. I also said in that speech that if an Upper House was to be established, it should be established concurrent with a reduction of numbers within this place, and that is something that the honourable member for Glass House alluded to. The honourable member for Glass House sees the lack of an Upper House as a reason for this House having 89 members. Perhaps honourable members should consider the introduction of a genuine Upper House which can review and does review, but, at the same time, reducing the numbers in the Lower House and instituting—for the benefit of the honourable member for Greenslopes—one of the fundamental linchpins of an accountable parliamentary system, which is the one that this place is supposed to be operating under. Thanks to the Labor Party, Queensland is the only Parliament that does not have an Upper House. The Upper House in this State was abolished by the Labor Party.

Mr J. H. SULLIVAN: I rise very briefly to correct the imputation that has been made by the member for Merthyr that I have suggested the reintroduction of an Upper House. In fact, my comments were made in the context that the honourable member for Merthyr was comparing apples with oranges and that the States of Victoria and New South Wales, which he mentioned, unlike this State, had an Upper House. I was certainly not suggesting the reintroduction of the Upper House.

Mr QUINN: The member for Glass House made the statement that it is really up to the Electoral Commissioner to recommend a change in the number of electorates, and that the Minister would then act upon that recommendation. Clause 34 states that there are 89 electoral districts, whereas another provision in the legislation provides that, upon a change in the number of electoral districts, there would be an automatic redistribution. Read in conjunction with other provisions of the Bill, the Minister is under no obligation to act upon the commission's recommendation. Indeed, the Government

could introduce into this Chamber an amendment which simply states that it will change the number of electorates up or down from 89. Indeed, that would be the case and action would flow from there. In point of fact, the commission would be ruled out altogether. Would that be the case?

Amendment negatived.

Question—That clause 34, as read, stand part of the Bill—put; and the Committee divided—

AYES, 67		NOES, 8	
Ardill	McCauley	Beanland	
Barber	McElligott	Connor	
Beattie	McGrady	Coomber	
Bird	Milliner	Dunworth	
Braddy	Nunn	Santoro	
Bredhauer	Pearce	Sheldon	
Briskey	Perrett		
Burns	Pitt		
Casey	Power		
Clark	Randell		
Comben	Robson		
D'Arcy	Rowell		
Davies	Schwarten		
De Lacy	Slack		
Dollin	Smyth		
Eaton	Spence		
Edmond	Springborg		
Elder	Stephan		
Elliott	Stoneman		
Fenlon	Sullivan J. H.		
FitzGerald	Sullivan T. B.		
Flynn	Szczerbanik		
Foley	Turner		
Gibbs	Vaughan		
Gilmore	Veivers		
Hamill	Warburton		
Hayward	Warner		
Hobbs	Welford		
Hollis	Wells		
Horan	Woodgate		
Johnson			
Lingard			
Littleproud	*Tellers:*		*Tellers:*
Mackenroth	Prest		Quinn
McLean	Neal		Goss J. N.

Resolved in the affirmative.

Clauses 35 to 44, as read, agreed to.

Clause 45—

Mr BEANLAND (12.18 a.m.): This clause relates to the weightage given to a number of electorates in Queensland. Members have heard a deal of rhetoric from the Labor Party about how this legislation introduces a one vote, one value distribution reform process, but members should not be fooled, because weightage is involved in a number of western seats in this State. The Premier has indicated that the Labor Party is making a promise—similar to the one made before the last State election—that, following the next State election, it will consider redistribution on the basis of one vote, one value. If that were to happen, it would make a farce of the exercise that the Labor Party went through recently of supporting the weightage system. It would also mean considerable changes to electoral boundaries throughout the State, even though they might have been in place for less than three years and most likely would not be changed in any other circumstances. I ask the Minister: is the Labor Party going to go to the next

election on a promise of one vote, one value, as I understand that it did at the last election? Is it going to honour its promise to do that? If that is the case, there would be a further redistribution. Some clarification of that ought to be forthcoming from the Minister.

Clause 45, as read, agreed to.

Clause 58—

Mr FITZGERALD (12. 20 a.m.): During the debate on the second reading of this Bill, I indicated that I had some concerns about this legislation. I have prepared and circulated a proposed amendment to this clause. I have spoken to the Minister about it, and I believe that commonsense has prevailed. I understand that the Minister might accept the amendment. If so, I will thank him for that.

I move the following amendment—

"At page 43, after line 18, insert—

'(5) For the purposes of subsection (3) (b), a person's address may, in the case of a roll prepared otherwise than in a printed form, be stated as a post office box number, mail service number or in another appropriate way in addition to the person's residential address.' "

Some difficulties are experienced in corresponding with people who use their electoral roll addresses. As I mentioned during the debate on the second reading, when a person gives his address as the Toowoomba-Warwick Highway, the Clifton Shire may have some difficulty in sending out a ballot paper to that person if he wishes to vote in the local authority election. Some amendments to local government legislation may be necessary to permit the use of this clause as amended. However, I do not envisage any difficulty with that. I have moved the amendment to this clause relating to electronic rolls because I believe that it would be quite difficult to record two addresses on the printed roll. It would also be very cumbersome and quite expensive. Most of that correspondence will involve shire councils, members of Parliament, electoral candidates, political parties or any other persons who are able to obtain an electronic roll. People who go to the trouble of purchasing an electronic roll will have access to that facility. At this stage, I am not sure whether the additional information will be included on members' electoral rolls. That is why I used the word "may" in the amendment. If the Government accepts this amendment, I believe that its clear intention would be to proceed with the provision of that facility as soon as possible. It is very important that this amendment be agreed to.

Mr GILMORE: I support my colleague in this matter. As I understand it, the Minister is comfortable with the amendment. However, I point out that in his second-reading speech the Minister said that one of the principles that he held near and dear in this matter related to assistance and information for voters. He said that electors should have access to information and assistance to aid them in selecting candidates and casting votes. One of the most important methods by which we disseminate information in election campaigns and other campaigns is by mail.

Mr De Lacy: Give it a miss. We want to go to bed.

Mr GILMORE: This is important.

Mr Gibbs: Your electorate will be hanging onto your every word tonight.

Mr GILMORE: I am sure they are. I have 10 minutes, if the Minister would like me to take that time.

Mr Gibbs: Use it up. Friday night is still available, son. Use it up.

Mr GILMORE: I hope the Minister is finished. When my colleague was speaking in the second-reading debate, he mentioned the difficulties that arise in regard to long lengths of road that are subdivided into many lots. The Kennedy Highway, which extends from the bottom of the Kuranda Range to Ravenshoe and beyond, has a number of those kinds of addresses along its length. The people in those areas are

simply not getting appropriate responses from the post office and the postal services. As well, in many cases, if mail is inappropriately addressed, the post office does not service the areas and the mail is not delivered. Enough has been said about the matter. I hope that the Minister will accept the amendment.

Mr FOLEY: I rise to support the amendment. It reflects the view set out in the report of the Parliamentary Committee for Electoral and Administrative Review. The need for an address to be recorded on the electoral roll in an electronic form is an important matter. Many rural voters are effectively disenfranchised from local authority elections that are conducted on a postal vote basis. I am very pleased to see the member for Lockyer move this amendment which arises out of work that he did along with other members of the parliamentary committee in the course of their visit to local authorities the length and breadth of the State. I remember joining the honourable member for Lockyer in a visit to the Cambooya Shire Council, which drew this to our attention vigorously, as it was drawn to our attention by a number of other councils. Their voices are being listened to in this matter, which was set out at paragraphs 3.4.9 to 3.4.12 of the parliamentary committee report. I urge that sympathetic consideration be given to the amendment.

Mr BEANLAND: I rise on behalf of the Liberal Party to support the amendment. The mover of the amendment spelt out clearly the valid reason for it, that is, to assist with postal voting. I understand the need for it. In the past, because of problems with addresses, inconvenience has been caused. I hope that the amendment will be accepted by the Minister and the matter will be resolved.

Mr MILLINER: I am pleased to say that the Government supports this sensible amendment.

Amendment agreed to.

Clause 58, as amended, agreed to.

Clauses 59 and 60, as read, agreed to.

Clause 61—

Mr QUINN (12.28 a.m.): This clause provides that each member of this Chamber will be given a certain number of free copies of the electoral roll in printed form each year. I understand that currently members receive in the order of 12 free rolls each year and considerably more in election years. Could the Minister advise what "reasonable" means?

Mr MILLINER: "Reasonable" means the number of polling places in the electorate. Previously, members received 12 free rolls and 36 in an election year. In the electorate of Everton, I had 11 polling places, which meant I had a surplus of rolls that finished up in the rubbish bin. Electorates such as Cook and Gregory, which have more than 36 polling places, do not receive enough rolls. The amendment provides an electoral roll for each polling place in the electorate.

Clause 61, as read, agreed to.

Clauses 62 and 63, as read, agreed to.

Clause 64—

Mr GILMORE (12.29 a.m.): I refer to both clause 64 and clause 105 relating to enrolment and the ability of prisoners to vote. I rise on this clause because it provides the regulatory mechanism by which prisoners are enrolled through the auspices of the Federal legislation. I wonder whether I could have incorporated in *Hansard* the appropriate clause out of the Federal legislation?

Mr Milliner: I will read it into *Hansard*.

Mr GILMORE: I thank the Minister. I ask him to cover that area so that there can be no doubt about the enrolment of prisoners.

Mr MILLINER: Obviously, this is a matter that is very near and dear to the member's heart. This legislation picks up the Commonwealth enrolment, which allows for

the enrolment of people who are incarcerated. I will read the provision of the Commonwealth Electoral Act which allows for people in correctional institutions to be placed on the electoral roll.

Section 96A of the Commonwealth Act, which relates to the enrolment of prisoners, states—

"(1) A person who is serving a sentence of imprisonment is entitled to remain enrolled for the Subdivision (if any) for which the person was enrolled when he or she began serving the sentence.

(2) An eligible person who is serving a sentence of imprisonment but who was not enrolled when he or she began serving the sentence is entitled to be enrolled for:

(a) the Subdivision for which the person was entitled to be enrolled at that time;

(b) if the person was not so entitled, a Subdivision for which any of the person's next of kin is enrolled;

(c) if neither of paragraphs (a) and (b) is applicable, the Subdivision in which the person was born; and

(d) if none of the preceding paragraphs is applicable, the Subdivision with which the person has the closest connection.

(3) In subsection (2), 'eligible person' means a person who, under section 93, is entitled to enrolment."

Clause 64, as read, agreed to.

Clause 65—

Mr SANTORO (12.32 a.m.): Subclause (3) provides that if a person who is enrolled on an electoral roll for an electoral district changes address within the electoral district, the person must within 21 days give notice to an electoral registrar for the district in the form and way approved by the commission. I just suggest to the Minister—and a response is not required, but I would welcome one if it is forthcoming—that unless a fairly intensive education program is initiated by the commission, many people will fall into the trap of contravening this subclause. In an electorate such as mine there is a great amount of movement and I often find that people move within the electorate but do not change their enrolment on the basis that they will still be allowed to vote. If we wish to maintain the integrity of the provisions of this legislation, I suggest to the Minister that there is a necessity, if this particular clause is to be applied seriously, for an intensive education program and that that education program be a continuous one, otherwise there will be a lot of people in breach.

Clause 65, as read, agreed to.

Clauses 66 to 82, as read, agreed to.

Clause 83—

Mr MILLINER (12.34 a.m.): I move the following amendment—

"At page 59, lines 28 and 29, omit—

'or a local authority.' "

The clause refers to the nomination of a candidate for an election. It refers to a person who may be nominated as a candidate for an election and may be elected as a member of the Legislative Assembly for an electoral district. It states—

"(2) A person is a disqualified person if—

. . .

(f) the person is a member of the Commonwealth Parliament or a local authority."

This meant that any member of a local authority was ineligible to stand for an election unless he or she resigned from that local authority at the time of nomination. It would be quite unfair and unreasonable for a member of a local authority to be a candidate at an election for a State electorate, not be successful, and, because of the provisions of this Bill, then be forced to resign the seat on the local authority. This amendment will allow members of a local authority to nominate for a State seat and contest an election. If they are unsuccessful they can remain on the local authority. If they are successful in being elected to this place, they will then have to resign from the local authority. When a member of this place runs for a local authority and is elected he or she must resign from this House, as was the case with the member for Toowoomba North. It was an oversight that that provision was left in the legislation. The amendment will allow members of local authorities to be candidates at elections.

Mr FITZGERALD: The Opposition supports this amendment. I understand that my colleague the honourable member for Tablelands drew it to the attention of the Minister. I thank the Minister for moving this amendment. I support what the Minister has said. It is very important that we attract candidates, and a lot of candidates will come from local authorities. I believe that this is a good amendment.

Mr SANTORO: The Liberal Party considers the amendment to be a sensible one and we are pleased to support it.

Amendment agreed to.

Clause 83, as amended, agreed to.

Clause 84—

Mr SANTORO (12.36 a.m.): I ask the Minister what rationale does he consider supports the change to the provision that the number of people nominating a candidate be reduced from 20 to only 6?

An honourable member: Currently 10.

Mr SANTORO: I have always asked 20 people to nominate me. Why, in that case, reduce it from 10 to 6? I have always found that the 20 have all been on the roll. Why has it been reduced from 10 to 6? The point that came to mind when I read that particular provision was that it makes it a little easier for what could be described as trivial nomination. I admit that I always thought that 20 people were required. That provision makes it just that little bit easier for trivial or frivolous nominations.

Mr MILLINER: The honourable member may have been creating a little bit of work for himself, but at least he would have been sure that the nomination was in order with 20 people. As I understand it, the figure was 10 previously, but this particular clause picks up EARC's recommendation of six. Again, this is an arbitrary figure, but I suggest that the member has six people nominate him in case one of them is not on the electoral roll. If he feels inclined to continue to have 20 people nominate him, he is free to do so.

Clause 84, as read, agreed to.

Clause 85—

Mr FITZGERALD (12.39 a.m.): I draw to the attention of the Committee the fact that the deposit accompanying nominations has changed. I do not think many members of this Parliament who have already been elected are very worried about losing their deposit because, obviously, they have been able to command a substantial vote resulting in their election to this Parliament. However, the existing legislation states, in part, that a candidate would lose the deposit unless he or she received first preference votes which were equal to at least a one-fifth part of the first preference votes received by the winning candidate. The provision contained in this Bill states that the deposit must be returned to the candidate if more than 4 per cent of the total number of formal first votes polled at the election for the electoral district are cast in favour of the candidate. The formula has changed, and it will mean that if there are more candidates contesting an election than there had been previously, it will be easier for them to lose their deposit. However, if three or four candidates contest the election, the odds remain about the same irrespective of which formula is applied. However, if 10 or 12 candidates

contest the election and a person attracts fewer than 4 per cent of the formal votes, it will be much easier for him or her to lose the deposit. I draw that to the attention of the Committee.

Clause 85, as read, agreed to.

Clauses 86 to 93, as read, agreed to.

Clause 94—

Mr J. H. SULLIVAN (12.40 a.m.): This part of the Bill has attracted the most attention in my electorate because it deals with the provision of mobile polling booths. In my electorate and, no doubt, in the electorates of many other honourable members, there are several retirement homes and nursing homes. The residents of those homes do not always believe that electoral visitor voting is the Rolls Royce service, although I acknowledge with great respect the comments made by my colleague the member for Yeronga in his second-reading speech in relation to electoral visitor voting. The reality is that residents of nursing homes and retirement villages often feel that they have been disfranchised because they do not have the opportunity under electoral visitor voting or postal voting to take part in the election process. Many of them feel that they have been cast off by their families and feel very deeply that the procedures set out in clause 102 do not apply to them.

In 1989, when I accompanied the Premier's wife on a visit to the local retirement village run by the Church of Christ on Bribie Island, residents of the home made the plea to her that mobile polling booths similar to those used in Federal elections should be instituted in this State. On subsequent visits by me, they have continued to make this plea. Residents of the War Veterans Home and the Sunnymeade Nursing Home in Caboolture have made similar requests. This clause provides that mobile polling booths can be used at nursing homes, etc. Therefore, I seek from the Minister the assurance that these provisions will not apply to remote centres only, such as the electorate of Cook, or to those people whose tenancy in an institution, so to speak, is on a less than voluntary basis.

Mr MILLINER: This clause has been included to genuinely allow the use of mobile polling booths. Obviously, the member should take this matter up with his local returning officer.

Clause 94, as read, agreed to.

Clauses 95 to 112, as read, agreed to.

Clause 113—

Mr SANTORO (12.43 a.m.): I move the following amendment—

> "At page 80, omit lines 6 to 19 and substitute—
>
> 'An elector must vote by writing on a ballot paper the number one in the square opposite the name of a candidate to indicate the elector's first preference, and the numbers 2, 3 and so on in all other squares on the ballot paper until an order of preference is expressed for all candidates on the ballot paper.' "

Given the hour of the morning, I will not go into a lengthy speech. In my speech during the second-reading debate, I covered this matter fairly extensively. Basically, the Liberal Party believes that the expression and indication of preferences for all candidates on a ballot paper would give a fairer election result in most instances. As I indicated earlier, it is possible to have a field that is so large that a candidate could end up winning having received only 15 to 20 per cent of the vote. Effectively, a great number of electors within an electorate would be denied the candidate of their first choice whereas the minority would have their first-choice candidate elected. The Liberal Party's opposition to this type of voting has always been made clear and is based on the inequities that have been mentioned previously. I ask the Minister and the Government, albeit in vain, to consider accepting the amendment.

Mr FITZGERALD: The Opposition supports the amendment that has been moved by the member for Merthyr. Members of the National Party are philosophically opposed to optional preferential voting. Therefore, we support the amendment that is before the Committee. I referred to this matter during the second-reading debate, so there is no need for me to canvass the arguments any further. If the Minister is inclined to accept the amendment, he will do so; if he is inclined not to accept it, as he indicates by shaking his head, he will not. However, I place on record the Opposition's attitude to this clause.

Mr FOLEY: What an extraordinary backflip from members of the National Party! Here they are in a state of confusion about where they stand on optional preferential voting. In this Committee, they are urging opposition to optional preferential voting, yet on 11 April 1991 the National Party voted in this Chamber to approve a motion moved by the Premier which included—and let me remind members of the National Party—that the recommendation contained in Volume 1, page 59, paragraph 6.26 of the Electoral and Administrative Review Commission be agreed to and that the proposal be further reviewed after the next election for the Legislative Assembly.

Opposition members interjected.

Mr FOLEY: That was last year, was it? I see. That was the way in which this ramshackle National Party voted on 11 April 1991. I well remember the day, because the National Party lined up with the party of reason and enlightenment. It is so firmly etched into my mind that I found it a day truly for celebration but I suspect now that it was just one of those great aberrations of history. Perhaps the proclivity to confusion that the National Party has on electoral matters has finally overtaken it. The names will be recorded in the division. Let us hope that the National Party calls a division on the clause because the stunning hypocrisy, the stunning confusion, of the National Party on electoral matters is breathtaking. I hope that the Minister for Environment and Heritage is in the Chamber tonight so that he will be able to record in the annals of Queensland political history the profound electoral confusion of the National Party. Let National Party members look at page 7111 of *Hansard* of 11 April 1991 to see how they voted then and how they vote now.

Mr SANTORO: I stood up and sought not to be provocative. The honourable member for Yeronga provides a very poor substitute indeed. I would like to think that our country cousins have seen the light and are quite happy to accept good argument. That would be a far more accurate and charitable interpretation by the honourable member for Yeronga. However, I remind him that he and his party are not averse to doing a few backflips. Many a time I remember the honourable member for Yeronga talking about one vote, one value and a one-zone system.

Mr Foley: Also about keeping your promises to the people who elect you, too.

Mr SANTORO: The honourable member for Yeronga well knows the number of people who have resigned from the Labor Party, and his own branch, in recognition that the people whom he accuses of doing a philosophical backflip are not the only ones who are capable of such a backflip. It is the height of hypocrisy that that slumberous fellow——

Mr Foley: You have been caught out. You can't cover it up.

Mr SANTORO: I am not covering up. I am getting my greatest enjoyment by pointing out that the honourable member for Yeronga is as hypocritical as anybody else whom he cares to accuse. He can squirm. I do not want to make a big deal out of it, but the honourable member for Yeronga is as guilty of breaking that fundamental principle as anybody else in this place whom he accuses of doing so. I am not the only person who recognises that. Chris Griffith resigned from the Labor Party citing that as a reason.

A Government member interjected.

Mr SANTORO: I take the interjection from the honourable member—good riddance. Undoubtedly, that will fuel Mr Griffith even more in his zeal to expose the

hypocrisy of many Government members. I will not say "all Government members", because I know that in caucus one or two of them argued strongly against that aspect. I understand that the honourable member for Yeronga, who so often mentions principle and who displays such a principled attitude, was one of the mealy-mouthed people who was quite prepared to go along with it because that suited the powerbrokers in the caucus of the day. I did not want to make this contribution, but I was particularly excited and provoked by the honourable member for Yeronga. Unless he wants more of the same, he should desist from calling the kettle black.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 48		NOES, 26	
Ardill	Mackenroth	Beanland	
Barber	McElligott	Connor	
Beattie	McGrady	Coomber	
Bird	McLean	Dunworth	
Braddy	Milliner	Elliott	
Bredhauer	Nunn	FitzGerald	
Briskey	Pearce	Gilmore	
Burns	Power	Goss J. N.	
Casey	Robson	Hobbs	
Clark	Schwarten	Horan	
Comben	Smyth	Johnson	
D'Arcy	Spence	Katter	
Davies	Sullivan J. H.	Lingard	
De Lacy	Sullivan T. B.	Littleproud	
Dollin	Szczerbanik	McCauley	
Eaton	Vaughan	Perrett	
Edmond	Warburton	Rowell	
Elder	Warner	Santoro	
Fenlon	Welford	Sheldon	
Flynn	Wells	Slack	
Foley	Woodgate	Springborg	
Gibbs		Stephan	
Hamill	*Tellers:*	Stoneman	*Tellers:*
Hayward	Prest	Turner	Neal
Hollis	Pitt		Quinn

Resolved in the affirmative.

Clauses 114 and 115, as read, agreed to.

Clause 116—

Mr BEANLAND (12.57 a.m.): This clause relates to the processing of declaration envelopes and ballot papers. I want to ask the Minister about one aspect of this clause because I am still not absolutely clear about it. Subclause (2) states—

> "A ballot paper must be accepted for counting only if the person examining the declaration envelope is satisfied that—
>
> . . .
>
> (b) the declaration was signed and witnessed before the end of voting hours on polling day . . ."

I notice that that paragraph has taken the place of the section in the current legislation which states that the postal vote must be posted before 6 o'clock, I think it is, or before the end of polling on polling day. I do not know how it will be ascertained whether or not the postal vote was witnessed before the end of voting hours on the polling day itself. It seems to me that that will be very difficult to police and there will be some people who will end up having ballot papers signed after the end of polling. Will there be some special section on the actual ballot papers to cover that?

Mr MILLINER: That was a very difficult area of the legislation. As the honourable member quite rightly pointed out, under the previous legislation the envelope had to be postmarked by the postal authorities that it was posted prior to 6 p.m. on the day of the

poll. It is a fact of life that Australia Post no longer postmarks prepost envelopes and it does not put a postmark on envelopes coming from certain postal destinations. As a result, we were faced with a situation that envelopes with no postmark on them would be sent to returning officers. We had to work out some way in which it could be determined that the vote was actually cast before 6 p.m. on the day of polling. The best way to do that is to get a declaration signed by a person and have that witnessed to ensure that the vote was in fact cast before 6 p.m. on the day of polling. It was the only way in which the problem of not having postmarks could be overcome.

Clause 116, as read, agreed to.

Clauses 117 to 163, as read, agreed to.

Clause 164—

Mr SANTORO (1 a.m.): The Liberal Party finds this clause to be one of the more offensive within the Bill. Subclause (1) (a) relates to an offence for "an elector who fails to vote at an election without a valid and sufficient excuse". It is this provision which entrenches compulsory voting within the Bill. We in the Liberal Party, which is a party of choice, unlike the party of the members opposite who obviously believe in compulsion not just within this Bill but in other areas of legislative endeavour, are totally opposed to that part which basically ensures that people are fined for not voting. We believe that people should have a choice as to whether or not they vote.

Mr J. H. Sullivan: What about whether or not they have privileges?

Mr SANTORO: I will take the interjection. As I said during the second-reading debate, the provisions within this Bill are inconsistent because, on the one hand, they give people a choice as to whether or not they express a preference and, on the other hand, in clauses such as this, they prescribe that people are to be fined if in fact they do not vote, thus sustaining the principle of compulsory voting. The Liberal Party believes that people should be free to do what they wish, subject to obvious limitations. Those limitations apply to the physical and financial harm of other people, and other limitations which I will not detail because of the lateness of the night or earliness of the morning, whichever way one looks at it. Basically, there is no need for compulsion to be contained in the section in relation to voting. There is no suggestion in other jurisdictions that compulsion or lack of compulsion leads to the election of better candidates and better Governments. It is philosophically——

Mrs Edmond: It obviously does not lead to better speeches.

Mr SANTORO: If the honourable member for Mount Coot-tha believes that she can make a better speech at this hour of the morning without, as she usually does, referring to notes, I would be very happy to see her do that. I am trying to make a contribution and I am trying to sustain my party policy in this place, unlike members opposite, such as the member for Mount Coot-tha, who do not sustain the——

The CHAIRMAN: Order! Would the honourable member for Merthyr please return to the contents of the Bill?

Mr SANTORO: I will do that, but again I have been provoked. The Liberal Party is philosophically opposed to this form of compulsion, and it will voice its opposition in this place, irrespective of what is said by Government members.

Mr FITZGERALD: The Opposition has some sympathy for the point of view advanced by the member for Merthyr. However, the National Party has debated this provision at a number of conferences. The position of the National Party is that it is in favour of compulsory voting. I do not suggest for one moment that the democratic process may not, in future, reverse that position. However, the National Party is a very democratic party. Approximately 1 000 delegates attend National Party conferences. The National Party does hold conferences fairly regularly, unlike some of the parties in this Chamber that are not game to have a conference. The National Party's position is that it is in favour of compulsory voting, and it will not be supporting the member for Merthyr in opposing this clause.

Mr BEANLAND: I support the honourable member for Merthyr in relation to this issue, because Australia is one of the small number of countries in the world which still have compulsory voting. Australia's policy is in line with Belgium, Greece, Luxembourg and Venezuela. Those countries are hardly among the great democracies of the world, although some of them are very important. Compulsory voting in this State was introduced by the Labor Party in 1915. The question of compulsion in any human activity will always give rise to keen philosophical debates, as honourable members have witnessed in relation to this issue. It should be noted that in relation to the discussion on electoral voting systems, the Liberal Party has adopted a practical rather than philosophical approach. That certainly applies to the issue of compulsory voting. There is no compelling argument that the very integrity of the system demands and depends on compulsory voting. The philosophical differences will always be debated. However, none of these arguments go to the heart of the question. Compulsion is generally one way of guaranteeing a loss of confidence or a lack of confidence in any institution, and it certainly can lead to a lack of confidence in relation to the election of members of Parliament. Earlier in this debate, Labor Party members even pointed out the need to have people voting with crosses and ticks because they become confused, and the need to ensure that people vote under any circumstances. I believe that compelling people to do something they do not want to do is contrary to one of the very bases of the democratic system itself. The fact that people are forced to vote for candidates is one of the reasons that there is so much cynicism within the electorate at large.

A great deal has been said by the Labor Party about why there should not be preferential voting and why it should be optional—because people may not want to vote for all the candidates. If that argument is to be followed through, on the premise adopted by the Government, that is forcing people to go and vote in the first instance, I believe compulsion in this case adds little to the argument. Honourable members should examine the voting patterns in this State before there was compulsion. Over 85 per cent and up to 89 per cent of people voted. In fact, probably more were voting then than are now under compulsory voting, because people felt they wanted to go along and have a say in the democratic processes. Now, quite a number of people go along and vote informally because they do not want to have a say, and voting informally is really the only way they can get around the process without being fined. Clearly, what is evidenced here is the attitude that Big Brother knows best. The Government is forcing people to go to the polls and vote, simply because it says that people must go along and express their opinion. Whether people want to express an opinion or not, they are being forced to do so. If people are going to participate in a legitimate democratic process, part of that democratic process must be the ability to abstain from voting.

Question—That clause 164, as read, stand part of the Bill—put; and the Committee divided—

AYES, 65		NOES, 8	
Ardill	Mackenroth	Beanland	
Barber	McElligott	Connor	
Beattie	McGrady	Dunworth	
Bird	Milliner	Goss J. N.	
Braddy	Nunn	Santoro	
Bredhauer	Pearce	Sheldon	
Briskey	Perrett		
Burns	Pitt		
Casey	Power		
Clark	Randell		
Comben	Robson		
D'Arcy	Rowell		
Davies	Schwarten		
De Lacy	Slack		
Dollin	Smyth		
Eaton	Spence		
Edmond	Springborg		
Elder	Stephan		
Elliott	Stoneman		
Fenlon	Sullivan J. H.		
FitzGerald	Sullivan T. B.		
Flynn	Szczerbanik		
Foley	Turner		
Gibbs	Vaughan		
Gilmore	Warburton		
Hamill	Warner		
Hayward	Welford		
Hobbs	Wells		
Hollis	Woodgate		
Horan			
Johnson			
Katter	*Tellers:*		*Tellers:*
Lingard	Prest		Quinn
Littleproud	Neal		Coomber

Resolved in the affirmative.

Clauses 165 to 205, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Milliner, by leave, read a third time.

ADJOURNMENT

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (1.14 a.m.): I move—

"That the House do now adjourn."

Railway Meeting, Innisfail

Mr ROWELL (Hinchinbrook) (1.15 a.m.): I would like to add further information to the personal explanation that I made on Wednesday, 6 May, about my attendance at a railway meeting in Innisfail. In the personal explanation I made to Parliament, I stated that I had faxed a message to the Minister for Transport on Monday, 13 April, in the knowledge that I had become aware of a meeting of railway employees to be held at the

railway institute hall at Innisfail on Tuesday, 14 April. I requested that I be allowed to attend the meeting. Subsequently, that day, I issued a press release indicating that I had not been recognised by the Minister as the elected member for Hinchinbrook. During the midafternoon on Monday, 13 April, I received a phone call from Rob Widdons, the Minister's private secretary, indicating that the Minister had no problem with my attendance. I immediately telephoned the editor of the *Innisfail Advocate* to make him aware that Minister Hamill had recognised my right to go to the meeting and that the press release was inappropriate.

I have since made contact with the editor of the *Innisfail Advocate*, Mr Ken Pedersen, concerning the press statement in question that was published in the *Innisfail Advocate* on 21 April relating to the inaccuracy that I was not allowed to attend a railway meeting called by the Minister for Transport, Mr Hamill. Mr Hamill wrote a letter to the editor, which appeared in the *Innisfail Advocate* on 24 April regarding the inappropriate press statement. The editor, Mr Pedersen, rang the Minister's office and spoke to the Minister's secretary, explaining that owing to the central programming system which the newspaper used for the backup of news items, the press release had not been withdrawn and had entered the system without the editor's knowledge. Minister Hamill's secretary said that the Minister was not available, but that he would pass the comments on to the Minister. He thanked Mr Pedersen for his genuine explanation of the matter. Mr Pedersen was told that the explanation would be passed on to the Minister for Land Management, Mr Bill Eaton, and the Commissioner of Railways, Mr Vince O'Rourke.

At about that time, Mr O'Rourke rang me about another matter and mentioned the inappropriate press statement, in which I explained my involvement. The question must be asked: is the Minister aware of these matters? If not, it appears that he and his secretary have very poor lines of communication that could lead to serious errors in Government. Or is it that the Minister and the member for Mulgrave are trying to get some cheap political mileage out of the event? This would not be surprising and would be consistent with the poor conduct exhibited by the Minister at the meeting, when I got a little too close to the bone. I understand the Minister getting highly sensitive about the levels of defective sleepers and general maintenance being well below acceptable railway standards. That was confirmed by the railway inspector's report, which I tabled in Parliament.

Report on Visit to Los Angeles

Mr ARDILL (Salisbury) (1.19 a.m.): I would like to draw attention to aspects of my report to this Parliament on my overseas trip last year and my Budget speech of 2 October 1991 as they relate to the situation in Los Angeles. It was very obvious to my wife and me that Los Angeles was a riot waiting to happen—a riot waiting for the torch provided by the perfectly predictable, unjust verdict of a prejudiced jury in the Rodney King case. In another city such as Denver or Washington, a different verdict would have been expected, but in the totally polarised adversarial situation in Los Angeles, the verdict was predictable support of the police and "us against them", as the jurors would see it.

In my report, I said—

> "Beggars and spaced-out people are quite threatening in both New York and Los Angeles, the dirtiest city seen anywhere. The downtown area of both Los Angeles and its swinging sister, Hollywood, are littered with newspapers, wrappings, needles, condoms, bandages and the ubiquitous chewing-gum.
>
> When the city office workers and shoppers leave down-town Los Angeles after 5 p.m., the steel shutters come down in Broadway covering all vulnerable glass and taking away any shop windows for window shopping. In any case, there are no ordinary citizens there to window shop, but which disappeared first, the people or the windows, no one was able to tell me. The 'alternates' take over and two streets away in Main Street, near the public transport headquarters, the place was quite frightening with fighting and shouting from the weirdos who took over.

Hundreds of unemployed or people with menial jobs sleep in the vicinity in parking lots and school grounds, under metal sheeting or cardboard and in all manner of structures or receptacles. Some women are evident.

Phone calls to taxi companies brought no response to that area and a taxi had to be hailed on Broadway to leave the area.

. . .

The average suburban American stays away from downtown areas especially after business hours and, as a result, most C.B.D.'s are said to suffer economic and social blight.

The advantage of good town planning is nowhere made more apparent than by its absence in the U.S.A.

The disastrous lack of coordination and public information on public transport, also contributes to this blight, which should not be allowed to occur in Australia.

The disastrous alienation of the public and police should not be tolerated. American cities in their downtown areas with the exception of Chicago, San Francisco and Washington are universally filthy, littered and under maintained. Bridges and other steel structures are not painted nor rust-proofed and their throw-away society is evident in both the lack of maintenance and cleaning. Even at the National Monument, the Statue of Liberty, the platform is the repository of thousands of pieces of flattened chewing-gum.

Service staff in America in shops and other industries would not retain their jobs in Australia. No employer would accept their low productivity, lack of concentration and poor attitude to customer relations. Moving around with ordinary people is vastly different from the glossy image seen by the jetset and the media. What the ordinary consumer suffers has no relationship to the American image of fast efficiency."

Australia has 10 years' warning of what will happen if strong action is not taken to reform our economic system. Ten years after America sneezes, Australia catches the flu. Unless the nexus is broken, we will see the same breakdown of community life that has occurred in the USA. It must be realised that if we allow a subculture of underprivileged, unemployed and unemployable people to develop here, as has occurred in America, if we allow public services to decline to the stage at which a large group of people is disaffected and infected with hopelessness, and if we allow our lower-paid workers to be so disadvantaged that they have to sleep in car parks and makeshift shelters after a day's work, everyone will be affected—not only the people who are in that position but also the affluent. Everyone will be disadvantaged by a breakdown of law and order and personal safety. Anyone who thinks that unemployment is a tolerable situation ignores human nature and has a lack of sympathetic understanding. Anyone such as Dr Hewson who would tolerate chronic 6 per cent unemployment is not only lacking in sympathy but also has a death wish.

In this day and age, humans will not accept that their fate is to be permanently underprivileged. A subculture forms, and in the USA it is endemic. Underprivileged and unemployed people who have never had productive employment have now produced children who are ineducable and unemployable. Therefore, they look for an unorthodox source of income, and that is crime. Unless we find a means of employing all our population we will suffer the same malaise as that infesting the USA. Already there is an alarming attitude in many young people, particularly street children. It is obvious in all our major cities. The community must accept the challenge and demand that Governments provide positive answers and take action.

Time expired.

Compulsory Superannuation Scheme

Mr FITZGERALD (Lockyer) (1.24 a.m.): I wish to raise concerns that I have about the compulsory superannuation scheme as it relates to very low income earners. In an article at page 132 of the *Sunday Mail* of 17 May 1992, well-known financial editor Noel Whittaker pointed out that under the scheme, if a person started on a wage of $16,000 a year and increased that salary by $1,000 a year—which is not unreasonable—that person would use up the whole of his earnings for the first 11 years on administration charges and taxes on contributions. He pointed out that, if the superannuation levy was increased to 5 per cent, it would be nine years before the person would receive 1c. The matter was brought home to me by way of example of a constituent of mine whose children were university students who worked during the holidays to supplement their income. The first student, a university student aged 19, received a notice stating that the compulsory contribution towards his Sunsuper superannuation scheme was $28.53. That contribution was paid on 28 June 1991. Two days later, owing to a deduction for administration and other costs for the half year, the account balance was $20.56. In the next six months, the $28.53 had been reduced to $8.46. After the deduction of administration and insurance costs and the addition of 90c interest, the person ended up with $8.46. Within the next six months, that $8.46 disappeared. The employers paid $28.53 towards compulsory superannuation and it disappeared within 12 months. On 28 June 1991, that person's 17-year-old sister lodged $14.34 in an account. Two days later, the account balance was $8.50. In the next six-month period, the $8.50 disappeared.

The superannuation scheme may be worth while for higher income earners and people on a reasonable income. However, other employees can work for 11 years and receive nothing because the employer's compulsory contribution will evaporate into the coffers of the insurance companies. What shocked me even more was that Sunsuper stated in a brochure that it sent to those young people that, if they wanted to make a voluntary contribution to the superannuation scheme, it would be pleased to take the contribution. The brochure stated that no administration charges would be deducted from their voluntary contributions and, in addition, they may be able to claim their voluntary contributions as a tax deduction. In other words, the voluntary contribution incurs no administration charges, but the compulsory scheme incurs administration charges. Superannuation companies have been collecting money to pay the wages of increased staff. It is a shame that that has occurred. Obviously they can use the extra money profitably. Why would they send out a notice to all Sunsuper employee members canvassing business and asking them to make voluntary contributions? Sunsuper sent out a question and answer sheet to employees. The matter needs to be brought to the attention of this House. The scheme should be investigated and an exemption level should be set for employees who do not earn above a certain level. The scheme does not help the employer or the employee; it merely helps insurance companies that have been able to gain accreditation for this scheme under the provisions of the Act. I agree with Noel Whittaker's comments that something must be done to end the farce that is occurring.

Blood Transfusion Services

Mrs EDMOND (Mount Coot-tha) (1.29 a.m.): I rise tonight to speak briefly in praise of the blood transfusion services of Queensland and to gain members' active support for those services. I am in fact asking members to give generously to the service. During my working experience overseas, I was repeatedly reminded of how excellent our services are. For example, in the US, leukemia patients would have to arrange for friends and relatives to book in to give blood donations for their platelet transfusions. Of course, we have all heard of the problems that arise when fees are paid for donations. Often the worst possible donors, needy of money for drink, drugs, etc., would offer themselves as donors. While travelling in Greece, I saw open bidding—auctions—for blood donations. Young, healthy Australian travellers were targeted as good candidates as donors. Those with rarer blood groups such as my friend who had AB negative could almost name their price. Australia has a long history of excellence in this area of blood transfusion services, where the needs of patients are met without cost, without discrimination, but with great care and professional

excellence. In Queensland, the difficulties in providing such a service are aggravated by the problems associated with decentralisation. Distance factors make it difficult to collect and maintain sufficient regular donors to service the State.

Queensland needs around 180 000 blood donations per year to cater for the estimated 83 000 transfusions we had this year plus the manufacture of essential blood products. Over the last few years we have seen a significant thrust to upgrade and expand regional centres to enable efficient use of donations from the regions by the provision of facilities in larger centres to enable fresh frozen plasma and platelet production. In improving and expanding surgery, techniques such as organ transplantation, bone marrow transplants, bypass operations and open-heart surgery have all dramatically increased the need for blood products. This research continues to maximise the efficient use of donated blood with some multiple using of blood products so that we see the platelets going to one patient, clotting factors to another patient and plasma to yet another needy patient.

Haemapharesis, which was introduced in 1988, has significantly increased platelet production by allowing up to six times the number of platelets from any one donor as the platelets are removed and the remainder of the blood goes back into the donor. The production laboratory routinely produces red cell concentrates, fresh frozen plasma, platelet concentrates, cryo precipitates and cryo-poor plasma. It also produces small packs of plasma for transfusion into infants. Rigorous testing is carried out on donor blood to ensure the safety of these products. For 10 years, tests have excluded products that possibly carried hepatitis B or syphilis infections. Since 1985, further tests have been introduced to screen donations for evidence of human immuno virus infections and, more recently, for hepatitis C. The growth of the bone marrow transplant program has seen a need to introduce screening for cyto megalo virus to maintain a supply of CMV-free blood for patients who are severely immuno compromised. Blood banks also produce important scientific data that has played a major role in medical research, especially in our understanding of hepatitis B, hepatitis C and human immuno virus.

My reason for raising this issue tonight is that, once again, in today's *Courier-Mail* several blood groups are listed as urgently needed. I read this with a great sense of guilt as, for several years, I have not donated blood. When working at the Royal Melbourne Hospital and having a very common blood group, I was almost on tap, especially for warm or non-frozen whole blood needed for open-heart surgery. Generally, I find it now difficult and inconvenient to get to the blood bank in working hours. Looking around this room at the few of us left here tonight I see many people who probably face the same dilemma. They wish to donate, but cannot find the time. I put it to them that they meet the essential criteria to be ideal donors: well nourished—definitely—healthy, wise, and full of goodwill. They are also dedicated to the service of the people of Queensland. Only time pressures prevent their eager donations to the blood transfusion service. It is for that reason, Mr Speaker, and with this knowledge that I ask you to invite the mobile blood bank to come to Parliament House at regular intervals during session to enable staff and parliamentarians to make their worthy contributions.

Time expired.

Mr SPEAKER: I note the honourable member's comments.

Miners' Homestead Leases

Mr STEPHAN (Gympie) (1.35 a.m.): I rise in the debate this evening to highlight another problem that has come to my notice in connection with the mining titles in the old mining fields. That problem arises in connection with the residence areas. I remind the House that this Minister and this Government have decided that miners' homestead leases, which have been fully paid up leases for over 30 years, which are not freeholded before the end of 1993 will once again attract a yearly lease. I cannot see any justification for asking the holder of a fully paid up lease to pay the Crown for a particular lease if it is not freeholded by the end of 1993. The Crown has already been

paid for it. How then can the Crown demand another payment for that particular block of land? To have an entitlement to a residence area, of which there are a small number in the mining fields, miners must have a miner's right, which has to be purchased annually. Apparently, it has been found in the archives that the miner's right shall not exceed 1 012 square metres of land. Some of them, of course, do exceed that area. Surveyors going about their duties have run into the problem of what to do with the excess land. Do they include it in the block that is being surveyed, or do they exclude it from that particular block? If it is going to be excluded, what part of the block is going to be taken away—a little bit on the side, a little bit on the front or a little bit on the back?

It must be remembered that we are talking about only a reasonably small amount of land over and above the 1 012 square metres. It leaves the surveyor and the owner with a very difficult decision about what they are going to do. There have been requests for clarification which have not yet been answered. That is why I am raising the problem in this debate. Honourable members must realise that owners who have paid for the blocks of land and are waiting for their adjustment to be finalised cannot have that done until the survey is completed. When advice has been sought as to costs and the procedures to be followed for showing the additional land on the survey plan that must be furnished, delays have been experienced. In fact, it surprises me that the additional land will not be sufficient for another residence or will not be sufficient to provide access to any other block. No other blocks happen to be adjacent, anyway. What will happen if the owner decides not to proceed with the purchase of the additional land that has been deemed to be over and above the 1 012 square metres? Will it revert to Crown ownership, become vacant Crown land, or become a small house-building block? What will become of it?

This is just another episode in the sorry saga of mining titles. The last matter that I wish to highlight is the number of mining title properties that do not presently have gazetted roads leading to them. While those properties are the subject of mining titles, they have the benefit of access to roads but at present those roads have not been gazetted. Some of the roads are owned by the Queensland Forest Service which may necessitate a specific procedure of revocation prior to having the land gazetted as main roads, generally, or designated as roads by the local authority. Some of these roads are old, established roads.

Time expired.

Homeless Youth; Brisbane City Mission

Mr ELDER (Manly) (1.39 a.m.): The Burdekin report defined a young person as "homeless" if his or her housing history and current situation features a lack of security, a lack of quality, a lack of stability or a lack of permanence in accommodation. Mr Speaker, I acknowledge your interest in the issues confronting homeless people and, in particular, I acknowledge the work that you performed in the production of the Burdekin report. Your efforts have been well recognised and are well known as undying efforts which, at the end of the day, go to show your compassionate attitude towards homeless people.

Mr SPEAKER: It is good of the honourable member to spend the time to include that in his speech.

Mr ELDER: Mr Speaker, you are welcome. I mention the definition of a young homeless person to draw to the attention of honourable members the role played by the Brisbane City Mission, which has demonstrated a long-term commitment and has established programs in Brisbane in an endeavour to address the needs of homeless people who form a variety of risk groups. The particular group to which I wish to refer this morning are students at risk. These are disadvantaged young people whose problems associated with homelessness endanger their ability to continue their education. There are a number of common factors among those who form part of this category that lead to the creation of a homeless state, such as poverty, domestic violence, sexual abuse, drug abuse, and social and health problems. All of those

problems manifest themselves in the long-term homelessness which is experienced by these young people and, as a consequence of those risks, those students have an increasing likelihood of experiencing disrupted schooling which eventually results in their leaving school altogether. It is a continuous and vicious circle because, as I say, the abandonment of schooling of itself frequently leads to homelessness.

I ask honourable members to take note that the Brisbane City Mission has a new initiative that is designed to assist street kids. The mission has enlisted the support of school children and schools in fund-raising activities, centring on a fun run known as the Kids Run for Kids. This program is unique, because the mission has gained an understanding of the different ways in which street kids react when help is offered to them. Many street kids simply do not ask for help because they are too proud, too angry, or too suspicious. The Brisbane City Mission has found, however, that when help comes from their peers, these young people become more receptive. In most cases, they are also receptive to the idea of returning to a life that has some future and getting back to an education regime. As I said, the program is known as the Kids Run for Kids program and the major sponsor is the Commonwealth Bank. The young people who participate in the run receive prizes that are donated by a number of corporate sponsors whose names I will not mention at this point, and the schools also raise funds. Approximately one-third of the money raised is directed to the school p. and c. associations which provide a benefit not only to the student and to the school, but also to the program.

The mission hopes that in the long term approximately 70 primary schools will be involved in the program and that each school will raise approximately $5,000 to provide furniture and fittings for houses that have been supplied by another benefactor, A. V. Jennings. One of those homes has been built by Jennings at Alexander Hills, which is in my electorate. I understand that the company donated $50,000 to get the project off the ground to build the home. The project is the result of a combination of efforts contributed by the corporate sector, the schools and the Brisbane City Mission in an attempt to deal with the problem of homeless youth. It was launched recently at the Redlands Independent College in my electorate. In spite of the fact that the school is relatively new, to date, it has raised $15,000 towards the program. If that level of fundraising could be achieved across-the-board throughout the State, the program would be extremely successful.

I thank the principal of the college, Allan Todd, and the students for the exceptional effort that they have made, which clearly demonstrates the concern that they feel for students and street kids who find themselves in the situation of being homeless. I can recall one Year 8 student, Miss Fiona McMorrin, writing to me and saying that she felt extremely pleased that it was a fun program and that it raised money for students who did not have access to the type of comforts that she enjoyed.

Motion agreed to.

The House adjourned at 1.45 a.m. (Wednesday).