TUESDAY, 29 MAY 1990

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—

Traffic Act Amendment Bill;

Sugar Experiment Stations Act Amendment Bill;

Sugar Acquisition Act Amendment Bill;

State Transport Act and Another Act Amendment Bill;

Commonwealth and State Housing Agreement Bill;

Recreation Areas Management Act Amendment Bill;

Queensland Grain Handling Act Amendment Bill;

Police Complaints Tribunal Acts Repeal Bill;

National Crime Authority (State Provisions) Bill;

Fire Service Bill;

Drugs Misuse Act Amendment Bill;

Adoption of Children Act Amendment Bill.

PARLIAMENTARY SERVICE COMMISSION

Resignation of Mr J. A. M. Innes

Mr SPEAKER: I have to report that a vacancy exists on the Parliamentary Service Commission consequent upon the resignation from the Legislative Assembly of Mr John Angus Mackenzie Innes.

Appointment of Mr D. E. Beanland

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (10. 04 a.m.), by leave, without notice: I move—

"That Mr Denver Edward Beanland be appointed to the Commission to fill the vacancy caused by the resignation of the said John Angus Mackenzie Innes."

Motion agreed to.

STANDING ORDERS COMMITTEE

Resignation of Mr J. A. M. Innes

Mr SPEAKER: I have to report to the House that a vacancy exists on the Standing Orders Committee consequent upon the resignation of Mr John Angus Mackenzie Innes from the Legislative Assembly.

Appointment of Mr D. E. Beanland

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (10.05 a.m.), by leave, without notice: I move—

"That Mr Denver Edward Beanland be appointed to that Committee to fill the vacancy caused by the resignation of the said John Angus Mackenzie Innes."

Motion agreed to.

PETITIONS

The Clerk announced the receipt of the following petitions—

Noisy Refrigeration Vans

From **Mr Prest** (57 signatories) praying for legislation to ensure noisy refrigeration vans do not disturb residents particularly at night.

Enforcement of Fisheries Rules

From **Mr Beattie** (26 signatories) praying for the appointment of more fisheries inspectors and for an increase in penalties for breaches of the rules.

A similar petition was received from **Mr Smyth** (151 signatories).

Petitions received.

PAPERS

The following papers were laid on the table—

Orders in Council under—

State Housing Act 1945-1989

Police Service Administration Act 1990

Harbours Act 1955-1989

Regulations under—

Local Government Act 1936-1989

Police Service Administration Act 1990

Motor Vehicles Securities Act 1986-1989

Proclamation under the Police Service Administration Act 1990

By-laws under the Harbours Act 1955-1989.

MINISTERIAL STATEMENT

Gladstone Power Station

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (10.07 a.m.), by leave: I wish to advise the House of aspects of the State Government's position concerning the potential sale of the Gladstone Power Station. Honourable members will recall that this proposal was first publicised last year by the then Premier, Mr Ahern, at a time when his leadership was under considerable pressure by the now Leader of the Opposition.

Following the change of Government at the last election, my Government gave this matter thorough examination. Yesterday State Cabinet confirmed the Government's preparedness to sell the power station at a reasonable market value. However, the purchase offer by the company falls short of this value by several hundred million dollars. State Cabinet's assessment of the proposed sale was based on a valuation by the Queensland Electricity Commission—a valuation which was available to the previous

Government—and the Queensland Treasury and confirmed by an independent valuation by the merchant bank, Schroeders Australia Limited. To sell the power station for the figure advanced by the previous Government and the present Leader of the Opposition would mean a massive subsidy, or gift, from the people of Queensland of almost $200 from every man, woman and child to this company in order for the Government to clinch a deal that was first floated in contrived political circumstances of the National Party's making last year. This sort of approach to the spending of public money and the use of public assets has been discredited elsewhere in Australia. I can assure the House that my Government does not do business in this way.

Mr Gunn: You won't do it at all.

Mr W. K. GOSS: The honourable member is taking up his time.

The Government does not propose at this stage of what have been difficult and sensitive commercial negotiations to disclose other than in general terms the negotiating position of the two parties. However, let me say that the Schroeders' valuation figure of $900m claimed by the Leader of the Opposition is inaccurate. Unfortunately, the false claims made by the National Party, and in particular the initial figure of $500m advanced by that party, undermine Queensland's negotiating position at a time when the National Party—if it was genuine—should be supporting the State's position, not undermining it. Every day it becomes clearer that the National Party, and to some extent the Liberal Party, would prefer to sabotage any prospective agreement in order to score a point.

The question that needs to be asked is: what prevented the previous Premier from agreeing to the Comalco offer of $500m in the three months that he was Premier if it was in any way a reasonable offer? If the former Premier claims that $500m was only a starting figure, how could the previous Government justify a seller's negotiating position—and I repeat, a seller's negotiating position—which starts low and works up to whatever unspecified figure is claimed to be a fair price? The responsible and commercially acceptable approach by all sellers, including this Government, is to seek the best price and, if necessary, work down to a compromise based on fair market value. This Government will not adopt the practice of the previous Government, which was to start low and try to work up.

The situation is simply this: the Government's door is open to a reasonable offer based on fair market value, but not to give-aways. The company has always indicated its acceptance of this Government's position. The expansion decision is now one for the company, although I would repeat the Government's desire to enter into realistic negotiations on the costs of supplying power required for the expansion should the company decide not to make a revised purchase offer for the power station that would meet the Government's primary condition of sale, which is that it reflects the reasonable market value of this major public asset.

1990 LOCAL GOVERNMENT MINISTERS' CONFERENCE

Report

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Housing and Local Government) (10.11 a.m.): For the information of honourable members, I table a report on my attendance at the 1990 Local Government Ministers' Conference in Queenstown, New Zealand, in April.

Whereupon the honourable member laid the document on the table.

MINISTERIAL STATEMENT

Cooke Inquiry Report

Hon. N. G. WARBURTON (Sandgate—Minister for Employment, Training and Industrial Relations) (10.12 a.m.), by leave: My ministerial statement concerns the commission of inquiry into the activities of particular Queensland unions.

The commission was established in August 1989 to inquire into the activities of a number of named unions. Commissioner Marshall Cooke, QC, has now presented his first report, which deals with the Federated Engine Drivers and Firemen's Association of Australasia, Queensland Branch, Union of Employees, and the Federated Engine Drivers and Firemen's Union of Employees, Queensland.

The report as presented to the Government contained recommendations dealing with criminal charges, legislative change and administrative changes and was handed to me by Commissioner Cooke on Friday, 18 May. Given the method of presentation of the report, I immediately referred it to the Attorney-General for urgent advice on whether or not publication of the report in full could possibly prejudice a fair trial of persons named. I also requested the Attorney-General to refer the report to the Director of Prosecutions for his consideration as to any appropriate action. The Attorney-General sought advice from the Solicitor-General. The Solicitor-General, in his advice, noted that the commissioner had, during the course of his report on a number of occasions, expressed his opinion on the credibility of persons who may be charged, on the morality of some of those persons and upon the guilt of those persons whom he has recommended should be charged. The Solicitor-General further stated that, whilst the commissioner indicated that the ultimate guilt or innocence of any person to be charged is to be determined by the normal criminal justice process, the commissioner had nevertheless expressed opinions which, if published, would be highly prejudicial and, if given wide publicity, would put at risk the fair trial of the persons named.

The Solicitor-General referred to the two options which were available to achieve a balance between the public interest in publishing the report and the assurance of a fair trial of the persons charged. These were to excise from the report the whole of sections 5 to 15 or, alternatively, excise only those parts of the sections which were prejudicial to the persons named. It was decided to opt for the latter process, as it was desirable in the public interest that as much as possible of the report should be printed and at the same time ensure fair trials for the persons named.

The Government has a commitment to ensuring that everyone has a fair trial. It also has a commitment to ensuring that those charged with offences do actually become subject to due process. It gives the Government no joy to implement such arrangements, but there was no option given the format of the original report. It is disappointing that the author had not given thought to the longer view of the implementation of the recommendations. It is hoped that it will provide a cautionary lesson in the production of the remaining reports.

This Government is committed to exposure of corruption when and where it occurs. The action that has been taken in these circumstances is manifest evidence of this. All honourable members are to receive a copy of the report modified in terms of the Solicitor-General's opinion. I will provide the Leader of the Opposition and the Leader of the Liberal Party with copies of the original report on a strictly confidential basis. In any debate I hope members will give cognisance to the reasons why it had to be modified. I must say that it is most unfortunate that some non-Government members, particularly the Leader of the Liberal Party, Mr Beanland, reacted in what I believe to be a most outrageous and irresponsible manner in response to my decision not to release the full report immediately upon receiving it. The facts as outlined speak for themselves. I table the report in its modified form.

Whereupon the honourable member laid the document on the table.

MINISTERIAL STATEMENT

Cooke Inquiry Report

Hon. D. M. WELLS (Murrumba—Attorney-General) (10.16 a.m.), by leave: The Honourable the Minister for Employment, Training and Industrial Relations has just referred to advice that the Government has received advice from the Solicitor-General and the

acting Director of Prosecutions. Certain sections of the Cooke report cannot be tabled without potentially prejudicing prosecutions which may arise from that report. I refer to the matter again because it has a bearing on all members of this House. The sections concerned are those in which the commissioner makes adverse comments about the morality, the credibility and, indeed, the criminal guilt of witnesses who appeared before him.

The commissioner is at pains to point out in his report—quite correctly—that it is not his function to determine the guilt or otherwise of people he has examined. However, he does make statements about the guilt, credibility and morality of those persons. The Government must rely on the opinion of the Solicitor-General and the acting Director of Prosecutions as to whether such statements are potentially prejudicial to a fair trial.

If the entire report was published, it is possible that a court would begin by assuming prejudice to an accused and then consider whether the prejudice could be overcome. If the court then decided that the prejudice could not be overcome, that would be the end of the prosecution. It would then not be possible for the matters raised in the Cooke report to be tried in court.

Just as the adverse comments of the commissioner on the credibility, morality and guilt of individuals might prejudice a future prosecution, so also might any adverse comments made about individuals by honourable members in this place. The same applies to comments made outside the House, particularly if those comments are subsequently published in the media.

This fact places an important responsibility on honourable members. While members are at liberty to discuss the report, they should at all costs refrain from making adverse comments about individuals. While recognising their rights—and, indeed, their duties—under the mandates on which they were elected to this place, honourable members should nevertheless have regard to the gravity of their obligation to the legal system of Queensland, of which this Parliament is just a part.

MINISTERIAL STATEMENT

Regional Projects Investment Program

Hon. G. N. SMITH (Townsville East—Minister for Manufacturing and Commerce) (10.18 a.m.), by leave: I want to briefly outline some of the benefits of the Government's recently announced Regional Projects Investment Program. There has been some unfounded hysteria surrounding the fact that this new program supersedes the functions of the former Cape York-North Queensland Enterprise Zone. Much of this hysteria has been deliberately generated for political purposes by Opposition members—particularly the Opposition Leader and his Deputy.

Let me repeat what I have said since the new program was announced. North Queensland loses nothing under the new arrangements while the rest of the State gains. In particular, other regional areas gain access to those benefits and incentives previously offered under the enterprise zone to the Townsville and Cairns regions. I make it clear—particularly to the Deputy Leader of the Opposition—that I took the submission to Cabinet. For the benefit of members opposite, let me also repeat that no project that was previously the responsibility of the enterprise zone is in jeopardy. Arrangements have already been put in train to ensure a smooth transition from the operation of the zone to the new Regional Projects Investment Program. I also mention that of the total of 15 projects, many will probably not go very far. Three projects in particular are receiving close attention.

Opposition members interjected.

Mr SPEAKER: Order! I cannot hear the Minister.

Mr SMITH: The arrangements include the negotiation of extremely favourable termination packages for all corporation staff. That was taken to the enterprise zone's

board this morning. The Government will also offer month-by-month contracts to staff to ensure continuity in the handling of current projects. Moreover, enterprise zone staff will also be eligible for re-employment under the new program when new positions are advertised.

There has been a degree of misrepresentation by the Opposition on the budget for the new program. The former enterprise zone's corporation operated on a budget of just under $2.5m. Those funds were largely earmarked for the cost of promotion of the zone and for activities, including travel by board and staff members, as well as the funding of pre-feasibility studies of significant projects. The budget did not represent the true cost of any incentive packages that might have been offered by the corporation—incentives such as free Crown land for up to five years, free vehicle registration fees for up to five years, and stamp duty and payroll tax concessions. The cost of such incentive packages for new industries—if they had been established—would have been borne by the Government through individual departments such as Treasury as well as by my own Department of Manufacturing and Commerce. Those incentives will still be available through the Regional Projects Investment Program. Nothing will be lost through the establishment of the program, which will effectively spread the incentives of the former enterprise zone to all other regional areas. It is therefore incumbent upon the Opposition Leader to now go out to the rest of the State—to Mount Isa, Rockhampton, Mackay, Innisfail, Ingham and other areas—and tell those communities that he does not want them to have the same incentives as those that are being offered to Cairns and Townsville.

Mr Borbidge: Rubbish! You can do it by regulation. You don't even know your own Act.

Mr SMITH: Let me refer to a statement made by the Deputy Leader of the Opposition. He said that, because of his great concern, the Leader of the Opposition flew to Townsville on 24 May. I point out that in fact the Opposition Leader was already going to Townsville. Tickets were issued on 15 May for a function that he was attending on 24 May at Spinnaker's Restaurant. The Deputy Leader of the Opposition stands condemned for being a hypocrite. Let him now explain why he and his party want to restrict those incentives to two regional centres only.

Before the election, the Labor Party made it clear that it would undertake a thorough review of the operations of the enterprise zone. We also pledged to undertake widespread consultation with community and industry leaders in north Queensland, and that has occurred. The result is that the new Regional Projects Investment Program, which replaces the zone, will be more wide-ranging and more cost-effective than the previous enterprise zone. The program is based on a more efficient use of existing regional development bodies and Government agencies. Under the new program, regional groups will have access to funds to undertake pre-feasibility studies of major new regional manufacturing opportunities or new opportunities in the trade services sector. The program will also market those studies to target investors, both within Australia and overseas.

This new program extends benefits—as well as opportunities—to regional Queensland. Instead of discriminating in favour of any particular region, the new program will ensure that all areas of the State have an equal chance at attracting new major manufacturing projects.

COOKE INQUIRY REPORT

The report in respect of the commission of inquiry into activities of particular Queensland unions, tabled earlier in the day, was ordered to be printed.

QUESTIONS UPON NOTICE

1. Unionism, Queensland Public Service

Mr SANTORO asked the Minister for Employment, Training and Industrial Relations—

"(1) Will he give an assurance that (a) compulsory unionism will not be enforced within the Queensland Public Service, (b) the principle of "all other things

being equal" will be applied in the employment and dismissal of Public Servants and (c) ability, experience, training and educational attainment of applicants would be the first criteria considered during employment interviews, rather than their willingness to be in a Public Service Union?

(2) How can he deny publicly, as he has done, that compulsory unionism is not on in the Queensland Public Service when departmental heads are being instructed and in turn are instructing their recruitment personnel, that before appointment to the Public Service "persons are to produce proof of union membership or give a written undertaking to join an appropriate union within 14 days"?

(3) Will he give a guarantee that under the Governments proposed program of industrial relations reform, the supply of electricity to essential service industries and struggling small business will be maintained?"

Mr WARBURTON: (1) (a) Yes. We are not on about compulsory unionism, but rather ensuring that the provisions of an industrial award are complied with in the same manner as every other employer is required to comply.

(b) Yes. Preference at the point of engagement or in continuation of employment of public servants will be made only where two or more applicants for a position are considered equal.

(c) Yes. Positions in the Queensland Public Service have position descriptions which cover such things as experience, ability, education skills and so on, and any applicant will continue to be interviewed in accordance with the requirements set out in the job description. The question of suitability for appointment to the position rests solely with the employer.

(2) Chief executives of departments have recently been reminded of the necessity to abide by preference provisions in awards and industrial agreements. Preference of employment applies, all things being equal, at the time of engagement and at termination on the grounds of redundancy. This Government, as distinct from the previous National and Liberal/National Governments, intends to abide by decisions of the arbitration commission.

(3) The legislation to be repealed in the current program of industrial relations reform does not provide an environment for good industrial relations. Indeed, the stability in the electricity supply industry in recent years cannot be attributed to that legislation. The proposed Industrial Relations Bill now before the House, together with the agreement between the Government and the unions, will provide the framework for the conduct of harmonious industrial relations in the electricity supply industry in this State. Those mechanisms will ensure that the people of Queensland will not be inconvenienced by disruption to the supply of electricity.

2. Country and Picnic Race Clubs, TAB Support

Mr BREDHAUER asked the Minister for Tourism, Sport and Racing—

"With reference to media reports in The Sunday Mail, The North Queensland Register and other provincial newspapers earlier this year and given that he is aware of speculation that TAB support for the prize money pool of country and picnic race clubs is under threat.

What is the accuracy of these reports and what are the intentions of the Government in this regard?"

Mr GIBBS: I am aware of media reports regarding funding for clubs from the TAB prize money distribution and from the Racing Development Fund. The reports are no more than speculation drummed up by certain people in the racing industry who may be starting to see the writing on the wall for some cosy arrangements of the past.

The racing industry is a vital one for the Queensland economy, and its economic viability is dependent on the financial support channelled back to the industry from the

profits of the TAB off-course totalisator system, together with the money accrued by statute to the Racing Development Fund. The financial survival of even the largest and most professional clubs depends heavily on the annual disbursement of TAB profits, which assist greatly in sustaining their racing activities at a competitive level.

Last year, the TAB distribution formula provided a subsidy of more than 80 per cent of the allowable prize money for clubs paying more than $50,000 annual prize money and more than 90 per cent of the allowable prize money for clubs paying up to $50,000 in prize money. The Racing Development Fund also has provided funds, on application, for assistance with capital improvements to racing venues and, in some instances, subsidises the refinancing of clubs in economic difficulty.

The previous Government's blunder in borrowing $72m to finance capital improvements has left the Racing Development Fund with a commitment to meet annual repayments of capital and interest of approximately $14m per year until the year 2001. A substantial amount of those borrowed funds was used on a politically motivated basis and without a coordinated plan for development of the industry.

There have been many instances of poor financial management at club and control level in utilising the profits of the TAB and the management of Racing Development Fund allocations. Thanks to the previous Government's attitude, a mentality has developed that poor management and lack of accountability will be rewarded with financial rescue from the Racing Development Fund and that subsidy of prize money is sacrosanct.

I have indicated on several occasions that there will be a major review of the processes and procedures of the organisation and management of the racing industry. Clearly, the 140 or so small clubs in this State have a regional, social and economic impact. I have indicated that there is a role for clubs of that type in a sporting, social and recreational context in many country centres. It is not intended to disrupt or discontinue such activities which form, in many instances, part of the fibre of community life in such areas. But they must be seen in their correct context. In some cases it can hardly be argued that such activities contribute to any significant extent to the direct stimulation of the professional racing scene. For example, the high cost of applying professional standards of control at some of those community social activities appears to be an unnecessary burden on the cost of administration and control of the industry as a whole in this State.

The control system that has been allowed to develop in this State has fostered and promulgated, in some cases, quite ridiculous regulations and constraints on certain aspects of this type of racing that would be more consistent with the standard required at Eagle Farm, Randwick or Flemington. For those reasons, a case clearly exists for the re-evaluation of the roles and performance of clubs, control systems and the legislation defining the Government's responsibilities.

I have indicated publicly that I realise the importance of the use of TAB profit to subsidise prize money and that appropriate lead times to allow for budgetary planning by clubs will be allowed if and when any alteration to the present distribution formula is introduced.

With respect to Racing Development Fund allocations—this will be strictly assessed on a needs basis, having regard to the impact that such projects will have on strengthening the racing industry. Until my review is completed, I will continue to demand the highest possible standards of management and accountability at all levels of the industry that can be achieved under the provisions of the present legislation.

In the meantime, it would be more productive for all of those concerned with the future of racing as a sport, an entertainment and a significant industry to concentrate on the broader issues rather than indulge in sensational reaction to speculation in the media.

I can only assume that those in the community or the administration of the industry from club level upwards who seem to be paranoid about a rational and sensible approach

have a vested, selfish, parochial interest in protecting the system from which they have been beneficiaries of political favours in the past.

QUESTIONS WITHOUT NOTICE

Ensham Coal-mining Project

Mr COOPER: I direct a question to the Premier. Given that the Government's handling of the Ensham coal-mining project has drawn a great deal of criticism from the mining industry, and given the backflip disguised awkwardly as a wayward bus, I ask: can he tell the House whether he met with representatives of the Idemitsu consortium before the decision to exclude the Australian partner from future participation in the project? If he did, was the appropriate, responsible Minister—the Minister for Resource Industries—present at that meeting? Was the Director-General of the Minister's department present or absent from that meeting, which was so central to all that followed?

Mr W. K. GOSS: Yes; yes; yes.

Queensland Government Support for Wool-growers

Mr COOPER: I direct a further question to the Premier. Following the last few weeks of quite unprecedented pressure from the Federal Primary Industries Minister on the wool-growers of this nation, there have been some notable omissions of support. In particular, I refer to the Queensland Government and especially the Queensland Minister for Primary Industries. Not one word of support for the wool-growers of this State has come from either the Premier or the responsible Minister.

I ask: firstly, will the Premier now give unequivocal support to Queensland wool-growers and the Wool Corporation and endorse their right to maintain the self-funded floor price at 870c and, secondly, will he lend weight to the industry's request for Federal Government approval to levy 25 per cent gross wool income to maintain a viable wool floor price scheme?

Mr W. K. GOSS: The situation in relation to the wool industry is obviously a very difficult one with which I and my Government sympathise. We give our full support to the wool industry in terms of reasonable arrangements that are responsible in terms of the long-term interests of the economy of this State.

I urge the wool industry and the wool-growers to heed the advice of their own economists and to heed the very good advice that the Federal Leader of the Opposition has given to Mr Fischer.

An Opposition member interjected.

Mr W. K. GOSS: That is supposition.

Replacement of Cape York-North Queensland Enterprise Zone by Queensland Regional Projects Investment Program

Mr PREST: I ask the Minister for Manufacturing and Commerce: is he aware of the misleading statements by senior National Party politicians claiming that replacement of the Cape York-North Queensland Enterprise Zone by the Queensland Regional Projects Investment Program is a backward step for the north? Can the Minister tell the House whether north Queensland wins or loses under the new arrangements?

Mr SMITH: I welcome the opportunity to say even more on this subject. As I outlined in my statement earlier, all areas of Queensland will benefit under the new arrangements.

The big message went out on 2 December, and that message was that snake oil salesmen are no longer required. Members opposite tried to tell people that they were

going to deliver great benefits through the enterprise zone. In fact, the budget for the program was a measly $2.5m. The real cost of the enterprise zone did not in fact come out of that budget at all; it came from Treasury and the former Department of Industry Development.

Members opposite tried to put it over the community at large and, frankly, they failed dismally. They have been exposed. The position now is that all the communities of Queensland will have equal access to the opportunities that they should have for proper, orderly regional development.

Inquiry into Psychiatric Unit at Townsville General Hospital; Appointment of Mr Justice Carter as Commissioner

Mr PREST: I ask the Attorney-General: can he inform the House of the steps he has taken to ensure that the inquiry into the psychiatric unit at Townsville General Hospital will not be just another goldmine for lawyers?

Mr WELLS: In consultation with the Honourable the Minister for Health, the Government has ensured that Queensland will receive the most cost-effective and most effective inquiry possible. Queensland has a splendid and outstanding commissioner in Mr Justice Carter, who will retire from the Supreme Court on the 29th of this month. His being prepared to make his services available to the people of Queensland in order to conduct this important inquiry shows a degree of altruism by that judge. It shows a willingness to assist the people of Queensland with a problem which only a person of his greatness and experience can overcome.

On behalf of all the people of Queensland, I thank Mr Justice Carter for taking on this task. He will be taking on the task at a salary comparable to the one that he is currently receiving. I think that that is reasonable because the work of a commissioner is not unlike that of a Supreme Court judge. Recent precedents indicate that a commissioner should receive a salary very much greater than that of a Supreme Court judge.

I think the fact that the Government is prepared to incur such expenditure on behalf of the people of Queensland indicates that the stage was reached at which things had gone a little too far. Things are now back on the rails under the Goss Labor Government. There will be an inquiry, which will do the people of Queensland proud.

Electricity Supply Industry Employees Superannuation Scheme

Mr BEANLAND: In directing a question to the Premier, I refer to the audited financial accounts of the Queensland Electricity Supply Industry Employees Superannuation Scheme, which states that an actuarial investigation was carried out after October 1987. I ask: were the sacked SEQEB workers included in the membership figures when the actuarial investigation was undertaken? Has an actuarial investigation been carried out to ascertain that members will not be disadvantaged and that the viability of the fund will not be affected by payments from the superannuation fund to the sacked workers? If so, will the Premier table that actuarial advice?

Mr W. K. GOSS: As to the first part of the honourable member's question—I am not aware of the details of that 1987 actuarial assessment. As to the second part of his question—the Minister to whom the question should be directed, namely, the Minister for Employment, Training and Industrial Relations, has had the carriage of this matter. He had carried out an actuarial assessment as to the viability of the fund. That assessment confirmed the proposed payments as actuarially sound.

This matter was referred to the Government's superannuation committee, which was established under the previous Government and is continuing under this Government. The matter was referred also to Mr Hennessy, who confirmed the actuarial viability of the proposal.

Regional Structure of Fire Services

Minister for Police and Emergency Services: has his attention been drawn to criticism of the new regional structure for the fire services? In particular, has his attention been drawn to criticism stemming from the Gold Coast, including comments from the local politicians? Is that criticism warranted, and will the Minister explain the reasons behind the Government's decision?

Mr MACKENROTH: I am aware of the criticism, which started as soon as the Government announced its plans to abolish some 81 fire boards. Because Queensland has six fire service regions, it is not possible to locate regional headquarters in 81 different areas. They can be located in only six areas. The decision to locate those regional headquarters throughout the State was made not on political grounds but on the grounds that they were the best places to locate those regional headquarters.

Mr Borbidge: You're putting them into rented premises. You're taking them out of premises they own and moving them 30 miles up the road into rented premises.

Mr MACKENROTH: If Mr Borbidge understood regionalisation he would know that the Gold Coast district will be administered from that particular headquarters. The honourable member obviously has not bothered to ascertain that. The regional headquarters for Region 6 is being located at Beenleigh, which is the best location for that region.

Mr Borbidge: Why?

Mr MACKENROTH: Because the region covers the area between the Gold Coast and Gatton, including Ipswich.

Mr Borbidge: Where are most of the people? Where are most of the buildings?

Mr MACKENROTH: The high-rise buildings are located on the Gold Coast. I do not expect that the regional commander will be out fighting fires with a hose. He is in charge of the administration which, quite frankly, can be done from anywhere.

The regional headquarters is located centrally within that region and is easily accessible to the Gold Coast via the highway or to Ipswich via the Logan Motorway. The decision to locate regional headquarters throughout the State was not made on political or parochial grounds, as was the case with most of the decisions of the former National Party Government. I am certain that this Government has made the best decisions.

Security at Rockhampton Correctional Centre

Mr PALASZCZUK: I direct a question to the Minister for Justice and Corrective Services. I noted with horror the weekend news reports that Arthur James Murdoch, who is otherwise known as the "Black Stallion", is wandering at leisure throughout the Rockhampton Correctional Centre. I ask: can the Minister inform the House of security measures that are in place at that centre?

Mr MILLINER: I also read those reports in the weekend press and was a little disturbed by them. Those reports are incorrect. Arthur Murdoch has spent a total of 35 years behind bars. He is currently serving a life sentence for a rape offence. Despite the weekend reports, Murdoch has not been released from secure custody. He is accommodated in the detention unit and is still under the direct supervision of the activities officer.

Murdoch is allowed out of the detention unit only when an officer is on duty and he can be under direct supervision. When Murdoch is let out of the detention unit, he sweeps and cleans the activities area and does some leather work. He also receives visits, which are closely supervised by officers of the correctional institution. A special assessment group, including a psychiatrist and the chief officer, is monitoring closely Murdoch's progress. The weekend reports that Murdoch was wandering at leisure throughout the Rockhampton Correctional Centre are completely untrue.

Cape York-North Queensland Enterprise Zone

Mr BORBIDGE: In directing a question to the Minister for Manufacturing and Commerce, I refer to his comments on 15 November 1988, during the debate on the enterprise zones Bill, which indicated his support and that of the Labor Party for the Cape York-North Queensland Enterprise Zone. In particular, I refer to his comment that—

> "We wish success to the Government and the management of the proposed zone and offer our broad support."

I refer also to his public statements of 9 April and 11 May this year clearly supporting the concept of the zone and indicating a wide level of support in north Queensland for its continued operations. I ask the Minister: as his earlier comments are in clear conflict with last week's Cabinet decision to abolish the zone and in accordance with normal conventions of collective Cabinet responsibility, does he consider it both credible and appropriate that he continue to serve in the Ministry?

Mr SMITH: I thought that the Deputy Leader of the Opposition would be able to come up with something that was at least fresh. It is obvious that he did not read thoroughly the debate in 1988. During that debate I said that we believed that the appropriate way to go would be to have one specific site for a trade development zone.

I stated further that I believed it was inappropriate to single out two zones in north Queensland. In fact, I said that I believed that the enterprise zone as such ought to cover the whole of north Queensland. That statement was made quite clearly.

Mr FitzGerald interjected.

Mr SMITH: Yes, it is in *Hansard*.

When I came into the Ministry, one of the first things that I did was to order an immediate review of the functions and the operations of the enterprise zone to determine how successfully and efficiently it was operating. I should start by saying to the Deputy Leader of the Opposition that in fact until now the enterprise zone corporation has signed no contracts. In fact, regrettably, it involved itself in some matters which were properly the responsibility of the Government.

For instance, the enterprise zone corporation sought to involve itself in the construction of a new refinery in north Queensland while at all times the senior officers of the CSR were dealing directly with the Government. It also sought to involve itself in the Queensland Nickel project, which, as is well known, is being dealt with by the Honourable the Premier.

Further to the remarks made by the Deputy Leader of the Opposition—earlier this year, I indicated that I supported a widening of the zone. That was interpreted to include Mackay. The simple fact of the matter was this: it was not a direct quote; it was something that was run by a *Courier-Mail* journalist named Joe O'Brien. It was interpreted that the zone would be extended only to one more location.

The effect of that was that I received representations from all over Queensland saying, "We want to be part of the action. We don't want to be locked out." The simple answer is that the matter was given consideration and we came back to where I was on day one, during the debate on the enterprise zone Bill, namely, that the wider area had to be accommodated. That is what has been done under the new program. The honourable member is left high and dry. He has no credibility. He has attempted to lock out very significant sections of the Queensland community.

Small Business Development Corporation

Mr DAVIES: I have two questions on notice, the first to the Minister for Manufacturing and Commerce. The Minister will be aware of my strong interest in the small business sector and of reports in the press suggesting that the Government intends to

scrap the Small Business Development Corporation. I ask: can the Minister inform the House of the validity of those reports?

Mr SPEAKER: Order! I call the Minister for Manufacturing and Commerce.

Mr SMITH: It was on notice, I think.

Opposition members interjected.

Mr SPEAKER: Order! I ask the member for Townsville: was that question on notice or without notice?

Mr DAVIES: Without notice.

Mr SMITH: I did not hear the entire question. I ask the honourable member to repeat the first part of it.

Opposition members interjected.

Mr SPEAKER: Order!

Mr DAVIES: The Minister will be aware of press reports stating that the Government intends to scrap the Small Business Development Corporation. Can he inform the House of the validity of those comments?

Mr SMITH: Again, this is more nonsense that has been bandied about by the Opposition. To date, the only person who has suggested the scrapping of the SBDC has been the National Party's former press secretary, Mr O'Donnell.

Opposition members: Who?

Mr SMITH: MacDonald. Anyway, it was the National Party's press secretary.

Mr Borbidge has been running around the State stirring up trouble, trying to frighten people into thinking that the Small Business Development Corporation will be abolished. In contrast to that, from day one I have said that, after the review, an organisation would be put in place to look after the small business community and to look after the——

Mr Borbidge interjected.

Mr SPEAKER: Order! The member for Surfers Paradise will cease interjecting. He has had a fair go.

Mr SMITH: I really do not know what it takes to convince Opposition members. I would have thought that the very fact that I was in Mackay last Thursday opening a new office of the corporation would have got through the bone-headed and thick-skulled members opposite that this Government has a commitment to servicing the small-business sector in this State. It will do so without snake oil; it will do it without hype and it will do it more efficiently and more effectively than did the previous Government.

Safety for Bus Travellers

Mr DAVIES: My second question is addressed to the Minister for Transport and Minister Assisting the Premier on Economic and Trade Development.

Opposition members: On notice or without?

Mr DAVIES: Without notice. I ask: in view of the latest bus tragedy at Berowra north of Sydney yesterday, can he inform the House what steps are being taken to improve safety for bus travellers?

Mr HAMILL: I thank the honourable member for his question. Honourable members must surely be concerned about a further bus tragedy on Australia's roads.

Sadly, again, it was in New South Wales, which has seen a number of tragic accidents such as those at Kempsey and Cowper this year.

The Queensland Government has been pleased to give its support for strict new Australian Design Rules with respect to bus safety. I refer in particular to an Australian Design Rule which is to be implemented by 1 January 1992 relating to seat footings and anchorage points.

All honourable members should be interested to learn that in the New South Wales coroner's report on the Kempsey bus disaster, it was found that many of the deaths in that disaster were caused because seats broke loose from their footings, and passengers were badly mutilated as their bodies were thrown over the broken seat footings during deceleration.

The new ADR will put in place more stringent requirements for seat anchorage points. Last week at the ATAC meeting in Perth I raised my concern that the new ADR proposed for 1992 is designed to withstand only a force 8 to 10 gs. In the Kempsey bus disaster, the force experienced by those in the coach was 20 to 25 gs, a force far in excess of the protection that would be afforded by the new design rule.

Following discussions between myself and my New South Wales counterpart, a joint proposition was submitted to ATAC that a higher standard of design rule needs to be explored from the point of view of providing passengers with greater protection. We have taken the step to introduce an ADR more stringent than that which was just adopted.

Evidence already exists that some manufacturers in Australia have the new technology and the expertise to provide safety for passengers experiencing a force commensurate with that that occurred in Kempsey. The members of ATAC will be pressing for an early examination of that technology.

I add that a number of approaches have been made to the Queensland Government, and myself as Minister, by certain interests in the long-distance coach industry seeking the withdrawal of the Government's strong opposition to two-up driving. I can assure the honourable member for Townsville that the Queensland Government will not compromise in matters of bus safety, it will not compromise on the matter of two-up driving, and it is striving to have other Governments in Australia recognise that the position adopted by the Queensland Government is a sound one in the interests of road and coach safety.

Government Aircraft

Mr LINGARD: In directing a question to the Minister for Police and Emergency Services, I refer him to a news release by the Premier on Sunday regarding the need to purchase two new Government aircraft. For obvious reasons, this release was made to a limited number of media outlets. On Sunday, AAP stated that the Premier has decided to buy a jet for Government Ministers and another jet to replace the existing police jet on which the Minister intended to spend $250,000 to upgrade. I ask: does the Minister agree that the present twin-propeller King Air does not have the ability to do the necessary medical and emergency work? Does the Minister agree that the twin-propeller King Air does not have the ability to land on most outback strips, nor does it have the range and cost-effectiveness that is necessary? Does the Minister agree that the existing twin jet 125 has that ability?

Mr MACKENROTH: Yes; yes; yes.

A. J. Bush and Sons Operations, Murarrie

Mr LINGARD: In directing my second question to the Minister for Environment and Heritage, I refer him to the fact that in the early 1970s, with full Government approval, A. J. Bush and Sons moved to the Murarrie area to conduct its business in a sparsely populated area. I ask: will he advise the House of any legislation that prevents

A. J. Bush continuing its business in that area? Will the Minister agree that, if A. J. Bush is not contravening any existing legislation in its operation at Murarrie, the Government should assist in any relocation of its processing plant?

Mr COMBEN: A. J. Bush have indeed been at that location for some time. I know of no legislation at the present time that says it should not act in the way that it is doing to continue its trade in that place.

However, if the Government had some decent pollution legislation and if it had not inherited totally toothless legislation from the rabble opposite, then certainly A. J. Bush would not be able to perform in the way that it is.

Mr Lingard interjected.

Mr SPEAKER: Order!

Mr Lingard interjected.

Mr SPEAKER: Order! The member for Fassifern has asked his question and will cease interjecting.

Mr COMBEN: If I can continue with my answer—I know that there are various answers on this side—but the reality is——

Mr Lingard interjected.

Mr SPEAKER: Order! I warn the member for Fassifern under Standing Order 123A to cease interjecting or else he will leave this Chamber.

Mr COMBEN: The reality is that the Government is negotiating very amicably with A. J. Bush, with its Australian board and with its State directors, continuing the negotiations that Mike Ahern had set in train. Mike Ahern had made promises of certain amounts of money and of assistance in relocation. This Government is very close to finalising those negotiations.

Shortly, the electors of the south side of the river will have very good news. The Government is very happy with the way that A. J. Bush has responded to positive approaches from this Government. The company has constantly said that the Government has acted openly and honestly with it and that it will be continuing to negotiate to finalise the matter so that the suburbs of the south side of the river can be properly looked after by the member for Lytton.

Mr SPEAKER: Order! The time allotted for questions on notice and without notice has expired.

MATTERS OF PUBLIC INTEREST

Gladstone Power Station

Mr COOPER (Roma—Leader of the Opposition) (10.59 a.m.): Once again, and barely a week after the Government's disastrous handling of the Ensham coal-mining project, members of the Opposition are watching this Government flounder hopelessly, ineptly and incompetently over a major Queensland development project.

The site is again Gladstone, the same city that a few weeks ago lost any hope of securing the China Steel project, at least in part because Mr Smith, the Minister for Manufacturing, provided the Federal Government, which wanted the project for Newcastle, with all the details of the Queensland bid. The topic now is Comalco and the proposed massive expansion of the Boyne Island aluminium smelter.

The point of interest has been the sale price of the Gladstone Power Station, which is only one aspect of this project. Let me deal with it first and put into perspective some of the extraordinary statements of the Premier over the last 48 hours. The Premier was smoked out on this issue by a statement from me at the weekend in which I challenged

him to publicly release the study prepared by Schroeder Australia Limited, the Australian arm of a British merchant banking and investment group that had been commissioned by the Government to provide its estimate of the value of the station. The estimate came in somewhere over $900m.

The Premier's response to that statement was to declare that on Monday—yesterday—Cabinet would probably reject the current offer from Comalco for the station and thus bring to a grinding halt the future of this huge export project involving jobs and investment. He did not tell us, and he has not told us, what the offer from Comalco is so that all the parties involved can have the cards on the table.

What the Premier did in his media conference yesterday was to come up with a silly little television grab which suggested that the price Comalco was offering would mean that every man, woman and child in Queensland would have to subsidise the deal to the tune of $200 each, or about $520m. That is just ridiculous. On the Premier's own estimation of the value of the station, what he is trying to suggest is that Comalco's offer is in the area of $480m. The Premier well knows, and those people round him who were peddling the $500m figure yesterday well know, that the offer from Comalco is very substantially higher—probably in the area of $700m.

The Premier has tried to gain credence for this figure of $500m by maintaining that that was the figure at which the previous Government was prepared to sell the station. I am saying quite clearly that it was not. The $500m figure was always part of an ambit claim, and I would have thought that the Premier, of all people, would know and appreciate that. Unions come in and want 12 weeks off a year and $100,000 a year for their members, and everybody knows that that is a starting point. If the Premier of the State does not understand that, he should not be where he is and he should not be attempting to muddy the waters on this project.

I would now like to outline some of the facts surrounding this proposal. In return for the sale of the Gladstone Power Station—an old station desperately in need of a refit and new anti-pollution gear that will cost about $150m—at a bargain price somewhere well below $1 billion, this is what Gladstone, Queensland and Australia will get: in the construction phase, 550 jobs for Gladstone; 300 long-term jobs for Gladstone; a major multiplier effect on jobs and businesses in that city; total investment by Comalco of almost $2 billion; and an increase in the output of the aluminium smelter from 230 000 tonnes of aluminium last year to 430 000 tonnes a year. At the current price of aluminium of around $A2,000 per tonne, that is an extra $400m per year pouring through the port of Gladstone. For a country that desperately needs exports, that is manna from heaven. Seizing this project would be a great way for the Premier to help his beleaguered colleagues in Canberra to start turning the drift of this country towards a banana republic.

Based on current aluminium values, the impact of those extra exports over the 30-year life of the Weipa bauxite deposits would be in the area of $6 billion. And all that the Premier can do is give silly little sums that have been scribbled out on a pad by one of his little helpers as a facile little TV grab to con the people of Queensland. Like the work of his Treasurer, it does not add up. The Premier does not understand the benefits to be gained. He does not understand how negotiations take place. He showed us that with his performance over Idemitsu which, more and more, is emerging as all his own work—the whole debacle! To get out of that one, he did not worry about his little sums; he simply got on the bus. The question is where the bus is going. A lot of us are wondering. People in industry and business circles are wondering where this bus is going. I suggest that when it comes to this Government and its dealings with business, it is hopelessly lost. Later this year, the Premier will embark on a trip to Europe with representatives from the Confederation of Industry and the Metal Trades Association, or at least I am led to believe so. He will be trying to sell Queensland as a premier place in Australia in which to invest. Once upon a time it was.

What I am saying now is that, in six short months, Mr Goss has just about wrecked Queensland as a place in which to invest, because what is at work in this Government is not the insatiable drive to create jobs for Queenslanders; to see growth; to see kids

growing up and having jobs; to see mothers and fathers who can afford a home and a car; and to see prosper the families who run small businesses in towns where these jobs are created. What we are seeing in Queensland is hidebound ALP anti-development thinking.

This whole business of little sums behind an apparently sincere suggestion that the Government is willing to sell the power station, at the right price, is a charade, and the Premier knows it. What is really going on is that there is a large body of opinion in the Premier's Ministry which is totally opposed to the sale of any public facility. We are fully aware that there are factions on the other side of the Chamber that simply will not tolerate the sale of any public utility, no matter what benefit the sale may bring to the people of this State. Government members have to be classed as being anti-privatisation. That is really what is going on. At heart, many of the people opposite are also anti-business and are more at home standing in front of a bulldozer than getting things done.

Let me outline some of the things that have destroyed the investment prospect, that is, the jobs prospect, of this State under this Government. In the past few weeks we have seen: the Ensham debacle; the developing Comalco debacle; the crushing of the north Queensland enterprise zone; the end of guaranteed supplies of cheap electricity; the end of voluntary employment agreements; and a return, through the impending repeal of the Industrial (Commercial Practices) Act, to compulsory unionism. That has set this State back 40 years.

Some misguided people are in favour of all of that. They are about to find out that they are wrong. It is possible that this matter will be dealt with later today. When the Federal Government is moving towards freeing up industry awards and leaning towards productivity awards, this State and its people are going backwards, and that is a tragedy.

Some misguided people on the Government side of the House are in favour of all that. They swallowed the Premier's line that this is all in the name of reform. The facts are very different. If this continues for much longer, no-one in his right mind will come to Queensland where jobs used to be created. Already, bankruptcies have increased by 35 per cent in the March quarter of this year over the figure for the March quarter of last year. Although that is more than likely a result of the Federal Government's policy and practice, this State Government should take note of and look after small businesses in Queensland, which has the largest number of small businesses of any State. Small businesses are this State's life-blood and must be given attention. There are many areas in which this Government can do something for small businesses, such as the reduction of land tax and payroll tax. I urge this Government to take such measures.

To recap the points I have made: in the Gladstone area there will be an expansion to the tune of $850m which will create 550 jobs, 300 of which will be permanent; a total of $400m will come through the port of Gladstone; and over a 30-year term the bauxite deposits at Weipa will be worth $6 billion. Surely, they are strong arguments in favour of this Government's completing the negotiations with Comalco on the power station and not dwelling solely on the isolated factor of the price for the power station.

Radiographic Practices in Rural Queensland

Mrs EDMOND (Mount Coot-tha) (11.10 a.m.): I rise to draw the attention of the House to the fact that for 32 years people of rural Queensland have been treated as second-class citizens or worse. They have been considered to be of so little importance that their health care has been neglected abysmally. I refer to the lack of acceptable radiographic practices in rural Queensland, which was a matter first discussed in my student days. I was horrified to find out that the matter still has not been resolved, especially as, during all of this time, Queensland has had a Government which purported to have the interests of country people as its prime concern.

My respect and concern for country people is such that, unlike honourable members opposite, I am not prepared to ignore their needs. It really is about time that the health needs of people in rural areas were addressed. These matters can hardly be news to

members in this House, because over the last four years they have been raised frequently in the press, as an increasingly desperate professional body has attempted to improve these conditions and limit the health risks associated with them.

I will quickly summarise some of the recent history of this scandal. In 1985, the Australian Institute of Radiography and the Queensland Nurses Union raised the matter publicly with the then Minister for Health, Mr Austin. Do honourable members remember him?

Mr McGrady: Where has he gone?

Mrs EDMOND: The honourable member may well ask.

Mr Austin agreed that for many years it had been the practice for gardeners, morgue attendants, student nurses or any other spare person to operate X-ray equipment for diagnostic purposes. At that time concern was expressed by those professional bodies on a number of issues. Firstly, when exposing a patient to radiation, a balance must always be struck in terms of the benefits to be gained. However, the standard of radiographs under discussion were such that often several repeat films were needed and, as a result, unnecessary extra radiation occurred. Any unnecessary radiation is excessive radiation.

The second issue of concern was that the poor standard of the resulting radiograph meant that diagnosis was difficult. Thirdly, the lack of training in medical ethics and confidentiality for untrained personnel was of concern to patients, especially those in small country towns. Fourthly, concern was expressed that untrained personnel could actually exacerbate injury during the X-ray process. In addition, concern was raised as to the legal position of unqualified staff operating X-ray equipment.

In 1987, the then Minister for Health, Mr Ahern—another Minister whom members opposite might remember—examined the problems raised and decided that the easiest thing to do was to amend the Radioactive Substances Act, not to improve the services to country people. This had the effect of widening the licensing of operators and covering the legality of the gardener, or whoever operated the X-ray machine, and, therefore, protect the Health Department. The previous Government acted to protect the Health Minister but not the country patient.

In 1988, that year's Health Minister, Mrs Harvey—it is worrying how quickly the previous Government went through Health Ministers—decided to solve the problem by throwing a book at them—a do-it-yourself guide to radiography. This is not a bad idea if it is accompanied by training, but I have serious doubts about it on its own. It is a bit like teaching oneself to drive—an awful lot of damage can be done in the first try.

In 1989, yet another ill-fated Health Minister, Mr Gibbs—and I have heard that there is a reunion of Health Ministers occurring further down George Street—starred in the press with headlines outlining public and medical concern about poor X-ray techniques in country hospitals. In the same year, the Health Department admitted that it had major problems because 84 of the country hospital establishments were without any operator who was licensed to use X-ray equipment. I accept that it is difficult to obtain fully qualified radiography staff in every small country town, especially when there are Statewide shortages and a long history of underpaying such staff. Employing fully qualified radiography staff in every small country town is probably not even economically justifiable, but there are alternatives. The answer is to provide some basic essential training, not to widen licensing to enable the gardener, garage attendant or the cook to take X-rays. That training would not be designed to replace formal radiography education; rather, it would enable already medically qualified personnel in remote areas, such as doctors or nurses, to take the necessary radiography without further injury and within the guidelines of medical ethics, thereby minimising radiation exposure.

Other States provide intensive five-day in-hospital courses for their remote country X-ray operators. They care about their rural families. For example, Western Australia has overcome difficulties similar to those constantly raised by the Queensland Health

Department. For the last 14 years, the Western Australian Government has had a system similar to the one I have outlined that has been functioning very successfully.

The most scandalous part of this whole sorry business is that reading a list of disadvantaged towns can be compared to reading a travel guide of National Party electorates. Mr Speaker, allow me to stress that this issue has been discussed widely since the late 1960s. It is not an obscure professional secret. I have only commented on the most recent, vigorous actions of professional bodies and reports in the newspaper. What they highlight is a total disregard for rural health concerns by those well-known champions of country folk—the members sitting opposite.

I am not prepared to toss this issue into the too-hard basket. I will be urging the Minister to improve the health care of rural Queensland by following the example of other States that are confronted with similar problems of distance. To show my concern, I have made myself available to liaise between the Australian Institute of Radiography, of which I am currently a member, and the Health Department and the Minister, if the need arises. I have also made a submission on rural health review to officers of the Department of Health.

Minister for Manufacturing and Commerce; Cape York-North Queensland Enterprise Zone

Mr BORBIDGE (Surfers Paradise—Deputy Leader of the Opposition) (11.17 a.m.): Today, the Opposition calls for the resignation or sacking of the Minister for Manufacturing and Commerce. It is an achievement for a Minister of any Government to be called upon to resign by the newspaper that services his electorate. This dubious honour now belongs to that Minister.

This Government and, in particular, this Minister are regarded as abysmal failures by the business community of this State. The fiasco that surrounded the Government's scrapping of the Cape York-North Queensland Enterprise Zone and the supposed review of the Small Business Development Corporation reflects the contempt in which they hold the business community. If the Minister remains in Cabinet following his early public statements of support for the Cape York-North Queensland Enterprise Zone, it will mean that he remains in that position without credibility and without respect and in breach of the normal conventions of Westminster responsibility that this Government so fraudulently claims to support. On 9 April 1990—under the *Courier-Mail's* bold heading "Bigger business zone supported"—this Minister stated that there was an unexpectedly high level of support for the zone in the north, and that the zone would have to achieve only one project that might not have been brought on-line without the agency, and it would become a financial plus. That is the Minister who, on 21 May, sounded the death knell of the zone, reluctantly. I say "reluctantly" because he did not have the courage to call a media conference to confirm that decision, knowing full well the outrage that it would generate throughout north Queensland. He ducked for cover.

The Premier—one of the principal inner-Cabinet architects of the zone's destruction—held his press conference on Monday, which is his normal practice. A journalist asked him a question, but did the Premier answer it? No, he also duckshoved the issue. The decision leaked from the Cabinet room, which indicates that, true to form, the brawls have begun. The factions have started to manoeuvre in preparation for the forthcoming Ministry reshuffle.

The Minister was finally shamed out of his forced hibernation to face the music. In the process of this debacle, the Minister sold out his electorate. Like a lamb to the slaughter, he was despatched by the Premier to market this unmarketable Government decision in north Queensland. He had to face the music because the Premier and the Treasurer of this State—the men who made the decision in Cabinet—did not have the courage to take the decision home.

Mr Veivers interjected.

Mr BORBIDGE: I understand that he is with the Premier now.

I wish to take a few minutes to outline the series of events that led to the demise of the enterprise zone. As honourable members would be aware, at the time it was established, I was the Minister responsible for the project. The concept was new to Queensland but had been based on the proven success of similar zones overseas. It was a concept that aimed at putting north Queenslanders back in charge of local development. For too long, faceless bureaucrats in the Treasury Department in George Street, Brisbane, had set themselves up as judge and jury of issues that were happening in far-north Queensland.

The previous Government set up a representative board of north Queenslanders. Some members were respected business people, some were local government leaders and some were even members of the Labor Party. The National Party Government told that board to provide an outcome that would be suitable for, and in the best interests of, north Queensland. The legislation was taken to Parliament in November 1988, and it was supported by the Labor Party. On 15 November, Mr Smith—who is now the Minister responsible for closing down the zone—led the Opposition's speeches during the second-reading debate on the Bill. He stated—

> "We therefore wish success to the Government and the management of the proposed zone and offer our broad support."

Since the zone became operational, it has been marketing north Queensland in the board rooms of the world. Consequently, it was involved in negotiations with at least three major companies that were keen to take advantage of the zone. I wish to outline some of the projects that may now be irretrievably lost to Queenslanders, generally, and to the people of north Queensland, in particular, by this ham-fisted, short-sighted, totally inept piece of economic vandalism—

a 3 000-job aircraft maintenance facility;

a gold refinery;

a methanol and ethanol plant; and

a major new sugar refinery.

I do not suggest that all of those projects would have come to fruition. A great deal of negotiation still had to be done but, for the first time in a hundred years, by courtesy of the previous Government a genuine attempt was being made to give north Queensland a real chance of attracting investment and jobs and the promise of a better future.

A principal behind the aircraft maintenance project is Mr Len Dunning, who is a former executive director of the Hong Kong Development Association. I am reliably informed that last week Mr Dunning was almost speechless when he was informed by Townsville businessmen with whom he had been negotiating that the zone was no longer in existence; that it had been abolished, without warning. At a time when business in Queensland is grinding to a halt, projects worth $100m are being put at risk. Those figures are not mine; nor are they figures presented by the Opposition. They are figures presented by the ALP Mayor of Townsville, Alderman Mooney. This is another example of this arrogant, vindictive Government throwing the baby out with the bath-water.

Several companies have been negotiating with a corporation that no longer exists in respect of concessions that may no longer apply and talking to people who may no longer be handling those negotiations. Those companies saw the enterprise zone corporation as an interface between the bureaucracy and the private sector.

It was only on 9 April, in support of the zone, that the Minister said—

> "It is a good idea for those more remote areas with good infrastructure to have a package which provides a margin at the edge that might allow them to attract a project which in other circumstances they might not have been able to get."

That same Minister now justifies the axing of the zone on the grounds that it was discriminatory.

I also supported the Minister and the member for Mount Isa, who were reported in the press on 11 May 1990 as supporting the zone and in fact alluding to an expansion of its boundaries. On that occasion, I pointed out that the process of changing the boundaries was a simple matter—a simple Order in Council—so that Mount Isa, Innisfail or even Gladstone could be included, if necessary. The Government could have extended the boundaries without even having to amend the Act.

Then we saw the editorial of the *Townsville Bulletin* of 23 May titled "Minister has reduced north Queensland to beggar status". The editorial went on to say—

". . . that the decision effectively reduces the north—so crying out for decentralised development—to the state of a beggar . . . it casts grave doubts on Labor's intentions towards the north."

In the words of the Minister's local editor, what Labor has done is like promising a farmer it is committed to herd improvement, then calling in the vet to castrate his bull. Of Mr Smith—or the vet—the article stated—

"Mr Smith has lost all credibility . . . the member for Cairns, Mr De Lacy has overwhelmed Mr Smith in Cabinet and he sold out the north . . . Mr Smith's position in Cabinet is untenable. If this is the best he can do for his region, even with the benefit of a portfolio, he should fulfil the rumours and resign before he is sacked."

I venture to say that the *Townsville Bulletin* got it right.

The people of north Queensland will not fall for the line that this new you-beaut investment bureau will provide the same results as the enterprise zone would have provided. North Queensland now has to compete with the rest of the State for scarce resources. On top of that, it has lost its identity in the board rooms of the world, and it knows that the power is back firmly in the hands of the Brisbane Treasury bureaucrats, headed by the greatest of non-performers, the Treasurer of Queensland.

Clearly, the Minister for Manufacturing and Commerce should resign. He should resign because he got rolled on an important issue in Cabinet. He should resign because he will not be able to walk down the streets of Townsville and look his constituents in the eye. He has allowed himself to be rolled by the faceless bureaucrats in Treasury, whose principal aim is to control everything from Brisbane. And he has allowed himself to become the messenger boy for the person who seeks to protect his 77 per cent approval rating.

Since Mr Smith stepped into the Ministry in December, we have witnessed the total demolition of what was once a key economic development portfolio and one of the most efficient departments of State. He lost the Queensland/China Council to the Premier's Department. He lost the trade and investment function to the Premier's Department. He lost the Centre for Information Technology and Communications to, of all people, the Minister for Administrative Services. He is even starting to lose members of his personal staff. He has presided over the scrapping of the enterprise zone. The Small Business Development Corporation is teetering on the edge. To date, no-one knows what is happening in that corporation.

Soon the Minister will be without a department, and a key economic portfolio will be a pile of smouldering ashes swept into the corner. The rhetoric does not match the performance. The Minister should go, and go now.

Time expired.

Townsville Land Scam

Mr DAVIES (Townsville) (11.28 a.m.): Some weeks ago in this House, I referred to a matter called the Townsville land scam. It involved a land swap favourable to a known National Party supporter, Mrs Margaret Srebniak. I outlined how Mrs Srebniak would benefit by up to $2m by having the land rezoned. She effectively traded her land to the Government for $60,000.

At this stage, I seek leave to table documents referring to this matter.

Leave granted.

One of those documents shows that Mrs Srebniak is a very persistent person, having a 26-year history of trying to improve the value of her land in that locality.

Recently, in a speech to this House, I submitted that this is a scam of massive proportions and shows that, despite Mr Ahern's vision of excellence, even under Mr Ahern the good old days of National Party cronyism would have been here to stay if that party had been re-elected. That is precisely the type of thing that the implementation of the recommendations of the Fitzgerald report is trying to stamp out. The cronyism and secret deals that characterised the previous National Party Government were directly attributable to a rigged zonal system which existed in Queensland under which one party, the National Party, always had a rails run in elections.

Scams similar to that of the Srebniak's were happening all over the State. Why should the Srebniak family benefit by up to $2m? The average person has to work incredibly hard even to own his own home. Yet, here we have a National Party supporter on the verge of making a massive financial windfall.

What has Mrs Srebniak done for the National Party that deserves such a handout? Quite frankly, the previous member for Townsville, Mr Burreket, must have taken members of this House for fools when he made the type of comment that he did to the *Twin Cities Advertiser* in answer to questions raised by me. So must Mrs Srebniak when she said to the same paper that—

> ". . . her reason for wanting the block of parkland adjoining her allotment was to 'secure her surroundings'."

What did she mean by "secure her surroundings"? I will tell honourable members what she meant: make a lot of money.

Mr Burreket said that he did not have any personal affiliation with Mrs Srebniak, but he supported her application by letter to Mr Katter dated 7 June 1988, despite the fact that he only received her letter that same day. It is interesting that Mrs Srebniak was on his list of *Hansard* recipients. There were only a handful of others. What is more interesting is that she was on his campaign committee in 1986, yet he said that he did not have any personal affiliations with Mrs Srebniak. He really did take everyone for fools.

Mrs Srebniak's letter states—

> "Mr Burreket,
>
> We would appreciate it, if you, as our Member of Parliament, could on our behalf, ask the Government if it would be interested in exchanging with us a large parcel of land which we own, which is freehold and unencumbered, and which we believe could be an advantage to the Government.
>
> In exchange for the above land we would seek freehold title to the State Government land (approximately 10 acres) abutting our land in Vernon Street, Belgian Gardens."

It must be remembered that Mr Burreket told the *Townsville Twin Cities Advertiser* that he had no personal affiliations with Mrs Srebniak or her family. However, having seen her letter on 7 June 1988—for what could only have been a maximum of hours—he sends a letter on the same day to Mr Katter saying, "I support the application." The letter was very detailed—it was a whole eight lines long! That reflects the tremendous amount of research that Mr Burreket put into the matter.

I repeat that the whole matter of this land swap is a scam designed to benefit one person——

Mr ELLIOTT: I rise to a point of order. I ask that the honourable member table that letter.

Mr SPEAKER: Order! There is no point of order.

Mr DAVIES: As I was saying, it was designed to benefit Mrs Margaret Srebniak and her family.

I will give the House some proof that the Srebniak family is after a rezoning. It has all happened before on a property now known as the Dakota Units at Old Common Road, Belgian Gardens. In the early 1970s, the Srebniaks had a lease over a pastoral reserve at Old Common Road, Belgian Gardens. On 24 April 1989, by letter, the Land Administration Commission offered them freehold title to part of that pastoral reserve to incorporate in their existing freehold land. Naturally, the Srebniaks accepted the offer of a windfall. Why not, if the Government wanted to be so generous? Freeholding of that leased area was eventually finalised and it was excised from the pastoral reserve and included in their existing land. The land was unzoned at that time.

On 14 January 1981, the Srebniaks wrote to the council—surprise, surprise—asking for that former leased area and the adjoining area, which was owned by them, to be given "a classification to allow Flat Development". In other words, the Srebniaks were asking for a rezoning. They also commented, "At present half the land was a zoning of Open Spaces." The only ones in this House at the time with "open spaces" were Mr Burreket, Mr Glasson and Mr Katter, if they thought that honourable members would fall for the sorts of statements made by Mr Burreket to the *Townsville Twin Cities Advertiser*.

Mr Burreket told the *Townsville Twin Cities Advertiser* as follows—

"Cabinet directed that Mrs Srebniak be given no rezoning advantage"——

Mr ELLIOTT: I rise to a point of order. Standing Order 298 states—

"A document read or cited by a Member may be ordered to be laid upon the Table."

I therefore move—

"That the document be laid on the table."

Question put; and the House divided—

AYES, 32

NOES, 51

DIVISION

Resolved in the negative.

Whereupon the honourable member laid on the table the documents earlier referred to.

Mr SPEAKER: Order! The honourable member's time has expired.

Electricity Supply Industry Employees Superannuation Scheme

Mr BEANLAND (Toowong—Leader of the Liberal Party) (11.42 a.m.): The prime responsibility of any Government is to manage the finances of this State in the interests of the entire population of the State. Pandering to sectional interests and doing deals with mates is no way to discharge that important duty. Unfortunately, there is developing within this Government a pattern of behaviour which raises grave doubts about its commitment to the ideals of financial responsibility.

Another chapter has now opened in this catalogue of financial mismanagement. The ALP Government has now resolved to pay superannuation benefits to the 800 SEQEB workers who were dismissed during the electricity dispute in February 1985. The Premier indicated in Parliament that those funds had been frozen and were maintained as separate moneys in some separate account. However, what is revealed in an examination of the Government's own official records?

A perusal of the audited accounts of the Queensland Electricity Supply Industry Employees Superannuation Scheme shows that no separate accounts or reserve funds containing those moneys exist. Further, current liabilities as at 30 June 1988 are shown at $61,000 and at $1.2m as at 30 June 1989. As at 30 June 1988, there were no preserved benefits. They came into existence only in August 1988, following amendments to the Act. As at 30 June 1989, those benefits amounted to $1.8m. Whatever else may be said, in February 1985, the funds to which the Premier referred did not exist as a separate account. Yet Mr Goss says that, for five years, those funds were frozen and maintained as separate moneys.

While I acknowledge that a record of all funds contributed by former SEQEB employees would have been kept, those records cannot be classed as a separate account. Any separate account under the Financial Administration and Audit Act should have been—and would have been— audited by the Auditor-General and included in the accounts for each financial year since February 1985, including the year ended 30 June 1985.

The accounts of the Queensland Electricity Industry Employees Superannuation Scheme are audited yearly by the Auditor-General. They are signed by him and the chairman, Mr John A. Wyatt, and tabled in this Parliament. In fact, in February of this year, the annual report of the Queensland Electricity Commission for the year ended 30 June 1989 was forwarded to the Honourable K. H. Vaughan, MLA, Minister for Resource Industries. It is unfortunate that, once again, the Minister for Resource Industries is not present in this House because he is overseas. That annual report, which was tabled this year in the House by Mr Vaughan, contains no reference to those funds.

Note 17, headed "Actuarial Investigation" and included in the audited annual accounts of the Queensland Electricity Supply Industry Superannuation Board for the year ended 30 June 1989, states—

> "In accordance with the Board's decision on 21 November, 1984, an investigation as to the state and sufficiency of the funds standing to the credit of and accruing due to the Scheme as at 30 June, 1985 was conducted by the firm of Mercer Campbell Cook and Knight in terms of section 375 of the Electricity Act 1976-1989. The firm certified that each section of the Scheme was actuarially sound and that the existing level of contributions by members and employers be continued.
>
> Following the high level of benefit payments in recent years and as part of the consideration of the introduction of optional retirement from age 55, a mid term actuarial review of the Article 11 portion of the Scheme was undertaken by the same firm. The review was based on membership data as at September, 1987 and

asset values after the falls in stockmarket prices in October, 1987. The review concluded that the financial position of the Scheme had further strengthened and that the Article 11 portion continued to be actuarially sound.

The Board is not aware of any circumstances that have arisen since the date of the investigation that indicate other than continued actuarial soundness of the Scheme."

It is quite evident from that statement attached to the account that, firstly, the sacked SEQEB workers were not included as members of the fund at the time of the actuarial investigations, that is, the actuarial investigation did not take into account any subsequent payments to those workers. Secondly, on both occasions—1985 and 1987—the scheme was found to be actuarially sound.

Further, on the question of an actuarial investigation following the Government's decision to make additional payments to the sacked workers to ensure that neither members be disadvantaged nor the viability of the fund affected, in terms of statements by the Minister for Employment, Training and Industrial Relations and by the Premier, the Premier indicated today that the funds' position was still not clear. Although the Premier indicated that he had referred the matter to the Government superannuation committee, we do not know what advice was received from that committee. We have seen no written report from that committee. No indication was given that an independent actuarial investigation had been carried out.

Mr Harper: He told us previously that the funds were in the superannuation fund.

Mr BEANLAND: The Premier has told us many things about this previously. He has told us that there were separate accounts, reserve accounts and so forth. That is not the case. In fact, we have not been advised of an independent actuarial investigation. Nothing has been tabled in this Chamber. Today, I asked that that be done, and it was not done. It is unfortunate that the Minister for Resource Industries is not in the Chamber to answer these questions.

The rules, as they then applied, were adhered to in 1985. When they were retrenched, members of the scheme received their own contributions. Those men and women who faced up to their responsibilities and went back to work did not receive benefits to which they were not entitled. Indeed, many of them who entered into contractual arrangements with their employers now face a loss of between $32 and $100 a week net as this Government proceeds to outlaw employment agreements. This is a classic case of one law for those who accepted their obligations and another for those who chose not to accept theirs.

The unfortunate aspect of this entire situation is that little regard has been paid to the demands of financial responsibility. Clearly, a debt is involved here. Regrettably, it appears not to be a monetary debt but a political debt. It has been said by Mr Warburton, the Minister for Employment, Training and Industrial Relations, that the pay-out of the superannuation funds will "neither disadvantage the other members of the fund nor affect its viability". As the dismissed workers received what they were entitled to at the time, any payments made now from the superannuation fund must have some effect on the benefits due to current members of the fund. Any changes to membership or to liabilities of the fund must have an effect on the fund's viability.

The ALP Government might be honouring an election commitment, but it is doing so at a cost to the current members of the fund and very likely to the taxpayers of Queensland. It is most likely that in the foreseeable future the taxpayers will be called upon to make additional contributions to ensure that the superannuation scheme remains viable.

In the few minutes remaining to me, I want to make some very brief remarks about the Cooke inquiry report. The Premier has said publicly and in this place that the Government is not prepared to table the full report of the Cooke inquiry. In fact, there

has been complete interference in the inquiry report—in the commissioner's independence, I believe—by this Government. That is completely unacceptable. One has to ask: why is the Government interfering in the Cooke inquiry?

It is the inquiry's first report. It concerns the activities of the FEDFA, whose secretary is Mr Ken Goodhew. Mr Goodhew is the State vice-president of the ALP. Mr Goodhew admitted to using $50,000 of members' funds to buy himself a Gold Coast home unit. There are also allegations that members' funds used to pay for the services of prostitutes were written off as entertainment expenses. There were allegations that millions of dollars passed through several slush funds. About $80,000 of that money turned up as affiliation fees for the ALP. One cannot help asking whether this has a great deal of relevance to the Government's interference in the Cooke inquiry report. We know that the report that was tabled today is an abridged. One can well imagine what this Government would have said when it was in Opposition had the previous National Party Government in some way censored—and that is what has happened today—the Fitzgerald inquiry report. A hue and cry would have been raised--and well it might—as I believe it should have been here today.

After all, Mr Cooke is a QC, a person learned in the law, just as were Mr Fitzgerald and the other commission of inquiry commissioners. It is quite clear that a smokescreen is being created by the Goss ALP Government to protect some of its union mates and Trades Hall mates. If one looks at the allegations that are being made, one will see that they are very serious indeed. It is interesting that the Attorney-General is now saying to Mr Cooke, "We are going to prepare for you some guidelines that we want you to stick to."

Time expired.

Sexist Language

Ms POWER (Mansfield) (11.53 a.m.): There are many subjects that I wish to raise in this House, and I was in a quandary as to which one should be first. Fortunately, my educational theory stood me in good stead and I prioritised them according to a learning taxonomy, which begins with the power of language. Let me assure the member for Mirani that I did not have my tongue in my cheek before, nor do I today, nor will I at any time when I raise in this House the issue of discrimination against women.

After watching *Cross of Fire* for the past two nights, I have again been reminded how language can be used as a powerful tool. It is timely that today I look at language and the role it plays in developing a bias to one sex over the other.There is a saying—

> "It's a man-made, man-eating, man-sized world we live in, run by countrymen, statesmen, businessmen, clergymen, and advertising men for the good of all mankind . . . and women too."

Statements such as that illustrate the nature of language in many texts. Admittedly, the statement is heavily weighted to make the point, but many examples of similar wordings can be found throughout the spoken and written word. The power of language is undenied but not necessarily recognised in creating social attitudes, and those who criticise this concept do not understand that power. Whether language developed this bias unintentionally or not over time, it does exist and it sets the agenda for much of society's values.

Language is crucial to human society not only as a means of communication but also as a subject for an understanding of how values such as racism/sexism are constructed and maintained, as well as a potential means for eliminating them.

Mr FitzGerald: There is only one language. You talk about the English language, not all the other languages, or their similarities between them.

Ms POWER: The honourable member for Lockyer might learn something.

Many have studied the use of sexist language and some of their views have been recorded. I wish to air some of those concerns and findings.

In 1988, the Federal Government released its style manual—the Bible of the public service—which included a chapter especially commissioned from the Office of the Status of Women on Non-sexist Language. That chapter has come in for much criticism from those who found the suggested language changes clumsy, artificial or simply unnecessary. Those critics are obviously unaware of the power of language in creating and sustaining social attitudes.

The style manual and most research into language shows that there are four major aspects of sexism in our language. Firstly, women are often invisible in language. The word "man" is commonly used to refer to a male human being or to a human being, either male or female. Those two meanings of "man", as well as of its derivatives, can cause confusion and create the impression that women are invisible, absent, or less important than men.

The following sentences show that some writers cause confusion by using the word "man" in both senses in the same sentence. For example—

> "To survive, man needs food, water and female companionship . . . "

or—

> "Man can do several things which the animal cannot do . . . eventually his vital interests are not only life, food, access to females . . . "

When groups consist solely of men, it is appropriate to refer to them in terms such as "the founding fathers of the Constitution" or "the brethren". However, terms such as "faith of our fathers" or "the brotherhood of man" are less appropriate since they supposedly refer to women as well as men. Some alternatives might include "ancestors" and "humanity".

In the interests of clarity of expression, as well as equal representation of the sexes, the word "man" in its generic sense should be replaced by words such as "humans", "person" or "individual". To use the derivative of "man" in phrases such as "manned booths", "mastered their destinies", or "allow one man one vote" also illustrates women's invisibility in language.

There are increasing numbers of women in a whole range of occupations. This is to be encouraged for economic and social advancement, and so it is particularly important to use gender inclusive items and titles.

I now turn to a second way that language shows its bias by portraying women as being a deviation from the norm or as having a subordinate status to men. The following expressions—"woman lawyer", "lady doctor", "female employer"—indicate that women are often regarded as an oddity in certain situations and thus deserve or need special linguistic treatment.

Women should be shown as participating equally with men. Generic terms such as "doctor", "lawyer", "politician" and "economist" should be assumed to apply equally to both women and men.

The use of feminine suffixes—"ess", "ette" and "trix"—added to masculine forms of words is frequently unnecessary and often demeaning. This seeming dependence of women on men is also illustrated by titles and terms of address for women.

Women are frequently described in relation to men; for example, "Steve Smith and his wife, Maria"; or "grandmother Mrs Reg Malt"; or "Mrs Malt, wife of trainer, Reg Malt".

Descriptions of women, unlike those of men, often concentrate on physical attributes; for example, "the Premier and his attractive blond wife"; or "leading lawyer, John Smith, and his glamorous wife".

In particular, the use of titles reinforces this relationship to men. Men are usually addressed only as "Mister" while women are given a number of titles—"Miss", and in that way they become their father's daughter; "Mistress" and then they are someone's wife.

Assumptions are continually made that all mature women are "Mistress", irrespective of their real status. The use of "Ms" as the accepted mode of title would save some embarrassment and confusion.

Often women and women's activities are trivialised or denigrated by expressions such as "cried like a woman", "even a housewife", or "the office girl" in describing a woman when a man doing the same job is referred to as "a data processor".

The fourth area where sexist language is often used portrays women in a stereotyped manner. Examples of this describe women in terms of their roles as wife, mother, etc.

While men's physical attributes and appearances are seldom mentioned, those of women are frequently elaborately described, often in irrelevant contexts.

The reports of athletes' performances at the Commonwealth Games well illustrate this point. Men's achievements were related to their strategy, their strength or their performance, while women were referred to as "girls" and "supermums", and the emphasis was on physical attributes rather than performance.

The character stereotyping of women and men, for example, praising passiveness and emotion in women, and aggression and lack of emotion in men, impoverishes the description of both sexes as human beings.

Besides the four areas that have already been identified—invisibility, dependence, trivialising and stereotyping—there are those words that have no alternative in the opposite sex. The classic is the word "maiden", for which there is no male equivalent. The dictionary describes it as unmarried, said only of women first untried. This word is well used—"maiden speech", "bowl a maiden over", "maiden" racehorse, "maiden" blush, "maiden" voyage and "maiden" name. A woman is identified as a maiden aunt, but what is an unmarried uncle?

I have already discussed the stereotyping of women in language; for example, "the wife of". Stereotyping can also be developed by use of certain words in certain context.

Sport reporting is often guilty of this practice by reporting male sport for much longer periods as "action packed", often violent, exciting and more successful, and women's sport, when there is time, as mediocre and passive. The language in these reports demonstrates those differences——

Mr SPEAKER: Order! The time allotted under Standing Order 36A for Matters of Public Interest has now expired.

INDUSTRIAL RELATIONS BILL

Second Reading

Debate resumed from 17 May (see p. 1652).

Hon. N. J. HARPER (Auburn) (12.01 p.m.): Let me say at the outset that this legislation is a sham.

Government members interjected.

Mr HARPER: Honourable members opposite may laugh. I suggest that they have not considered the legislation in the detail that they should have.

This legislation takes away rights from every employee in Queensland, denies rights to every non-corporate small-businessperson in Queensland and sets out to destroy that group of small-businesspeople, the subcontractors. This Government has set out to dress its unionistic philosophies in the respectability generated by the Hanger committee and by principles set out in the Hanger reports. It is, as I say, a sham, a deceit and a manipulation of employees and employers alike. The effects of this legislation will exacerbate the decline in our Queensland economy caused by Labor policies at the Federal level.

Let it not be misunderstood—the effects of this legislation on Queensland business and industry will gather momentum and will bring a decline in productivity, in real wage advancement, for which Wayne Goss, not the Minister sitting opposite, Neville Warburton, and his boys, will have to answer to the people of Queensland. Goss Labor will be held responsible, for Wayne Goss has given his stamp of approval to the pay-back negotiated by his lieutenant, the Minister who introduced this Bill.

The Minister claims that this Bill has been "largely based on the report of the committee of inquiry into the Industrial Conciliation and Arbitration Act of Queensland". That committee was headed by Ian Hanger, QC, and was appointed by the National Party Government. That claim does not stand up to scrutiny. This so-called Labor Government of Wayne Goss cannot shelter behind the Hanger committee for abrogating the rights won by employees—and employers—under the National Party when it was in Government.

This Minister has claimed that his intention is to protect working people. The truth is that his intention is to protect those trade union officials who refuse to move with the times and who refuse to acknowledge a changed role for them to play in supporting the employees they represent, the working people of Queensland.

When dealing with the role and powers of the Industrial Relations Commission, Mr Warburton said—

> "The commission's reinstatement powers in cases of unfair dismissal will be enhanced to allow it to order compensation in cases in which the employment relationship is found to have broken down."

That is a cruel joke—a sick joke—when it comes from a member of a Government which has denied the contractual rights of its employees, a Government that has terminated contracts and then claimed the employees resigned, and a Government that refused to put its case before the commission when a maltreated employee sought mediation, which left, it would seem, the member of the commission, Mr Peebles, non-plussed. And this Minister has the audacity to claim that he will enhance powers to avoid unfair treatment of employees and that his intention is to protect the working people!

In conjunction with Part 16 of the Bill, the Public Sector Management Act ensures the denial of common industrial relations rights to those in the service of the Queensland Government, for the jurisdiction of the Industrial Court or Industrial Commission is excluded in important areas and, furthermore, the Crown is not liable to prosecution in respect of an offence against this legislation. That good old philosophy—do as I say, not as I do!

Despite the Hanger recommendation that legally qualified persons be allowed to appear before the commission, this Government has chosen to deny that right—that need—recognised by the Hanger committee, particularly when the enormous powers of the commission are weighed and balanced. Again, that is a decision to placate the professional trade union officials and advocates—advocates whose skills have been developed in one field and whose skills would be matched by lawyers if they were given the unfettered opportunity. Justice being seen to be done? I ask you!

In setting out the jurisdiction of the commission, perhaps there is no more important criterion than that which requires the commission to have regard to the interests of the persons immediately concerned and of the community as a whole to bring about a standard of fair dealing between an average good employer and a competent and honest employee.

Within the Bill there are a number of penalty provisions. I have some concern at the adequacy of the fines or penalties set out, bearing in mind that they are maximum amounts not to be exceeded but, at the same time, do indicate the Parliament's view of the relative seriousness of the offence. Fines on unions—industrial organisations—have, on occasions in the past, been treated as a bit of a joke or, in fact, with contempt; and I fear that there is little likelihood that this Government will do anything in practice

to bring about a proper respect for penalties imposed on trade unions that may breach the legislation or may defy decisions or orders of the commission and court.

Be that as it may, I believe that the penalty provisions reflect—or should reflect—the view of this Parliament in regard to the relative seriousness of an offence. Accordingly, the Opposition will propose some amendments to demonstrate that view, in particular to demonstrate that we in the Opposition do not believe the employer to be more culpable than the employee and to strike some degree of equal responsibility on the part of both employee and employer.

I comment now on that portion of the Bill which deals with industrial agreements. We have heard the Premier talk a lot of nonsense in this place about VEAs being secret documents and admit that even he agrees that there are some provisions of VEAs that are worthwhile; but it is the secrecy to which he objects.

I put it to the Premier—who is not presently in the House—that he really does not understand what voluntary employment agreements are all about, nor does he understand the conditions under which a voluntary employment agreement is registered with the industrial registrar. The Premier has simply taken up the banner of those trade union officials who are inherently opposed to any voluntary agreement which has the capacity to improve working conditions for employees and productivity for employers to the benefit of the nation's economy. It seems to me that he has taken up this banner without himself thoroughly investigating and understanding what is involved in drafting a voluntary employment agreement and registering it. That surprises and disappoints me. It is, however, not surprising that the Minister for Employment, Training and Industrial Relations should simply take up the banner, because, in reality, he is an old-hand union official who is hell-bent on protecting the role of unnecessary union officials in an era when employees themselves have a better capacity and ability to represent themselves more efficiently in discussions with employers, thereby achieving job satisfaction, improved working conditions and remuneration which is appropriate to their individual circumstances. No doubt most—if not all—members of the Labor Party in this Parliament have swallowed the gobbledegook of those union officials, as it would appear the Premier has done.

If time permits, I intend to trace the procedures under which a voluntary employment agreement is developed and finally registered. The procedures outlined in this Bill for making an agreement demonstrate blatant discrimination against the great majority of our work force. Why should every employee have to succumb to unionism before entering into an industrial agreement with an employer? The inclusion of this provision in new legislation—and I emphasise "new legislation"—is a retrograde step designed to entrench the trade-union domination of our work force. Whilst provision is made in this Bill for the making of industrial agreements and award restructuring, we see the heavy hand of Big Brother interfering with the rights of the employees themselves to reach agreement with the employer, and the intrusion of trade union officials in particular.

For the present, let us consider what is being offered as an alternative to voluntary employment agreements. I direct particular criticism towards the requirement that the question of public interest be again argued insofar as existing VEAs are concerned. In most cases that question has already been settled, so I ask: why force a repeat of the exercise? It is about time that Wayne Goss—and in particular trade union officials—and his Industrial Relations Minister stopped encouraging the less-work, more-pay syndrome and tackled the real issues of increased productivity which are essential to even maintain our present standard of living in the international environment, which demands maximum efficiency to achieve profitability. The fact is that there is an urgent need to achieve a genuine workplace-based industrial system which will allow Australians to work together in achieving increased productivity, so that an end may be put to the deterioration in our living standards. This slide in living standards, which is accelerating under the policies of the Labor Party in Canberra, is now to be boosted by the Goss-Warburton syndrome in Queensland.

Rather than introducing legislation that will take away the benefits of improved working conditions as well as improved productivity which result from voluntary employment agreements, this Government should be encouraging direct involvement by the workers in particular sectors of the industry so that the workers—the people who have the closest knowledge and ability in that particular sphere—may join with management to overcome that lack of competitiveness which has placed Australia on the economic slide leading to a record level of foreign debt. Last year in Tokyo, the Federal Labor Government Treasurer and Deputy Leader, Paul Keating, when speaking about Australia's industrial relations record, was reported as saying—

> "The challenge now is to further develop the process whereby enterprises can deal directly with their work force, as occurs in Japan."

The Opposition agrees wholeheartedly. Why should employees be forced to accept the intrusion of trade union officials? A process whereby enterprises can deal directly with their work force, as occurs in Japan—and as stated by Paul Keating in Tokyo—should be encouraged.

It is about time that the Hawkes, Keltys, Gosses, Warburtons and Dempseys of this world faced the reality that Australia is facing a serious crisis against which Government should be taking urgent action. The disincentives to increased productivity—more pay for less work—will only escalate Australia's slide into the wrongs of the Fifth World countries. For years many of us—if not most of us—have been aware of the effects of inflation on the economies of Latin American nations and in the past we have scoffed at the thought that this land of milk and honey, Australia, could ever fall to those levels.

We must face reality, as some of the Government's Federal colleagues have done. If one looks at the real value of what Australians earn today compared with what they earned 10 years ago, one finds that incomes have actually fallen. If one looks at the real value of Australia's primary production today—which remains the cornerstone of the Australian economy—compared with what it was 10 years ago, one finds that it, too, has deteriorated. The people of this nation are fooling themselves. Today the State of Queensland is being led by Governments at both Federal and State level which refuse to come to grips with the economic ills thrust upon us by our inability to meet the competitive productivity which exists in the international marketplace.

It is about time it was recognised that the malaise of economies such as in Argentina can occur in Australia. In fact, Australia's slide towards Argentinian levels is occurring already. It is high time that the need to put value back into the Australian dollar was recognised and that we admitted that the real value of the Australian dollar today compared with its value in 1980 is only 50c. As a matter of fact, presently it takes $2.04 to buy what could have been bought in 1980 for $1. In 10 years, the value of the Australian dollar has slipped by 50 per cent.

Mr Schwarten interjected.

Mr HARPER: The member for Rockhampton interjects!

Mr Schwarten: The member for Rockhampton North.

Mr HARPER: Yes; not "Rockhampton Left", but "Rockhampton North". The honourable member should bear in mind who is responsible for the rapid decline in the value of the Australian dollar. The Paul Keatings and Bob Hawkes of this world have not been prepared to face up to reality.

The National Party will not help to exacerbate the situation by giving support to legislation which takes away the ability and right of employees and employers to get together and attempt to improve working conditions, remuneration and productivity and which not only increases the weight of the heavy hand of trade union officials but also takes away the freedom and flexibility that voluntary employment agreements give to those who would rebuild Australian standards for future generations. Deterioration in real wages is occurring at a time when Australia's foreign debt is escalating to record

levels and also when interest rates have reached levels that were undreamt of by average Australians even 10 years ago. Certainly, those levels were beyond comprehension 20 years ago.

Queensland leads Australia in developing voluntary employment agreements, which have been acclaimed by the workers. When I say "workers", I mean employees of all political persuasions; people who have very strong leanings towards Labor and who openly declare their support for the Labor Party while, in the same breath, declaring their support for voluntary employment agreements, which have brought about better working conditions, better remuneration and increased productivity.

Mr Schwarten: How do you know?

Mr HARPER: How do I know? I know because I talk to them.

Workers of all political persuasions and employers believe in the value of voluntary employment agreements, but those arrangements will be destroyed by this legislation. The Goss Government has set about to kill the lead that was developed in Queensland and followed by other States in this nation. The New South Wales Government examined examples that can be found throughout the world and throughout Australia but decided to look to the Queensland model for guidance. The Goss Government has set out to kill that lead and kill voluntary employment agreements.

Let the Minister not equivocate or attempt to mislead the people of Queensland by claiming that this new legislation maintains Queensland's lead towards recovery in the competitive field of productivity. It does not. The very purpose of this legislation—the fundamental purpose espoused by the Premier and the Minister for Employment, Training and Industrial Relations—is to kill voluntary employment agreements. Time and time again, they have both said so.

Warnings are being sounded by bodies such as the Organisation for Economic Cooperation and Development, by business-leaders and by the thinking community. They all agree that Australians must be concerned about the direction in which labour costs are heading. Overregulation of labour is strangling opportunities to improve productivity, to meet international competition and, in turn, to tackle the decline of the real value of the Australian dollar. As I said previously, the Australian dollar is now worth only half its value of 10 years ago.

The Opposition cannot accept a position in which achievable gains that are brought about by harmonious agreement between employer and employee are allowed to be thwarted by a handful of trade union officials who are hell-bent on retaining their own cosy positions, irrespective of the cost to the Australian community. It is inconceivable to me that a Government claiming to represent the workers—which used to be Labor's claim although, with a House full of academics and just a few unionists, obviously an invalid one—could introduce legislation of this type. Obviously Labor's claim is no longer valid.

Mr Beattie: You forgot the feminists.

Mr HARPER: And some very good feminists, and very skilled feminists, too. Lady members of this House will make their mark in the annals and records of this Parliament. Ladies will find themselves sitting on the front bench and getting rid of some who presently occupy front-bench seats. I predict that in the very near future—and good luck to them, too—ladies will occupy the front benches. The National Party led the trend, and I hope that Wayne Goss appoints to the front bench some of the very worthwhile female members of the Government.

The point I make is that Labor cannot validly continue to claim that it represents the workers. It is inconceivable that a Labor Government could introduce legislation that will obstruct the opportunity afforded by existing voluntary employment agreement legislation for employees and employers who voluntarily—and I emphasise "voluntarily "—enter into agreements to bring about improved working conditions, remuneration and productivity. Even the Federal Treasurer, of whom I spoke earlier, admits that

Australia's trade union structure is obstructing the move towards enterprise agreements that are so vital to solving Australia's economic problems. Even Paul Keating admits that. And still, in the rarefied Canberra atmosphere—it is pretty cold at the moment—it seems to me that Senator Button, in his heart and by some of his statements, recognises the urgent need for reform and flexibility, taking into account skills and productivity.

Why does Labor in this place shy away from the fundamentals of voluntary employment agreements? Why does it shy away from the fundamentals of the process adopted by our competitors whereby enterprises can deal directly with their work force, not through trade union officials and having to obtain the stamp of the trade union movement? Why in this place does Labor shy away from the right of employees to deal with and reach agreement with their employers in a direct relationship—a direct relationship which has achieved so much in such a short time?

We in the Opposition insist that the principles introduced by us when in Government must be maintained; that employees of a particular enterprise must have the capacity—the ability—to reach agreement with the management of that enterprise. That is the only way in which an advance will be made in real terms both in remuneration and productivity.

In Queensland, the runs are on the board. Honourable members need only look at two major examples: Power Brewing and Metway Bank. In those two organisations, achievements in productivity have been made to the benefit of employer and employee.

Let members who represent electorates south of Brisbane consider the recent call by SEQEB workers for a continuation of existing agreements. Those workers claim that they are better off and more productive under the contract system that gives them higher salaries in return for multiskilling and flexible working hours. I challenge the Minister to deny the claim by those workers that was published in last Friday's Brisbane press that, since the introduction of the agreements in 1986, productivity at the Southport depot had improved by 87 per cent. That was not an airy-fairy claim made by the Opposition; it was a claim made by the workers who entered into those agreements.

This Bill also sets out to destroy the people in that group of skilled workers who have the initiative to subcontract, to enter into contractual arrangements to bring about increased productivity and improved working conditions. I do not doubt that, in his reply, the Minister will claim that the protection that was in the old legislation is back in the new legislation and that the Government will do many things. However, it is quite clear that, in reality, the Bill sets out to destroy that group.

That is yet another example of diehard, recycled trade union officials who are out of touch with the needs of modern industrial advancement setting out to build bigger unions at the expense not only of the national economy but also at the expense of what the Minister self-righteously terms "the working people". Many Government members do not know what the word "work" means.

Compulsory trade unionism will return with bigger and better protection to ensure that those coffers so necessary to the Australian Labor Party political machine once again overflow. I challenge Government members to deny that assertion. Let Government members stand in this House later in this debate and defend the decision to remove the prohibition that has been in place—the prohibition on trade unions making political donations to fund out of their coffers the political machinery of the Australian Labor Party.

Unless we in the Opposition succeed in amending the relevant provisions——

Government members interjected.

Mr HARPER: I touched on a sore point, obviously. I can hardly hear myself read.

Unless we in the Opposition succeed——

Mr Schwarten interjected.

Mr FitzGerald: You can cut that language out.

Mr DEPUTY SPEAKER (Mr Campbell): Order!

Mr HARPER: I did not hear the language. If you did, Mr Deputy Speaker, and it was as offensive as the honourable member for Lockyer believes it was, you would have asked the honourable member to withdraw it and to use parliamentary terms instead.

Mr DEPUTY SPEAKER: Order! The honourable member is reflecting on the Chair. I ask him to continue with his speech.

Mr HARPER: I did not hear the language, either, Mr Deputy Speaker. I said that, if you had heard the language, you would have taken action. Unfortunately, neither you nor I heard it.

Unless we in the Opposition succeed in amending the relevant provisions, it is the intention of the Government to force all those working people, be they employees in the true meaning of the word or self-employed small-businesspeople contracting their services, to join a trade union, or lose their employment. It is as simple as that.

There will be no checks or balances on the amount of membership fees the unions will be able to levy; just an open invitation to fill the depleted coffers. We know that, because the Labor Party overspent its budget on the last election, its coffers are depleted. This legislation provides a way for the Labor Party to refill its coffers. It will take the money out of membership fees of trade union members.

And, of course, the Goss Government has conveniently deleted from this legislation the Political Objects Fund provisions which were included in the Industrial Conciliation and Arbitration Act to ensure that fees compulsorily paid to trade unions by people of all political persuasions were not directed to any one political organisation. It is not just members of the Labor Party who belong to trade unions. Many National and Liberal Party members belong to trade unions. Of course, after this legislation is pushed through the House, they will not have much option. I am sure that, in future, trade unions will not be making donations to the Liberal Party campaign, nor to the National Party campaign, but they will be very pleased to support the Australian Labor Party.

The Minister's conscience prodded him to admit that it is the Labor Party that benefits from union affiliation fees. He has already made that admission. So, once again, we enter an era, albeit, I trust, a short era——

Mr Santoro: The Dark Ages.

Mr HARPER: —it may be two years, it may be two and a half years—an era in which every employee and many self-employed persons will be forced to support one political party financially, that is, the Labor Party. As the member for Merthyr interjected, we are returning to the Dark Ages when fees forced out of working people will be directed to one political party—the Labor Party. Democracy! I ask you, Mr Deputy Speaker!

Mr Santoro: It's a farce, isn't it?

Mr HARPER: As the member for Merthyr rightly says, it is a farce.

Perhaps democracy is served by the requirement that every industrial organisation must have rules that do not impose on applicants for membership, or on members, obligations or restrictions which are "oppressive, unreasonable or unjust". Perhaps democracy is served by that requirement—perhaps, that is, if "oppressive, unreasonable or unjust" are effectively interpreted, for they are not defined in the Bill.

This morning, during the Matters of Public Interest debate, the Leader of the Liberal Party mentioned that, apparently, the Goss Cabinet has given instructions that departmental heads are required to certify that staff are current members of a trade union before they may receive a promotion or salary increase. As I have said, it is compulsory unionism, but in the public service sector it is compulsory unionism at its very worst.

There are those who are concerned that a member of the Industrial Relations Commission has been appointed as the Minister's departmental head. I do not intend to——

Mr DEPUTY SPEAKER (Mr Campbell): Order! If Government members want to engage in conversation, I ask them to resume their seats.

Mr Beattie: It was a very good appointment, though.

Mr HARPER: The honourable member for Brisbane Central has got it right. The honourable member makes the point that it is a good appointment. I do not want to enter into a debate about that. However, I do want to say—and the honourable member must be aware of this—that there are those who are concerned that a member of the Industrial Relations Commission has been appointed as the Minister's departmental head. It would seem that this may perhaps be a short-term appointment, as the position is apparently to be advertised next year.

What is of particular concern, of course, to those people who have expressed their concerns to me is that perhaps the Minister, Mr Warburton, may have made some arrangement or commitment. If that is a misapprehension, I afford the Minister the opportunity to correct it. The Minister may care to comment on a perceived conflict of interest and rumours that next year this officer—who is, as Mr Beattie said, a very competent officer—will return to the commission.

Where does Goss Labor stand on the question of human rights? Many of the lady members of the Government in particular are very interested in the question of human rights. I hope that those who are not in the Chamber——

Mr Beattie: The men, too.

Mr HARPER: Yes, the men, too. We will not be sexist in that regard.

Many members on this side of the House—if not all of us—have the same very strong feelings in regard to human rights. We look with horror on what this Labor Government has done over the last six or seven months. So I think I can rightly ask: where does Goss Labor stand on the question of human rights? It would seem that the attitude that it has adopted to Crown employees during its first six months in office is being entrenched in this legislation, that is, an attitude of denying individuals those basic human rights set out by Labor's own brainchild—the Human Rights Commission.

For the benefit of those who are not aware of Article 22 of the International Covenant on Civil and Political Rights, a covenant that is endorsed and embraced by the Labor Party—it states—

> "1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests."

I apologise, but the covenant does use the word "his". I am sure that members of the Government would read into that "his or her".

Clause 2 of Article 22 states—

> "No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right."

Mr Beattie: Hear, hear!

Mr HARPER: I hope the honourable member has read the legislation that his Government introduced. It does not stack up beside that right.

Clause 3 states—

> "Nothing in this Article shall authorise States parties to the International Labour Organisation Convention of 1948 concerning freedom of association and protection of the right to organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that convention."

How does that equate with the Goss/Warburton edict as set out in the criteria for registration of industrial organisations? How do Government members equate that convention of human rights with the edict as set out in the criteria for registration of industrial organisations, which was introduced by their Minister? Very simply, it does not equate. This Government is setting about denying the right of people to form and join trade unions of their choice. It is there in black and white. Unless Government members are prepared to remove that provision from the Bill, that statement cannot be disputed. This Government is setting out to breach those human rights and to make monopolies of the big unions—the boys. The Opposition will oppose most strenuously the criteria for registration as presently espoused by this so-called Labor Government.

At this stage I record also the Opposition's concern about those sections of the legislation dealing with secret ballots on strike action and the consequences of those ballots. The Opposition foreshadows amendments to those sections at the Committee stage.

At a time when the Cooke inquiry has identified corruption at the highest level of the trade union movement, this Bill contains measures to provide a whitewash in that section dealing with conditions for loans, grants and donations. The Opposition will elaborate on that subject at the Committee stage. Likewise, the Opposition is not prepared to accept the provisions set out in this Bill for the removal of an auditor from office. An auditor must be protected from vindictive removal. At a later stage, the Opposition will refer to the Companies Code both in that regard and in some other aspects.

In case the Minister's blood pressure is rising, I assure him that I appreciate full well that some sections of this legislation have been lifted virtually straight from the Companies Code, and so they should have been. I notice that the honourable member for Brisbane Central is shaking his head. I am sure that he agrees that the Companies Code provides good guidance. At the Committee stage, the Opposition will be elaborating, amongst other things, on the need to protect auditors from vindictive removal. The Cooke inquiry surely demonstrates the need for the same standards to apply to trade unions and their officers as those that apply to companies.

With the repeal of the Industrial (Commercial Practices) Act, once again there will be a return to the stand-over tactics which that legislation curbed, namely, the "pay up or suffer the consequences" tactics that were employed by some trade unions to force employers to pay union fees on behalf of their employees. Once again, industrial turmoil will hit the streets. Why? For no sound reason that the Opposition can perceive; simply a whim of the Minister and the Government.

No member of the Government could claim that the repeal of that legislation was done in consultation with industry and that it had the support of the business community. No-one can provide a sound reason for revoking that legislation, which related to secondary boycotts. If for no other reason, that legislation was important as a deterrent. It did not require a state of emergency to be declared to overcome problems of significance for the entire community. Why is that legislation being rescinded? No sound reason exists.

The Industrial (Commercial Practices) Act has served Queensland well by providing an effective deterrent to those who would embark on radical industrial action to achieve ends that are not acceptable in the spirit of practices set out in the body of this very Bill. The repeal of that legislation is irrational and unacceptable.

The Opposition is concerned about developments in Queensland's building industry whereby smaller contractors once again are being bullied by union demands. It is well

known that many master builders in the big league acquiesce to those union demands, but many of them try to work by the rules and try not to cave in to demands for non-award payments. BERT is the latest such above-award demand which, disappointingly, is apparently being condoned by the Federal Industrial Relations Commission even though it is not officially endorsed by it.

It is at least partly for this reason that I view reinstatement and re-employment provisions, as well as continuity of service provisions, within this Bill as being of particular importance. Again, I must mention the inequitable treatment being meted out to Crown employees and former Crown employees in that area.

Mediation provisions have been included, and these have our support, although it appears that the Minister has been unprepared to grasp the nettle himself. As he has vested himself with powers in other areas, surely he should be prepared to give a direction, if necessary, to bring about mediation.

Within the clauses of this Bill provision is made for the authorisation of the payment of costs involved in an inquiry into irregularities. In light of its treatment of Crown employees during its first six months in office, the Government has only itself to blame for the scepticism which this provision creates.

Consistent with trade union animosity towards small-businesspeople, particularly subcontractors, they have not been afforded badly needed protection. If there is one thing that I am saying today in addressing this Chamber that I hope members on the back bench of the Government will listen to, heed, respect and try to remedy, it is that badly needed protection appears to have not been afforded to that group, the subcontractors, under those clauses dealing with the assignment of moneys due and claims for wages. I am sure that all members on the Government benches as well as those on this side of the Chamber are aware of very many cases in which subcontractors have been ill-treated or badly treated. In fact, in many instances, they have lost their small-business enterprises because they have not had effective protection in this area. It is particularly unfortunate that this Bill does not more appropriately address that question. It is high time that the Labor Party recognised the value of subcontractors in our community and afforded them justifiable protection along with that given to other sectors which contribute to our economic growth. They are equally deserving. When will the Labor Party do something meaningful for small business in Queensland?

It is fitting that the final part of this Bill contains a clause repealing industrial legislation which has guaranteed stable industrial relations in this State and which has made Queensland the envy of Australia in having a guaranteed electricity supply—for the final part of the legislation exposes the Bill for the sham that it is.

This Bill is not the implementation of the Hanger report. This Bill is truly the wolf of the Red Riding Hood legend. It is a document purporting to be dressed in the respectability and acceptability of Hanger, but is in fact designed as a determined bid to take away the rights of the individual, the rights of the people of Queensland. And why? To appease a few trade unionists and their militant leadership.

The Minister has said that these are "wounds that need healing". These certainly are wounds suffered by thousands of individuals and hundreds of small-businesspeople, including farmers, who were held to ransom over the years, not just in that catastrophic strike of 1985. Over the years, they were held to ransom by the few who are now being compensated for their losses. "Rewarded" is more appropriate. They are being compensated for losses which undeniably were self-inflicted.

Where is the compensation for those hundreds and thousands of Queenslanders whose losses were not self-inflicted?

Mr FitzGerald: Hear, hear!

Mr HARPER: As the member for Lockyer said, hear, hear!

Where is the compensation for the many who suffered at the hands of the few? I ask the Minister: where is their compensation? Where is their reward? Where is the even-handedness in this area? At the appropriate time, when we debate other legislation that is presently before the House, we in the National Party will be making our views felt most strongly.

This is the year when Labor—when Goss Labor—starts us back down the track of industrial chaos. That much-vaunted short-term agreement that the Minister, Mr Warburton, has waved in the air is not worth the paper on which it is written. This Bill is a sham. It takes away the rights of individual workers to guide their own destiny, to themselves measure and encourage efficiency. It reintroduces compulsory trade unionism across the board. Where now are the civil liberties groups? There are a lot of civil libertarians about the place, but where are they now? They are strangely silent. There is not a word in the media about the rights that are being taken away from the work force of Queensland—not a word!

This Bill denies legal representation in an area loaded with professional trade union advocates. Where now are the civil libertarians? I am pleased that the Honourable the Premier has re-entered the Chamber because surely he must appreciate the role that could be played by his colleagues in the legal profession if they were afforded an opportunity to meet the skills--and I applaud them—of the trade union advocates. The legal profession should be given an opportunity to match those skills. Where are the civil libertarians now when there is denial of those civil liberties?

The legislation takes away the stability of industrial relations in Queensland.

As the Premier is now in the House, it is appropriate that I return to his lack of true understanding of voluntary employment agreements. For those honourable members who are prepared to listen, and perhaps absorb and think for themselves, rather than simply accept what the Minister has told them, I will trace the procedures under which a voluntary employment agreement between employees and employers is developed and finally registered.

Upon application for registration with the industrial registrar, each VEA for which a secret ballot was taken——

Mr Beattie: How many have you read?

Mr HARPER: ——in accordance with section 94E of the Act, shall be supported by statutory declaration or declarations made by or on behalf of the employees party to the agreement declaring—

(1) the person who conducted the secret ballot that approved the making of the agreement.

The honourable member for Brisbane Central asked me how many VEAs I have read. I have spoken to the people who have entered into those agreements, who have discussed the terms of agreements with their employers on an annual basis. They have copies of their agreements. I am sure that the trade union movement has copies of those voluntary employment agreements, because many of the employees who have been pleased to enter into those VEAs are ardent members of the Australian Labor Party. There is nothing secret about those VEAs. They are readily available and they are registered with the industrial registrar.

Returning to the subject at hand—those applications have to be supported by statutory declarations declaring—

(1) the person who conducted the secret ballot—

and it is that provision that stirred Government members—

that approved the making of the agreement;

(2) that the ballot was properly and fairly conducted and that no duress was exercised in relation to it; and

(3) that each person who was entitled to vote and did vote in the ballot was provided with a clear and legible copy of the agreement before the ballot was taken, and was entitled in the ballot to indicate his or her approval or disapproval of the voluntary employment agreement.

Each statutory declaration completed on behalf of the employees shall be supported by an affidavit of appointment of agent.

Where the secret ballot referred to in (1) is conducted by an independent person, the statutory declaration shall be accompanied by an affidavit declaring—

(1) the full name, occupation and address of the deponent;

(2) that he or she conducted the secret ballot;

(3) that he or she is independent of anyone who would be a party to the voluntary employment agreement or would become bound by the agreement immediately upon its taking effect; and

(4) that a secret ballot taken of such employees showed that not less than 65 per cent thereof approved the making of the agreement and attaching results.

Of course, in reality the acceptance rate is closer to 95 per cent, but the provision is there that not less than 65 per cent thereof approved the making of the VEA and attaching results.

Where the secret ballot referred to in (1) is conducted on behalf of the employees who would be parties to the agreement or would become bound by the agreement immediately upon its taking effect, the statutory declaration shall be accompanied by an affidavit declaring—

(1) the full name, occupation and address of the deponent;

(2) that he or she conducted the secret ballot;

(3) that he or she has been authorised to conduct such ballot on behalf of the employees; and

(4) that a secret ballot taken of such employees showed that not less than 65 per cent thereof approved the making of the agreement and attaching results.

Each voluntary employment agreement shall be supported by an affidavit or affidavits sworn by the applicant declaring—

(1) the full name or names and address or addresses of the deponent or deponents;

(2) that he or she or they have the authority to enter into, and lodge an application for registration of, the VEA or that he/she/they has or have been authorised to enter into, and lodge an application for registration of, the VEA; and

(3) that the employees or prospective employees affected by the VEA are employees within the meaning of the Act; that is, they are not subcontractors and the like.

Sitting suspended from 1 to 2.30 p.m.

Mr HARPER: Before the luncheon recess I had indicated that each voluntary employment agreement had to be supported by an affidavit or affidavits sworn by the applicant declaring (1) the name, (2) the authority and (3) that the employees or prospective employees affected by the VEA were employees within the meaning of the Act. The requirements continue—

(4) That the employees or prospective employees affected by the voluntary employment agreement are not covered by any Federal award or awards and, where relevant, the basis of those conclusions;

(5) That the VEA does not purport to cover award-free employees;

(6) That the VEA does not relate to any employee excluded from coverage pursuant to section 94A of the Act;

(7) The subsection of section 94C of the Act under which the VEA is made;

(8) That either the VEA does not have any minors as parties or that, if it includes minors as parties, the consent in writing of the parent or guardian of the minor has been obtained and is attached to the VEA (a minor is a person under 21 years of age);

(9) That the number of employees engaged in each relevant classification or calling which is covered by the award, industrial agreement or other VEA at the date of the making of the VEA is listed in supporting documentation, as is a categorisation of employees distinguishing between full-time, part-time, and casual employees and between adults and minors;

(10) That the VEA complies with sections 94G and 94H of the Act;

(11) That the provisions of the VEA provide for conditions of employment not less favourable than those provided for by subsections 14 (1) (b) (3), (5), (6) and (7) of the Act as required by subsection 94D (1) of the Act;

(12) If the VEA seeks to amend the fund to which occupational superannuation contributions are made—

(1) The correct name of any occupational superannuation fund desired; and

(2) That the fund has been issued with a current notice of compliance by the Insurance and Superannuation Commissioner and is hence an approved fund for the purposes of the Occupational Superannuation Standards Act 1987;

or

(2) That the fund is a new fund for the purposes of the Occupational Superannuation Standards Act 1987 and has been issued with a document indicating preliminary listing by the Insurance and Superannuation Commissioner within the last 12 months;

(13) That, to the best of his or her knowledge and belief no provision of the VEA purports to render, or has the effect of rendering, inoperative or inapplicable in respect of the employee to which the VEA relates a provision of any Act or law of the State or of a law of the Commonwealth relevant to that employment other than to the extent permitted by Part VIA of the Act or that Act or law.

Each VEA, if signed on behalf of the employer or employers and employee or employees, shall be supported by an affidavit or affidavits of appointment of agent. Every voluntary employment agreement lodged for registration must contain specified detail, including—

In regard to awards/industrial agreements/VEAs—the precise name or names of any existing award or awards, industrial agreement or agreements or VEA or VEAs which has or have application must be identified.

As to the scope of the VEA—the VEA must clearly set out each award classification or calling to which it relates. VEAs cannot create a calling or callings. In general terms, callings refer to a specific occupation, vocation, craft or business.

As to wage rates—at all times the rates of remuneration payable to employees covered by a registered VEA must not be less than those contained in the relevant award or awards or industrial agreement or agreements as prescribed from time to time by the commission.

In regard to paid leave entitlements—the specific provisions agreed to in respect of each of the paid leave entitlements, that is, annual leave, statutory holidays, sick leave and long service leave, if they are not those set out in the appropriate award or industrial agreement, shall be set out in full in the VEA.

As to superannuation—a VEA cannot reduce the contributions that would be payable by an employer under an award or awards or industrial agreement or agreements to an occupational superannuation fund for his employees had the VEA not been made.

The term of the VEA is set out. It shall be not less than 12 months or greater than three years. A fixed term must be specified.

Other matters are also covered by the provisions of the present legislation, which the Goss Government is hell-bent on destroying. They are—

The VEA should also include any matters which alter existing award or industrial agreement conditions.

Mr Beattie: Sir Robert Sparkes resigned today over VEAs.

Mr HARPER: I am sure that Mr Beattie, the honourable member for Brisbane Central, would be interested to hear the remainder of the other matters, which are—

A voluntary employment agreement shall not provide for conditions of employment less favourable to employees.

So the employee is very well protected. The other matters continue—

A VEA cannot deprive an employee of rights benefits or entitlements received before the date on which the agreement takes effect; nor can a VEA restrict the right of an employee or employer to terminate the employment relationship in terms of an award provision.

All in all, it is quite clear that, far from being a secret document and far from providing conditions that any trade unionist would have difficulty in accepting, voluntary employment agreements under the legislation introduced by the National Party Government and now sought to be rescinded or killed by the present Government provide an open, honest means by which employer and employee together agree to improve the working conditions of the employee, to improve the productivity of the enterprise and to benefit the total economic welfare of the community. This Government is determined to destroy that concept through the implementation of the provisions contained in this Bill. It is a very sad day and, as I said earlier today, one that the Premier and the Labor Government will have to live with when it goes to the people again in two and a half or three and a half years' time. By that time the people of Queensland and Australia will know what this Government has done through the introduction of this Industrial Relations Bill.

Mr Borbidge interjected.

Mr HARPER: Yes, it will, as the honourable member for Surfers Paradise says.

Mr Gibbs: They will be retired to stud by then.

Mr HARPER: The honourable member should not be too worried about that—"Don't you worry about that."

The fact of the matter is that—as the honourable member for Surfers Paradise said—this legislation will bring the Goss Labor Government down, because in two and a half or three years' time the people of Queensland will realise that what the Opposition is saying today will occur has in fact occurred. This Government is taking no steps to improve productivity; it is doing the exact opposite. It is not improving employees' working conditions in a modern environment, but instead is taking away employees' rights under the Human Rights Commission to form a new union or even decide which union they want to belong to. The Government is taking away their right to negotiate for better terms of employment, working conditions, remuneration, etc.

There must be no misunderstanding. The Warburton/Goss combination and—because of their acquiescence—the other members on the Government benches will have to answer to the community when the time comes at the next election. By that time everyone will have seen the adverse effects of this legislation. Basically, much of this legislation is sound and worth while and the Opposition endorses it. It is a shame that this Government hides behind the respectability of the Hanger report and the great bulk of the provisions of the legislation. The Government has slipped into the legislation some elements that are purely Labor Party philosophy that will destroy so many of the elements to which I have referred during the debate.

This Bill is a sham. Much of it is very commendable industrial legislation which the Opposition supports. However, the Opposition will not allow this Government to deceive the people of Queensland by putting the sugar-coating of Hanger over these objectionable, pay-off provisions which it seeks to implement through this legislation at the behest of the boys—the radicals of the union movement who see themselves as transcending the elected Government in this House and as the actual Government, albeit a faceless Government.

Mr SCHWARTEN (Rockhampton North) (2.42 p.m.): It gives me great pleasure to enter the debate at this juncture, not only because I fully support this Bill but also because some 75 years ago the Honourable James Larcombe, who has the distinction of being the longest-serving member of the Queensland Parliament, stood in this Chamber and spoke to a Bill which was basically to change the whole face of industrial relations in this State. The interesting and ironic part is that at that time he was the member for Keppel, which was the forerunner to my seat, the seat of Rockhampton North. The introduction of this Bill into this House is surrounded by a fair degree of history.

Mr Beattie: And the Minister for Railways.

Mr SCHWARTEN: I am reliably informed that he was the Minister for Railways.

The Bill that James Larcombe spoke about became the Industrial Arbitration Act and, as such, represented the first real taste of industrial democracy for Queensland workers. Therefore, it is with a certain degree of sadness that the actions of this Government today will effectively wind up an Act which was put into place some 75 years ago. Honourable members may not be aware that prior to the creation of the Industrial Arbitration Act in 1916 by the Ryan Government, the conservative Denham Government had enacted what was known as the Industrial Peace Act. On 21 September 1915 in this House, my predecessor, the Honourable James Larcombe, said of the Industrial Arbitration Act that—

> ". . . it will repeal the Industrial Peace Act, which violates. . . every rule of fair play. That is a statute that was introduced in a panic way after the 1912 strike, an effort to crush, or at least to stifle, unionism in this State."

Larcombe's words could equally be applied to some of the Acts which will be replaced by this legislation today. The Acts to which I refer are the Industrial (Commercial Practices) Act, the Electricity (Continuity of Supply) Act, the Essential Services Act and the Electricity Authorities Industrial Causes Act. All those Acts were inflicted on the working people of this State in much the same way as the 1912 Act was inflicted on workers of that day.

On 4 August 1915, in his introduction to the Bill, the then Treasurer and Secretary for Public Works, Ted Theodore, said that he was introducing—

> "One of the most important measures that we have to deal with this session."

He could well be describing the Industrial Relations Bill which is now before the House.

Mr Harper: Where did he end up? What happened to Ted?

Mr SCHWARTEN: I am pleased to take that interjection because the honourable member's ignorance is only overshadowed by his big mouth. I would like the honourable member to study a bit of history and will give him a short lesson if he would like to listen for a while.

Mr Neal interjected.

Mr SCHWARTEN: Yes, I am a schoolie and proud of it. Even the honourable member for Balonne should listen, because there is something in it for him. Ted Theodore was not found guilty of any crime whatsoever by any court of law in this land—not one.

Mr Harper: He disappeared for a while.

Mr SCHWARTEN: The honourable member is saying that at that time the criminal justice system of this State was wrong, but in fact he is wrong.

Mr Harper: I just said, "He disappeared for a while."

Mr SCHWARTEN: He disappeared for a while, but he came back and, as the honourable member well knows, helped us out of trouble in World War II. I have no problem at all referring to Ted Theodore.

If anybody played a significant role and made a significant contribution to industrial relations in this State, it was certainly Tom Foley. I reiterate that he could well have been describing the Industrial Relations Bill that is before the House today because there can be no underestimation of the need for an entirely new approach to industrial relations in this State.

During the debate that took place in 1915, one of the speakers, the member for Mundingburra, Tom Foley, had something to say. Perhaps an Opposition member would like to interject?

Mr Gunn interjected.

Mr SCHWARTEN: Another one! I know the story. The honourable member cannot give me any history lessons.

Mr Beattie: It is good that you can get him to interject like that. He is helping you along.

Mr SCHWARTEN: Yes, he is helping me along. During the 1915 debate, Tom Foley stated—

> "If we had an industrial arbitration Act, there would have been"——

Opposition members interjected.

Mr SCHWARTEN: Listen to this, for God's sake.

Mr DEPUTY SPEAKER (Mr Campbell): Order! The honourable member will speak to the Bill.

Mr SCHWARTEN: Thank you, Mr Deputy Speaker. As I was saying, Tom Foley stated—

> "If we had an industrial arbitration Act there would have been no maritime strike in 1890 and no shearers' strike of 1891."

I contend that if this new legislation had been in existence in 1985 along with a new responsible Government, there would have been no SEQEB strike. A historical parallel can be drawn between the two episodes.

It may well be argued that the sledge-hammer approach to industrial relations and other areas of civil rights was part and parcel of the modus operandi of the previous Government. It was no coincidence that in this State industrial disputation often occurred at election-time because it enabled the previous Government to divide and rule; in other words, to deflect attention away from its shortcomings and incompetent management of this State's affairs, the previous Government deliberately orchestrated industrial disputation in this State. However, it must be said that even the industrially ignorant previous Government—some of the members of which now sit opposite—had become aware that the Industrial Conciliation and Arbitration Act had reached the end of its usefulness.

Continued tinkering with the Industrial Conciliation and Arbitration Act by way of amendments that removed certain groups of workers from the State's jurisdiction and failure to update the Act's provisions had left Queensland with virtually obsolete industrial legislation. I ask honourable members to listen carefully to what I am about to say. To its credit, in 1987 the Bjelke-Petersen Government commissioned an inquiry into the operation of the Industrial Conciliation and Arbitration Act 1961-1989. It is also to that

Government's credit that it chose Richard Ian Hanger, QC, to head that inquiry. Because of his background in industrial relations in this State, Ian Hanger was a person who was eminently qualified to oversee that inquiry. His father had been President of the Industrial Commission during the early 1960s and played a significant role in the Mount Isa lead dispute that occurred in 1964. Mr Hanger, QC, is a barrister who specialises in industrial matters and was a very logical choice for the appointment that was made by the previous Government.

Others involved in the committee of inquiry were Harold George Angus Peebles, who is a State Industrial Commissioner; Graham Bruce Siebenhausen, OBE, who was an industrial consultant prior to his appointment; and Gareth Jones, who was involved in the electricity industry. The only member of the committee who could be said to have enjoyed a trade union background was Harry Peebles who had been, prior to becoming a commissioner, an official with the Federated Ironworkers Association. Certainly at that stage it would have been entirely appropriate to involve trade union representation in that august committee but, as the policy of the National Party was one of anti-unionism, one should not be surprised that no union representation was sought by National Party members.

Mr Harper: What about the rest of the committee? Give them a bit of a pat on the back, too.

Mr Heath: He has just done that. Weren't you listening?

Mr Beattie: Yes, weren't you listening?

Mr SCHWARTEN: Forgive him, Lord, for he knows not what he says.

The basic brief of the committee was to consider the effectiveness, appropriateness and sufficiency of the Act in relation to its ability to prevent and settle disputes, and to consider requirements of present and future social economic and industrial circumstances. The committee of inquiry was also to consider whether amendments, new procedures or, indeed, a new Act were necessary.

The committee conducted an open inquiry. Submissions were called for and subsequently circulated. The result of those exercises took the form of the *Report of the Committee of Inquiry into Queensland's Industrial Conciliation and Arbitration Act 1961-1987 of Queensland*, which was presented to the previous Government in November 1988. Basically, the report was a blueprint for a new Act. It was written in plain English—even members of the National Party could understand it. If it had been acted upon by the previous Government, this legislation and today's debate would not have been necessary. Therefore, one can only speculate as to why the National Party Government chose, largely, to pay lip-service to a comprehensive, balanced and expensive report. It seems to me that the report either conflicted with the ideologically repressive attitude of the National Party towards trade unions, or members of the National Party regarded it as insufficiently important and did not worry about it. In either case, their fiddle-while-Rome-burns attitude warrants condemnation.

Since the Labor Government was elected on 2 December, it has placed a high priority on the enactment of this legislation. It is truly a tribute to the Honourable Minister, Nev Warburton, that within only six months of the election he has been able to introduce an extensive Industrial Relations Bill to this Parliament. I might add that the Bill has received widespread public acclaim. By supporting this Bill, members of the Labor Party will be honouring the promise made to the electors of this State that a Labor Government would implement new industrial legislation based on the Hanger report.

Just as, in 1916, the Ryan Government was able to research the trends on industrial relations that existed and use that period's Federal Act as a guide to developing legislation that would be responsive to future demands, so, too, has the Goss Labor Government employed similar methods and, similarly, the Goss Labor Government is making history.

Turning now to the Bill, I point out that the common thread that runs through the provisions of this legislation is the need for one Act that binds all employee and employer

groups in this State. That follows exactly what was recommended by Ian Hanger and ensures that all workers and employers in this State have recourse to the independent Industrial Relations Commission and, if necessary, to the Industrial Court. That is good news for Crown employees, and especially electricity workers, who in 1985 had their right to appear before the commission removed.

We have made certain variations to the Hanger recommendations. The most important variation relates to legal representation in the Industrial Commission. Because my learned friend, Mr Foley, from the legal fraternity is beside me, I had better be cautious.

Mr Harper: Does he play bowls, too?

Mr SCHWARTEN: Probably better than the honourable member does. I do not know.

It has always been my view, and that of the majority of people whom I have canvassed, that the Conciliation and Arbitration Commission should, as far as is possible, remain a layman's tribunal. The right to appear before a commission does not necessarily entail the need to be qualified at law, but, rather, the ability to be versed in industrial relations procedures, precedent, practice and so on.

The debate on this issue is not new. In fact, it was a topic when the 1915 Bill was debated. As that Bill was to provide for an Industrial Court, the member for Drayton, one William Bebbington—do you know anything about him, Neville?

Mr DEPUTY SPEAKER (Mr Campbell): Order! The honourable member will refer to other members by their correct titles.

Mr SCHWARTEN: Does the honourable member for Auburn know anything about him?

Mr Harper: Drayton?

Mr SCHWARTEN: No, that was the seat. The person's name was Bebbington. I will tell the honourable member about him later.

Many years ago, the member for Drayton, William Bebbington, wanted to know whether the new Act would provide for legal counsel to represent parties in that forum. In responding to the interjection, Theodore replied that they could appear only as a result of consent being reached by both parties.

Honourable members should be aware that we have retained the same position in the present Bill. Section 8.17 basically precludes legal counsel from the commission unless agreement is reached between both parties, which, of course, is the status quo of the previous Act. I believe that that is an important point, as it means that there is less chance of the commission's becoming bogged down in legal argument and that appearance before the commission will prove less expensive for all concerned.

No doubt, the Opposition will attempt to make much of the lack of provision—it has sought to do that already today—for its much-vaunted voluntary employment agreements. Those who have studied the Bill will, however, have noted that clause 10 of the Bill provides a facility whereby awards and agreements can be varied. It is also important to note that VEAs were not part of Hanger's brief and, as such, his report is virtually silent on that matter.

In plain language, there will be a facility for employers and employees to apply to the Industrial Relations Commission for a variation to the minimum conditions as laid down in the Act. However, the commission will need to be satisfied of the desirability of the variation. Therefore, gone will be the facility for employers to hide beneath a shroud of secrecy with a limited number of employees and come up with a private agreement. This clause of the Bill will put everybody on an even playing field—employers, unions and the taxpayer generally.

If it is the case, as argued by proponents of VEAs, that they are in the best interests of everyone, there should be no problem in advocating that case in front of the independent umpire. Naturally enough, there are still those elements howling away in caves wanting to do deals with individuals behind the unions' backs. But it is now widely accepted by the more progressive amongst us that the positive way to develop appropriate and intelligent decisions which not only reflect the needs of this society in terms of wages and conditions but also are made in the interests of economic responsibility, generally, is to ensure that all stakeholders in the industrial relations game have a fair say. This legislation provides that mechanism and, all things being equal, flexibility should prevail.

Further to that, we have also refined the appeals process so that merit, as well as law, can be taken into account. That will ensure not only that justice is done but, equally, that it is seen to be done.

The other departures from the Hanger report are very minor. If the Opposition wants to major in minors, that is up to it. However, I believe that the types of changes that we are implementing are not only in the interests of harmonious industrial affairs in this State but also that they will be well received by all Queenslanders.

More importantly, this new legislation also embraces the wider picture and, in yet another parallel between 1916 and today, takes cognisance of movements in the Federal Act. Today, Australian industrial relations is in a transitional stage. Currently, our Federal colleagues have recognised a need to change the whole modus operandi of trade unionism in Australia. This legislation enables that to take place. Restructuring and amalgamation are the order of the day. To that end, this legislation has provided for those changes by laying down guidelines, especially in the area of amalgamation of unions. For instance—

> "There may be a few industrial troglodytes who will object to this measure becoming law but, notwithstanding their efforts, it will pass on to the statute books and I feel sure that the result will be industrial fairness and to a much less industrial trouble than has ever, previously, existed in this State."

Mr Stephan: The people of Queensland decide that, don't they?

Mr SCHWARTEN: Those are not my words, my friend, but those of my predecessor, Jim Larcombe, when he addressed this Chamber some 75 years ago. Come in, spinner. History has vindicated his stance, as it will this legislation.

Let the record show that it was again a Labor Government, also under the leadership of a young Premier and ex-lawyer—just as Ryan was—in Wayne Goss and an ex-trade union official in the person of Neville Warburton—just as Theodore was—who, like their forebears, Ryan and Theodore, had the foresight to put together a package of legislation, the largest yet to pass through this House in this session, which will provide the recipe for economic growth on a foundation of industrial harmony for generations of Queenslanders to come.

I support the Bill.

Mr SANTORO (Merthyr) (3 p.m.): The Liberal Party opposes this Bill in total and will vote accordingly at the appropriate times. The Liberal Party opposes this Bill because it is not what the Minister represented it to be in his second-reading speech. The Liberal Party opposes this Bill because it certainly is not what Queenslanders voted for on 2 December 1989, and because it is most decidedly not what they need now.

In his second-reading speech, the Minister for Industrial Relations stated that the Bill before the House embraces the major recommendations of the Hanger report, reflects the changing times, creates an industrial relations system that has the respect of the whole community, fits with the requirements of the users of the day and will add to the economic well-being of our State. Those are lofty ideals and lofty criteria indeed, delivered with a sincerity that will fool only those who do not take the time to read the Bill under consideration. When subject to close scrutiny, this Bill reflects all that is wrong with

Labor Party ideology and contains so-called reforms that, charitably, can only be described as un-Australian.

The Liberal Party is vehemently opposed to the fundamental provisions of this Bill, to its stride and emphasis on compulsion, to corporatism, to Big Brother and to the industrial relations club. The Liberal Party abhors its disregard for the small players in the industrial relations field—those players who form the economic backbone of our State and our nation. Their rights are being trampled upon by a Minister and a Government who clearly are the apologists for, and the puppets of, the union movement, hell-bent on exacting revenge and retribution for past defeats.

To understand the rationale and the motivation behind this draconian legislation, one could do worse than reflect upon the state of the union movement in Queensland and, in fact, throughout Australia. It is interesting and instructive to note that the word "union" is, in the main, very lacking throughout this Bill, almost as though it were, indeed, a dirty word. I could almost be forgiven if I came to the conclusion that the Minister is avoiding the use of the term "union" in favour of a more esoteric term such as "industrial organisation". In doing so, the Minister joins the majority of Australians who want nothing to do with the sort of unionism that he and his Government represent. The facts speak for themselves——

Mr Welford interjected.

Mr SANTORO: The honourable member for Stafford can laugh. It would be much smarter of him to listen to the facts.

Unionism in Queensland and Australia is on the decline. This Bill is an attempt by this Labor Government to shore up its union power base and to fill its campaign coffers through legislative coercion. It would be instructive for members opposite to look closely at the results of a major survey into the role of trade unions and employers in Australia conducted by Roy Morgan Research Centre in September/October 1989.

Amongst many findings adverse to the interests and the positions of the union movement, that survey found that 87 per cent of Australians believe that membership of trade unions should be voluntary and that 64 per cent of Australians believe that trade unions have too much power. In the face of these findings, it is little wonder that the Australian Bureau of Statistics—this is not the findings of a survey but of the statistician—found that union membership, as a percentage of the total work force, has declined from 51 per cent in 1976 to 42 per cent in 1989.

Mr Welford: That's terrible.

Mr SANTORO: The honourable member for Stafford is right. It is terrible. That is the reason why members opposite come into this place and seek to perpetrate on the public of Queensland—on freedom-loving Queenslanders—this piece of legislative bastardry. The honourable member is right; it is terrible.

Within the private sector, the decline is even more dramatic—from 39 per cent in 1982 to 32 per cent in 1989. Well might members opposite be worried. Clearly, Australians are deserting the union movement in droves, so much so that at the 1989 Union Congress—and members opposite should listen to this—the guru of members opposite said—

> "We don't have the God given right to survive. We'd be less than truthful to say of ourselves that we are an adequate trade union movement. We are not and we must simply face up to that fact."

The Government is facing up to the fact, but it is facing up to it in the wrong way. It should be improving the trade union movement and its philosophies and policies so that they reflect the best interests of Queenslanders and Australians, but it is not. The Government is going about it in totally the wrong way.

At the same congress, the then ACTU President, Simon Crean, also warned that trade unions had failed to perform and had not kept pace with the change that they had

generated during the 1980s. So there you have it. The secretary and the president of the trade union movement in Australia say, "We are failures and we have got to face up to it." In the face of this overwhelming vote of no confidence, Goss, Warburton and the Labor Party in Queensland have panicked and, at the cost of their eventual demise, they have gone for the overkill. They have caved in to the demands of their union masters at Trades Hall and have introduced a Bill that effectively compels workers to join a union. It favours the big players to the exclusion of the small ones.

Mr Welford: No, it doesn't.

Mr SANTORO: The honourable member for Stafford would be best served——

Mr Welford: It does not. That is dishonest.

Mr SANTORO: The honourable member should just listen. In the main, I pay him the courtesy of listening to him in silence. The honourable member's turn will come. There is a long list of speakers. His turn will come and he should just listen.

As I was saying, this Bill favours the big players to the exclusion of the small ones, and that is demonstrably provable. It inhibits the desirable process of enterprise and productivity bargaining; it directs superannuation moneys into union-controlled funds, thus jeopardising the security of and the return on workers' savings; and it prevents workers from exercising proper control on union funds spent for political purposes.

One of the most insidious provisions of the Bill is that which effectively compels people to join a union and deprives Queenslanders of their basic right of freedom of association. The Industrial Court has held that, under the present Act, the Industrial Commission cannot award compulsory unionism; it can only award preference to union members. However, proposed section 13.108 seems to suggest that the Government—again, I suggest, in the tight grip of the TLC and the unions—is planning to legalise potential union blackmail of employers. In effect, this section provides that employers are not to dismiss, or threaten to dismiss, an employee who will not join the union. That is a laudable and necessary provision. The Liberal Party is happy to admit that.

However, that section is qualified heavily by the following words—

> "Except where membership of an industrial organization is a condition of a contract of employment . . . "

Thus a union could blackmail an employer into agreeing to a closed shop or compulsory union membership. This would be a part of the contract of employment. It would basically mean——

Mr Littleproud: State public servants.

Mr SANTORO: I am coming to State public servants. The honourable member is absolutely right. I will come to that.

The inclusion of that provision would mean that any employee who fell behind in his union dues would be sacked or would have to pay up. So much for the anti-discrimination and equal opportunities that are often spoken about by members of the Government!

Proposed subsection (4) provides that an employer is not in breach of the proposed section if he dismisses an employee for not being in a union if that is a requirement of an award or an industrial agreement. Is that a backdoor way to allow the commission to enforce compulsory unionism and thus make it clearly the only industrial tribunal in Australia with that power? When the Minister replies at the end of what I hope will be a lengthy and fruitful debate, I will be interested to hear his explanation.

Of course, members opposite will be very quick to point out that the alleged right of conscientious objection to membership of industrial organisations is contained in proposed section 13.53. Undoubtedly, they will raise that point during this debate. However, in reality that proposed section is only a farce. Upon making application to an industrial magistrate or an industrial registrar, under proposed section 13.53 (4) a

conscientious objector will be confronted by a union representative who "may participate therein, by relevant questions of the applicant and relevant submissions to the magistrate or, as the case may be, registrar". I suggest that that would often amount to harassment and intimidation by union representatives. Even after that, if the industrial magistrate or the industrial registrar rules in the applicant's favour, the equivalent of the relevant union subscription would have to be paid to the court. So much for the freedom of association under the democratic mob opposite! The Bill does much to boost the financial position of the unions and the ALP.

The Minister claims to have accepted the broad thrust of Mr Hanger's report that the changes are "largely based" on the report. He says that this Government is not "blighted by ideological bias". I would have to agree that ideology played very little part in the framing of the legislation. Basically, it represents a highly selective drawing upon the Hanger committee's recommendations, embellished by the demands of the Government's union mates.

Nowhere is the true nature of the Government's hidden agenda more apparent than in the provisions relating to political objects funds. The Hanger committee recommended that these legislative provisions be retained unaltered, as they are in the current Act, saying that many members of trade unions are reluctant members and—

> "...it is therefore wrong to compel such persons to contribute money to a trade union knowing that that money is to be used for the furtherance of the aims of a particular political party. It means that many members of trade unions would be contributing to support one party when they, in fact, prefer to support another. That amounts to a significant inroad into personal freedom which should not be encouraged."

For the ease of reference of members opposite, I point out that that statement is to be found on page 361 of the report. Members of the Liberal Party could not have expressed their ideological beliefs and inclinations more clearly or more forcefully. Yet the Government has overturned that very specific, important and fundamental finding of the Hanger report.

The Minister's justification for this decision is feeble and transparent. He knows that the amendment will channel millions of dollars into ALP coffers—money extracted by compulsion from workers' pockets. As well as being repugnant in principle, this legalised extortion is clearly rejected by the Australian people.

A very reliable Morgan Gallup poll, which is backed up by Government statistician figures, showed that 58 per cent of Australians disagree with trade unions being affiliated with the ALP and paying membership fees to them. Further, the research found that even amongst trade union members of the affiliated unions, 56 per cent did not believe that trade unions should be affiliated and should pay fees to the Labor Party.

Mrs Edmond: That's why they voted for us.

Mr SANTORO: I will mention that aspect later.

Perhaps the most controversial aspect of this Bill is its repeal of the legislation which enables the striking of voluntary employment agreements directly between employers and employees. Much has been said about the issue of VEAs by the Premier, the Minister and their union cronies. Most of what they said was totally misleading. The facts speak for themselves and cannot be denied. Under VEAs that exist in firms such as the Metway Bank and the Power Brewing Co. Ltd, all participants benefit greatly from their operation, namely, the workers, the employers and the economy of Queensland. The facts cannot be denied.

I seek leave of the House to incorporate in *Hansard* two brief documents which will clearly demonstrate to all honourable members the benefits which accrue to workers under VEAs.

Leave granted.

METWAY
Specific
Benefits Under VEA
1.
Pay rates based on performance of the individual and the contribution made by a job to the business—flexibility to allow more appropriate rewards.
Under Old Award
Fixed rates of pay based on years of Building Society experience—no recognition of special ability or other experience.
2. VEA
Hours of work can be varied to meet the needs of the business. The Staff Association will be involved in setting the actual hours to be worked to ensure staff needs are also met.
AWARD
Fixed hours of work which have never been varied to suit changing needs and do not provide any flexibility for the future.
3. VEA
Permanent part-time staff may be employed with pro-rata entitlements to sick leave annual leave, etc.—enables flexible working hours with benefits of permanent employment.
AWARD
No provision for permanent part-time staff.
4. VEA
Part-time and Casual rates of pay at 1/38 of full-time.
AWARD
Rates of pay 1/40 of full-time.
5. VEA
Casual loading 20%
AWARD
19%
6. VEA
Meal money $7.00
AWARD
Meal money $5.20
7. VEA
Payment for higher duties after 5 days.
AWARD
No provision for higher duties—policy to pay after 10 days.
8. VEA
Provisions for time off in lieu of payment for overtime at time and a half.
AWARD
No provision for time off in lieu.

METWAY BANK
COMPARISON OF BENEFITS ENJOYED BY WORKERS UNDER
THE VOLUNTARY EMPLOYMENT AGREEMENT
COMPARED TO THE PREVIOUS AWARD

General—VEA
1.
Maintains minimum standards e.g. sick leave, long service leave, notice of termination, etc. Does not allow changes to ordinary working hour and overtime payments.
Under Old Award

Sets minimum standards

2. VEA

Tailored to meet the specific needs and circumstances of Metway Bank and its staff.

AWARD

Industry wide application—focus on industry/national issues.

3. VEA

Staff and management are able to negotiate directly on relevant issues i.e. wages and conditions, grievances.

AWARD

Unions act on behalf of staff—perceived as ineffective, disinterested. Staff can be dragged into issues which don't affect them e.g. industrial disputes with other groups of employers or employees.

4. VEA

Flexible, innovative approach to industrial relations which has benefits for both sides i.e. win-win for staff and the business.

AWARD

Traditional, bureaucratic approach to industrial relations—conflict is built into the system i.e. win-lose.

COMPARISON OF BENEFITS ENJOYED BY WORKERS UNDER
THE VEA COMPARED TO THOSE ENJOYED UNDER
THE BREWING INDUSTRY AWARD—STATE (B.I.A.S.)

All employees at Power Brewing Company can earn more than the same employees covered by the B.I.A.S. and the C.P.A. Furthermore:

a) A new Power Brewing Company employee would earn $7215 per annum more than B.I.A.S. and the C.P.A.

(On a 35hr basis, this is equivalent to $3157 per annum more)

b) Employees at Power Brewing Company who signed the agreement one year ago, on average earn $9231 more than the same employee under B.I.A.S. and the C.P.A.

(On a 35hr basis, this is equivalent to $921 per annum more)

c) Long-term employees at Power Brewing Company would earn even more.

- Thirty-five percent of all employees at Power Brewing Company already earn more than the maximum attainable under B.I.A.S. and the C.P.A. (i.e. $11.36/hr).
- 97.1% of employees chose to work 4 x 10 hr days/week. This gives employees a three day long weekend every weekend.
- Power Brewing Company employees have an opportunity to learn more skills and be paid for learning irrespective of what they are doing.
- A $50,000 scholarship is awarded once a year to employees to allow further education.
- An attractive employee share scheme is available with the following features:
  - — 10% discount on market price.,
  - — 10% deposit with an interest free loan for up to five years.
  - — an issue of up to 2000 shares per year.
- A productive work culture is in place which nurtures participation, communication, high job autonomy and rewards for learning.
- Employees and management have agreed that participation and close consultation between the parties represents an opportunity to improve the quality of working life for all employees, the quality of management, the quality of goods and services produced which strengthens the security of both parties.

Mr SANTORO: Those documents show clearly that enterprise or productivity agreements have worked in Queensland. Those agreements guarantee minimum wages

and conditions whilst, at the same time, realising for the workers benefits that are far in excess of those enjoyed by workers in similar firms but who do not come under the ambit of a VEA. Those agreements afford their workers the protection of the commission if breaches of the agreement are attempted by employers. Most importantly, such agreements are not secret and unaccountable, as claimed hysterically by the Premier. First of all, they must be registered with an industrial registrar and they hang—open to public scrutiny—on the noticeboards of the firms that have had the foresight to pioneer the introduction of this most eminently sensible and just industrial relations initiative.

I refer honourable members to the specific provisions of the Act which relate to who can access an agreement through the industrial registrar. It seems that members opposite who raise this as an objection to VEAs have not read the legislation. Those who can access a VEA include a party to the agreement, a person on whom the agreement is binding, an association of employees formed under section 94 (T) whose members are persons on whom the agreement is binding, the Minister, the commission, an industrial magistrate and an industrial inspector. All of those people, either through election or lawful appointment, have been entrusted with the responsibility of looking after the interests of the people who are affected by VEAs. They all have access to VEAs in the event a non-frivolous, legitimate complaint by somebody who feels aggrieved because of an alleged breach. I see that the Minister is nodding his head. The agreement states that the Minister can have access to a VEA through the industrial registrar. If the Minister is concerned about any possible breaches, he has access to the agreement.

Why is this Government abolishing the current legislative provisions for VEAs? The answer is simple: because there is no role for its union mates within the current scheme of things. Under VEAs, unions cannot interfere, blackmail, procrastinate, frustrate or even destroy the direct negotiation process which has seen the determination of these agreements. From an employee's point of view, they are equitable and, at an enterprise level, they have guaranteed a boost in productivity which is sorely needed by our flagging national economy.

At the Committee stage, I will seek to point out the Government's misleading contention, such as that made by the honourable member for Rockhampton North, that, under the provisions of this Bill, VEAs can be struck. Under the provisions of this Bill, the unions are back on the playing field, and their hobnail boots will quickly make their presence felt.

So much for the Government's commitment to the findings of the Hanger report. Some honourable members interjected previously in relation to this point. They should listen to one of Hanger's most fundamental findings, in which he stated—

> "While the Australian industrial relations system recognises and fosters organisations of employers and employees, thereby implanting a degree of centralism within each of the systems, recent developments, exemplified in the new Wage Fixation Principles enunciated in the last two National/State/Wage Case decisions, mean that there is a move away from centralism and towards individual enterprise settlement.
>
> Whilst organisations of employers and employees play a predominant role in this new approach"—

Hanger acknowledged that—

> "in order to be able to extend it fully and fairly throughout the system, surely that system must recognise the equal rights of non-organisational employers and"—

listen to this—

> "employees to apply the same principles?"

That is what Hanger said. He continued—

> "If that is the correct approach, how can the Act continue to allow the making of industrial agreements only between employers or their organisations and organisations of employees?"

That is in fact what this legislation does. It deprives the individual employee and employer of the right to go before an independent arbitrator, which we in the Liberal Party and others on this side of the House are willing to accept is an essential part of any industrial relations system. It deprives the small player, the individual employee or the individual employer, of the opportunity to go into an industrial court free from union harassment and interference and to strike an agreement such as the very successful, equitable and open agreements that in fact exist at the moment.

I turn now to superannuation. Again, there is much reason for alarm. The proposed amendments affecting superannuation strike directly at the workers' freedom of choice and could jeopardise return on funds invested for their retirement. The Bill proposes to fine employers if superannuation contributions are not made to an "approved" fund. The objective is obviously to compel employees to belong to union-controlled funds. Obviously, this type of statutory monopoly will militate against competition and may deprive employees of the best rate of return and benefits on funds invested.

The superannuation field is already subject to detailed legislative supervision and stringent financial and taxation controls. There is no benefit to the employee in depriving him of the opportunity to invest in any fund that meets those standards. There is no guarantee that union-controlled funds will be guided solely by the objective of obtaining the maximum return on contributions consistent with fund security. Once again, in the interests of enhancing the power of union bosses, the Government is employing legislative coercion to deprive employees of their rights to invest their own money.

Not only is this Government attacking the standards of living of workers who benefit from private-firm VEAs, but it is also violently attacking the well-being and standards of living of public servants in SEQEB who are enjoying the benefits of personal employment agreements. Those public servants entered into personal employment agreements in the expectation that those contracts would be allowed to run their term, and they have adjusted their life-styles and their personal budgets on the basis of the financial provisions contained therein.

Now, this Government has callously determined that these agreements will be terminated on 30 September, which will effectively see the average salary of many of the SEQEB workers cut from $35,000 to $31,000, which represents a reduction of about $80 a week. For example, on the basis of these agreements, SEQEB workers have gone into debt by renovating their houses, sending their children to private schools and perhaps buying a much-needed car.

Mr Harper: They did the same thing to the public servants when they came into office, didn't they?

Mr SANTORO: They certainly did. I am sure that other speakers, including members of the honourable member's party, will elaborate on that point. Despite assurances that have been given by the Minister—and I appreciate his giving those assurances—I am sure that compulsory unionism will be introduced into the public service. There will be other opportunities to debate that issue.

This Bill and its provisions will place unbearable financial strains on the families of SEQEB employees. Where is the conscience of the Labor Party? Where is the warm heart of the Labor Party when it comes to these people who will be subjected to tremendous financial hardship?

In no other area of this Government's legislative program is its back-down to pressure from the union movement more evident than in the areas of essential services legislation and in the Industrial (Commercial Practices) Act. My Liberal colleagues, and undoubtedly others, will say more about the repeal of the Essential Services Act and the Industrial (Commercial Practices) Act. Suffice to say that at this point it has been these two pieces of legislation that, during recent years, have guaranteed industrial harmony and stability in Queensland, particularly in the area of essential services.

The prohibitions and sanctions within these Acts have ensured that hospital services, fire services, sewerage services, water-supply services and other essential services have been delivered to Queenslanders free from the tyranny of vindictive and inconsiderate union actions. The much-heralded agreement between the unions and the Government is, as the honourable member for Auburn said prior to my speaking, not worth the paper on which it is written, because, unlike the current laws which are being repealed, it has no legislative clout or teeth.

Can the Minister in all seriousness stand before us in this House and guarantee that the parties—that is, the current parties—to this agreement, let alone their successors three, four, five or six years hence, will abide by it unconditionally? Of course, the Minister cannot.

Through the lack of such a guarantee, the Minister leaves Queensland's essential services industry open to the senseless chaos previously experienced by Queenslanders at the hands of the trade union movement.

This morning, in his answer to my question, the Minister claimed that the legislation to be repealed in the current program of industrial relations reform does not provide an environment for good industrial relations; yet the previous legislative framework gave Queenslanders a most harmonious industrial scene and allowed Queensland's economy to benefit from a lower number of days lost through strike action.

I note that Government members are silent. They are not seeking to prove me wrong.

Government members: We're all falling asleep.

Mr SANTORO: I thank the honourable members for their courtesy.

Why is the Minister trying to turn the clock back to the dark days of power blackouts and electricity rationing? Why can he not learn from the past, or even from his Labor colleagues in Victoria, who have inflicted public transport chaos upon that long-suffering public?

The facts show that Queenslanders are becoming more and more disenchanted with the unrepresentative, tyrannical and even corrupt actions of union hierarchies, yet this legislation does everything possible to coerce and compel workers to remain under union control. It is most convenient for the Government's TLC masters for unions to become bigger and more powerful, and so this Bill seeks to cut the ground from under the smaller industrial organisations.

For example, proposed section 13.4 achieves nothing more than delivering total control of the Queensland industrial relations system into the hands of the big unions and the big employer associations. The particular knowledge and skills of specialist organisations will become lost within the bureaucracy of massive organisations. Queenslanders and other Australians cannot afford to have those specialist skills submerged in this way.

Increased productivity will not come from hungry power grabs of the nature proposed. Productivity increases, with attendant increases in living standards, will be achieved more quickly and in greater amounts by attention to detail at the establishment or industry level.

Does the Minister know, for example, how many existing industrial unions of employees and industrial unions of employers have fewer than 1 000 members? Can the Minister advise the House what was the basis for selecting 1 000 as the figure for clause 13.3 and clause 13.4? The Minister would be well reminded that small is in fact beautiful.

Clause 10.2 closes off any opportunities for non-registered industry groups—for example, the Queensland Grain Growers Council, the Queensland Motel and Accommodation Association, the Queensland Professional Child Care Association, the Restaurant and Caterers Association, which has 500 members in south-east Queensland—not quite the 1 000 required by the Bill, but 500 worthwhile members—the Master Farriers

Association, and employers who are members of those and other non-registered organisations. The effect of this will be to centralise the activities of the accepted and exclusive members of the industrial relations club.

This leads to large registered organisations with limited particular industry representation dominating and controlling the relevant award when the major representative and non-registered industry association has no right of evidence, input and influence on the determination of the award. Under the provisions of the Bill before us, such non-registered organisations, despite their substantial size—for example, 500 members of the Restaurant and Caterers Association— would find it difficult to register because they would need to jump the artificial and malignant bundle of proposed section 13.3 (2) (h), which states that they can only be registered as an individual industrial organisation if—

"there is no industrial organisation to which the association's members might conveniently belong."

There are so many aspects of this legislation that the members of the Liberal Party find obnoxious and invidious that I have only had time to highlight some of the most objectionable provisions. Later speakers from the Liberal Party will give more detailed analysis of other areas.

Basically, the ethos of this Bill is back to the future. At the behest of the ETU cronies, the Minister wants to turn his back on all of the promising developments seeking to move beyond the sterile pattern of confrontation and divisiveness. All around the world, workers are voting with their feet to enjoy the benefits of freedom of choice and flexibility. Even Federal Labor Ministers have recognised that Australia's economic future demands an end to bureaucratic and centralised controls interfering in the relationships between employers and employees.

This legislation betrays the Government's priorities. Whenever there is a choice between the rights of the individual worker on the shop floor and the privileges of the union bosses, Mr Goss and his Ministers come down on the side of their mates in Trades Hall every time.

Their corporatist, authoritarian approach extends even so far as depriving workers of their right to legal representation in relation to charges that carry gaol penalties.

It is 775 years since the Magna Carta was signed at Runnymede, yet today this Government is willing, at the behest of its union mates, to exclude the most basic right of representation for persons charged with offences. So much for the Government's credentials as a guardian of civil liberties and as a modern, reformist administration.

It is a long time since the ALP in Queensland was able to introduce an industrial relations Bill. What a pity that the members opposite have not learnt anything in the last 33 years, and that this Government's reforms reflect the dictates of the faceless men trapped in a 1950s time warp.

Queenslanders deserve legislation that addresses the needs of the future and not the grievances of the past. Because of the legislation that is before this House today, Queenslanders will quickly come to recognise that this is not the Government that they elected.

Mr ELDER (Manly) (3.29 p.m.): Mr Deputy Speaker——

A Government member: Some sense at last.

Mr ELDER: I shall not go on with too much of an emotional, colourful debate, but I will try and stick to the Bill, which will be something that the members opposite will wish they had done.

When the Hanger committee was appointed in July 1987, it was the first major review of Queensland's industrial legislation in 27 years. That in itself is an indictment of the commitment that the previous National Party Government had to the Queensland industrial relations system. It took 27 years.

The Hanger committee was restricted by both its terms of reference and by the fact that there was already a separate inquiry under way into Part VIA of the Industrial Conciliation and Arbitration Act. This meant that it could not look directly at VEAs and the extra arbitral laws.

Despite those restrictions, the committee received over 56 written submissions and a total of 42 organisations and individuals made representations at the public hearings.

The Hancock report, which brought down a review of the Federal industrial law and industrial relations Act, had a significant impact on the Hanger inquiry into conciliation and arbitration. Indeed, the Hanger report pointed out the need for close cooperation with the Federal system and the dangers involved in any further fragmentation of the State industrial system.

This fragmentation had been brought about when a number of extra arbitral laws had taken a number of disputes and employment areas outside the jurisdiction of the Industrial Conciliation and Arbitration Act. That was a common practice with the previous Government. Unions had been further disadvantaged by the introduction of the Industrial (Commercial Practices) Act and Another Act Amendment Act, which was amended to require unions to give seven days' notice of industrial action or risk severe penalties.

Perhaps the most significant act of the inquiry was to urge the Government to consider the submissions calling for the reintegration of the Queensland industrial law into a single Act. When the Hanger report was brought down in November 1988, the then Minister, the honourable member for Peak Downs, said that since he had called for public reaction to the report there had been widespread support from the community. He said at the time—

> "All sections of the community, unions and employers have expressed their general support for the Hanger report in its current form. I am hopeful that I will be able to take the report unchanged to Parliament in March."

In real terms, the report and the draft reform Bill it contained were given a quick look-over by the Department of Industrial Relations and placed in the too-hard basket. The old maxim that where there is a will there is a way was applied in reverse. The previous Government did not have the will to implement the report so it failed to find a way.

I might add that at the time it had the support of the Liberal Party. It went for the Hanger report and had the opportunity to support its implementation when it was presented. I do not know what happened in the debate at that time because I was not then a member. Let me say simply that it was put into the too-hard basket.

I would like to deal with a couple of specific areas of the Industrial Relations Bill. One important area is the incorporation of the Wages Act in the new legislation. The Wages Act 1918-1983 emanated originally from the United Kingdom's system of truck legislation. The Truck Act of 1831 and subsequent UK legislation was designed to protect the workers to whom the Act applied from abuses in connection with payment of wages. It was established to protect the payment of the agreed wage to employees and, of course, was not limited to award wages or to employees covered by awards.

The main purpose of the Wages Act was to ensure that wages were payable only in money and that payment in goods was illegal. The Act also stated that no deductions could be made from a person's wages without agreement or an industrial award and that no conditions could be expressed or implied as to the place, manner or person with whom the workers' wages could be expended.

In other areas of award-free employment, the Wages Act, if needed, enabled employees to take their own action to recover benefits from the employer. An employee, or a union on behalf of an employee could recover unpaid wages for work done by him or her where that work was not covered by an award. Thus, to recover wages, it is necessary to proceed by complaint under the Wages Act 1918-1983.

The term "wages" is broadly defined under the Wages Act to include money paid, delivered or contracted to be paid, delivered or given as recompense, reward, remuneration or consideration for any service, work or labour rendered or done by a worker, whether within a certain time or to a certain amount or for a time or an amount uncertain and whether payable daily, weekly, monthly or otherwise.

Thus, where an employer engages a worker at a rate of pay in excess of an award rate, it is often necessary to proceed under section 34 (1) of the Wages Act because section 97 (1) of the Industrial Conciliation and Arbitration Act states—

> "Where an employer employs any person to do any work for which the price of rate is fixed by an award . . . he shall pay in full in money to such person the rate or price fixed."

That means that, under the arbitration Acts, only the award rate can be recovered, so one can see the need for one piece of legislation covering both the Industrial Conciliation and Arbitration Act and the Wages Act.

The amending Act of 1983, that is, the Industrial Conciliation and Arbitration Act and Another Act Amendment Act, had made provision for the Industrial Conciliation and Arbitration Commission to deal with employment contracts which could be seen as harsh and/or unreasonable. The provisions were to assist employees working in the award-free situations. Such persons were only afforded some protection by this section.

Employees in Queensland who were not covered by an award or industrial agreement were left to themselves to determine the remuneration and conditions of employment. With no minimums, in effect the only check in all of these areas is the Wages Act and section 123A of the arbitration Act.

Consequently, the powers of industrial inspectors under the Bill have now been expanded to allow industrial inspectors wider powers to enter, inspect and examine matters in relation to a calling. The definition of "calling" has been changed somewhat and it now means any manufacture, trade, undertaking, vocation, craft or any occupation and any section thereof. In other words, it has been broadened.

Under the Act, an industrial inspector could only deal with matters surrounding an award or industrial agreement. Under the Bill, an industrial inspector has wider powers to handle matters generally not limited to an award—in this instance, specifically to examine employment contracts pursuant to proposed section 4.21 and generally matters that might arise in relation to non-award employees.

In short, now that the Bill incorporates the Wages Act, the industrial inspector may take a wages complaint from non-award employees, investigate the matter and pursue recovery of any allegedly unpaid moneys on behalf of those employees, through the channels that were previously only available to award employees, namely, the Industrial Magistrates Court. The inspector may pursue the rate agreed between the parties, as no rate has been fixed by an award.

The industrial inspector is also now able not only to represent the person before the commission, pursuant to the unfairness of a contract, but also may investigate the issues surrounding the claim. The objects of the Act and the general provisions of the Act are now applicable to non-award employees.

The incorporation of the Wages Act in the Industrial Relations Bill, as recommended by Hanger, has not only simplified and brought the legislation up to date, but also reinforced the position of non-award employees by incorporating them under the general umbrella afforded to employees in the Industrial Relations Bill.

There are a number of other clauses of the Bill on which I should like to make brief comment. Clause 15.4 of the Bill is headed, "Wages record of non-award employees." It requires an employer to keep wages records of non-award employees. This was previously a requirement, although it was not as clearly spelt out under section 126 of the arbitration Act. Thus, non-award employees have clearer provisions to ensure that the employer meets these obligations. Also, as an adjunct, clause 15.3 of the Bill, which

deals with the requirement of employers to keep records of time and wages matters, has been expanded to include records about superannuation and sick leave having to be kept.

I was interested to hear the honourable member for Merthyr speak about superannuation. I, too, would like to mention superannuation. Clause 5.4 gives the magistrate power concerning unpaid superannuation contributions, something that the honourable member for Merthyr failed to mention.

On application by an employee, or the industrial organisation of which he or she is a member, the industrial magistrate may order an employer who has failed to pay contributions to an approved superannuation scheme or fund on behalf of any eligible employee as required by an award to pay the amount of the unpaid contribution. Superannuation was a matter on which the Australian Government and the ACTU reached historic agreement, that is, that national productivity—a 3 per cent wage equivalent—should be distributed in the form of new or approved superannuation arrangements. The result was that, by agreement, superannuation clauses were placed in many State awards by application from the respective unions. The object was to ensure that every employee would have at least a 3 per cent wage equivalent entitlement in a superannuation scheme which accrued interest and surpluses. There was a need to ensure that employers complied with this requirement and also to provide legislative protection to employees should an employer fail to meet this requirement. This Bill provides the legislative safeguard and its provisions overcome the deficiencies of the present Act which allows for the recovery of wages, annual leave and other entitlements, yet makes no provision for the payment of unpaid superannuation or for the probable sum of the return on the investment to be paid into an appropriate fund for the benefit of the employee. I congratulate the Minister on the introduction of these provisions.

Clause 4.25 of the Bill deals with demarcation disputes. This is a major step forward. This new Industrial Relations Bill provides a power similar to that which is conferred on the Full Bench of the Federal Industrial Commission under section 118 of the Australian Industrial Relations Act 1988. Under that Act, the Full Bench now has the power to make an order for the prevention or settlement of a demarcation dispute. In exercising its power for the prevention or settlement of a demarcation dispute, the Queensland Full Bench of the Industrial Commission may give exclusive rights to represent the industrial interests of a particular class or group of employees to an industrial organisation. This power may be used to remove potential or existing demarcations between unions where it may inhibit the efficiency or productivity of the enterprise, and provide opportunities for multiskilling and career paths to allow employees access to better pay and more fulfilling jobs. This is all to do with productivity, and this Government is moving down the line towards a sensible industrial relations policy.

Clause 11.11 concerns reinstatement and re-employment. This Bill includes a provision that addresses the matter of the reinstatement and/or re-employment of employees who have been dismissed from employment. The matter may be dealt with under the existing legislation, but this Bill now provides a legislative framework for its operation and the procedures to be adopted. Also, the commission may award compensation to employees who have been dismissed instead of ordering reinstatement or re-employment when the commission finds that it would not be appropriate relief. This is something that is missing at the present time.

Clause 11.10 concerns grievance or dispute-settling procedures and requires every award and industrial agreement to make provision for a grievance or dispute-settling procedure. The clause to be inserted in awards and industrial agreements will contain certain procedures to be adopted by the parties in pursuing the settlement of a grievance or dispute. Such a clause is not contained in the present legislation. The object of the clause is to encourage and facilitate conciliation in industrial matters. The emphasis is on the embodiment of a process of conciliation into industrial relations matters, thereby limiting industrial confrontation which emanates from a lack of understanding of or negotiation on the grievance or dispute. The adoption of this type of clause is also aimed

at reducing the number of frivolous matters that may have gone to the commission in the past due to the unwillingness of the parties to discuss the industrial matter causing the grievance or dispute. This type of clause also provides a framework to promote consensus at the workplace on industrial matters, rather than confrontation. This is long overdue in Queensland.

Clause 11.9 is a preference clause providing for the rights of industrial organisations under awards of the commission. Previously, the matter of inserting preference into an award was not clearly spelt out and resulted in a number of disputes over this issue. The commission is now clearly able to insert preference provisions in an award or industrial agreement and set out the conditions under which preference may be granted. Clause 11.9 (2) states—

> "The prescribed conditions on which preference is to be granted are—
>
> (a) an employer is required to give preference to a member of an industrial organization over another person only when all factors relevant to the particular case are otherwise equal;
>
> (b) an employer is not required to give preference to a member of an industrial organization over a person in respect of whom there is in force a certificate under section 13.53;
>
> (c) preference means preference at the point of engagement and preference at the point of retrenchment."

This provision will enable all unionists to have some added protection in their employment.

Clause 15.21 provides for payments to those who are financially distressed. This involves payment from the Unclaimed Moneys Fund in the Treasury to an employee who is suffering hardship due to the underpayment of wages which cannot be recovered from the employer. This provision allows employees to receive instant payment in cases where the employer may have become insolvent, which has occurred on many occasions. It must be remembered that when employers face bankruptcy, it is always the employee who suffers from the insolvency. As a result of this provision, the employee does not have to suffer unfairly through no fault of his or her own actions or as a result of poor management of the company.

In clause 11.27 the Bill provides for long service leave entitlements for casual employees. The clause extends the long service leave provision to certain types of casual employees. In the past, that has been a contentious issue. The Industrial Court and the Industrial Commission have determined that some, but not all, casual employees were entitled to long service leave. This provision formalises the criteria which must be satisfied by casual employees before obtaining long service leave benefits, thus ensuring that casual employees will receive long service leave on a fair and equitable basis.

I have highlighted only a few points in the legislation. A number of other speakers on the Government side of the House will continue to the debate to highlight other provisions in the Bill and the forward-thinking nature of this legislation. The Government's legislation differs from the Hanger report on only a few minor matters. However, the intent of the Hanger report has been mirrored in this Industrial Relations Bill which has been introduced into this House by the Minister for consideration by the members. I commend the Minister for his efforts in the presentation of this Bill to the House.

Mr COOPER (Roma—Leader of the Opposition) (3.45 p.m.): I commend the Opposition spokesman for the manner in which he has presented an analytical exposé of a lopsided Bill. At the outset, I must question why this Labor Government has rushed into the House what I will describe as the Warburton Industrial Relations Bill and why it is being debated today. I think all honourable members would recognise that it is major legislation but, importantly, its provisions deviate from the Hanger report on the commission of inquiry into the Industrial Conciliation and Arbitration Act in relation to fundamental issues.

The implications of the Warburton Bill in respect of diminished union accountability, lack of protection for small business and preservation of union power are such that the Bill should remain on the table until the next session of Parliament so that representatives of industry and members of the public can read the legislation and suggest amendments. No analyses of the implications of the non-Hanger recommendations contained in the Warburton Bill have been carried out. There has been no debate on the provisions. The obvious aim of the Government is to push this legislation through the House as quickly as possible to beat any detailed examination of this 267-page Bill.

The answer to the question raised about the rush of this legislation through the Parliament must certainly be that the Minister and this Government want to avoid having to incorporate in it any recommendations made by the Cooke inquiry. I ask the Minister: why has the Bill been brought on as the first Government business of the day? I really cannot understand why, but perhaps the Minister can provide the House with an explanation. It strikes me as peculiar that the Cooke inquiry's report is published today and that the Bill is being rammed through before Mr Cooke's recommendations can be taken into account. There can be no answer to my question, other than that the Government's intention is to circumvent the profound findings on union accountability made by the Cooke inquiry .

The Labor Government's handling of the Cooke inquiry is nothing short of a scandal. It has to hide behind the advice of the Solicitor-General and say that the sanitised version of the document is all that the public can have. The Labor Government does not want the public to read Mr Cooke's comments about its mates. This Government has double standards.

It was good enough for the Black report—the report by the dumped and failed Senator John Black who inquired into drugs in sport—to be made public without censorship, in spite of the fact that it contained names of sports stars such as Jane Flemming, and the names of doctors, coaches and chemists. Yet this Queensland Labor Government deems fit to censor the Cooke report. If the Government is opposed to censorship—it is supposed to be—it is showing a strong degree of sensitivity when it comes to its own union mates. The reasons are now obvious for this Labor Government's handling of the Industrial Relations Bill and its rushing of this legislation through this Parliament before the Cooke report can be studied. It must be remembered that this Labor Government has had the Cooke report for some time.

Mr Warburton: How long have we had it?

Mr COOPER: Long enough. It would have been very interesting to have been a fly on the wall when the Minister and the Trades Hall bosses actually read the report, particularly recommendations for legislative change that contained reference to political objects or a political objects fund.

In common with many other people, Mr Cooke obviously took the Labor Party "as its ward", which was to introduce the Hanger recommendations. However, Mr Cooke, along with many others, did not foresee that this Labor Government would omit the political objects part, section 57M of the repealed Act—the section that deals with political objects. Mr Cooke recommends the tightening of the political objects section to include not only fees paid to affiliates of any political party but also to any group. What does this Government do? It omits the section dealing with political objects.

The Minister for Employment, Training and Industrial Relations implies that that part is irrelevant. I present a test for this Labor Government. Let me call it the "public accountability test". The Labor Party's election campaign was based on its attitude to corruption and accountability. Up until now, it has skated along on the accountability reforms implemented by the National Party Government. If it is fair dinkum about accountability, it will now introduce a political objects amendment as recommended by Mr Hanger, and include Mr Cooke's proposal. That is the test of the standards of this Labor Government's approach to public accountability. It is a question of whether or not the Government will accept the challenge. I know darned well that it will not.

The only conclusion that one can draw is that Trades Hall and the union bosses are diverting the Minister for Industrial Relations and are running the Government behind the scenes. The legislation that has come forward makes the position perfectly clear. If the Labor Government does not insist that the political objects requirements are included in the Bill, it will give credence to the rumours that are presently circulating in the business sector that the unions are running the Government. One only has to listen to the talk coming from the board rooms to know that industry is concerned about the level of union involvement in Government. For example, a Trades Hall boss, Tom Barton, is a member of that august body, the Queensland Treasury Corporation.

The gulf between the previous National Party Government and the present Labor Government in the introduction of reforms is so vast that it puts the present Government into the neanderthal category. The National Party introduced the Fitzgerald reforms "lock, stock and barrel", but this Labor Government has introduced nothing. When this legislation is compared with the Hanger report and the Cooke report, its provisions amount to nothing.

As a response to all the scandal emanating from the Cooke inquiry and allegations of mismanagement of membership funds, the Labor Government has introduced this Industrial Relations Bill before Cooke had even presented the report. An example of this Government's sell-out to the unions is amply demonstrated in clause 13.83 which relates to industrial organisations having to keep proper accounting records. That part of the Bill provides an invaluable insight into this Labor Government's standards of accountability and its softness on the unions. The Government has given power to the unions to keep their financial records at a standard that would be appropriate for a school picnic. Clause 13.83 has been uplifted, in part, from the Companies Code. Subclauses (1) (a) and (1) (c) reflect, word for word, the provisions of the Companies Code. However, subclause (1) (b) differs markedly because it allows an industrial organisation to keep its accounting records in such a manner as will enable its finances to be prepared from records that "are prescribed". The question that must be asked is: prescribed by whom? Presumably, the records will be prescribed by this Labor Government, acting on advice from Trades Hall. I ask the Minister: where are the details of that advice? Are they in the regulations? Can they be seen now? I know that they cannot be seen and that they will be prescribed in regulations that will be written later, after the Bill has been passed.

The point is that the regulations should not be hidden away. The provisions of the Bill should contain the records that are to be prescribed so that everyone can see them. I ask the Minister: what on earth does he have to hide?

Public accountability demands that these so-called regulations should be expressed in the Bill. The question still remains about why this Labor Government used Australian companies legislation—the Companies Code—as the basis for the section on accounts, yet omitted a very pertinent part. The differences between the clause inserted and the clause omitted from the Companies Code is the requirement that the accounting records be kept in a manner that would enable the preparation of true and fair accounts. That provision is still in the Companies (Queensland) Code, but it has been left out of this legislation. There is now no requirement for unions to render a true and fair account of their records.

By leaving out that clause, the inference could be drawn that the accounting records may be contrived and unfair. The Minister should tell the House why that critical clause was left out of the legislation. I have no doubt that he will. I ask him to inform the House of what he believes to be the difference in standard between company directors and union bosses. Union officials and directors are responsible for hundreds of thousands of dollars of membership funds and business interests. The standard of accounting for union officials should be no different from that applied to a company director.

The provisions under Division 9—Accounts and audit—are substandard and should be withdrawn entirely and replaced by the Companies Code. Surely, what is good for one is good for another. This is another test of the Labor Government's standard of

public accountability. The test is whether it will provide for greater financial accountability for unions by adopting the Companies Code for industrial organisations. The Opposition will be most pleased to give this Labor Government the time to make the necessary amendments.

The Warburton Bill is really such a massive sell-out to the unions and so much in conflict with the Cooke and Hanger reports that the only proper way to handle it is to let it lay on the table, thus giving the Government time to review it and, what is more important, the community time to assess it. It is a shambles—there is no other way to describe the mess in which this Labor Government finds itself.

Mr Warburton: That section that you have just described is exactly as Hanger recommended.

Mr COOPER: The Companies Code?

Mr Warburton: Exactly what Hanger recommended.

Mr COOPER: The Companies Code? Fair and accountable?

Mr Warburton: And you are arguing against it.

Mr COOPER: I am asking why the Minister has taken that clause out. Why is what is good for company directors not just as good for unions? What is good for one is good for another.

Mr Warburton: You are arguing against it.

Mr COOPER: I am not. I am saying: what is good for one is good for another. I am putting the point, and the Minister has missed it entirely. He has left the clause out. It is a disgrace.

The Warburton Bill is now so irrelevant that the Minister's political judgment and motives are suspect. It could be said that there has been a conspiracy at all levels of the Labor Government—at ministerial, Cabinet and Caucus levels—to circumvent the Cooke report.

Labor's pre-election industrial relations policy was that a Goss Government "would implement recommendations of the Hanger Committee of Inquiry . . . Unlike the present Government, however, my Government will support the approach in the Hanger report". That statement was part of the Goss strategy for economic growth. Nowhere in Labor's pre-election propaganda did it mention what it would add to the proposed Bill or what aspects of the Hanger recommendations it would not introduce.

This Warburton Industrial Relations Bill demonstrates the corruption and dishonesty of the Labor Party. During the election campaign, it promised to put an end to corruption and to provide honest government. Honest government must mean at least that explicit undertakings are honoured.

During the election campaign, Mr Goss denied that there was any hidden industrial relations agenda. He claimed that the Labor Party would do no more and no less in the industrial relations area than implement the recommendations of the Hanger commission of inquiry. It attacked as "scaremongering" those who suggested that it would take other actions—such as those set out in this Bill—which would be to the benefit of the unions.

So effective was this pre-election propaganda that the Queensland Confederation of Industry did not realise that the Industrial (Commercial Practices) Act and the Essential Services Act would be repealed. Mr Roger Bryce of the QCI said that the "Government was not being fair dinkum". Bryce said that "there had been consultation and agreement on the legislation but there had never been any mention of the abolition of the two Acts". He went on to say that the "industrial community had looked upon the new legislation as positive—a reaction that would now reverse because of the abolitions". The QCI representative said that the QCI never regarded the essential services legislation as industrial legislation.

By repealing the two Acts, Labor has supported the legislation which gave support to small business and protected it from union anarchy. That measure, standing alone, is a massive sell-out to union power. The fact that the Labor Government caved in to the might of Trades Hall indicates the strength of Trades Hall.

The position now is that small business is left without any protection whatsoever, except common law, whilst big business can get protection under sections 45D and 45E of the Trade Practices Act. By repealing the Industrial (Commercial Practices) Act, this Labor Government has shown absolute bias towards Trades Hall and contempt for small business. Protection of union mates has taken priority over economic affairs and industry nationally.

This Labor Government has dithered on every major economic decision: what to do with the Small Business Development Corporation, the Ensham mine, the Cape York-North Queensland Enterprise Zone, and the sale of the Gladstone Power House to Comalco. It has now squibbed on standing up for small business on important industrial relations matters.

Was the Minister for Manufacturing and Commerce consulted? I do not think the poor fellow is really in a condition to be consulted. He has my sympathy, but I do not believe that his advice was ever sought. What is more pertinent, I ask: did the Minister for Industrial Relations consult widely on the repeal of this legislation? Did he seek advice from the private sector? Did he take directions from the Trades and Labor Council? Of course, I will not receive an answer.

The so-called Minister who is responsible for small business, the poor Mr Smith, stands condemned for his lack of effectiveness and his inability to argue a substantial case for the retention of the Industrial (Commercial Practices) Act. Previously, the Opposition has called for his resignation. As a matter of principle, he should follow the advice of the *Townsville Bulletin* and resign. He has not been able to stand up for the people in his own region. The Minister for Industrial Relations has the reputation of being a loner. It is clear that he would not take advice, except from his mates. The clear view is that the Industrial (Commercial Practices) Act should be retained. Hanger did not recommend its repeal. It is only the troglodytes in the union movement, whose leader in the Government is the Minister, who demand that the Act be repealed.

The Warburton Bill provides no protection for small business; yet it gives the unions carte blanche, with full powers to snoop on small business. The Warburton Bill legalises snooping by unions. It is a form of intimidation that small business should be subjected to the legalised snooping by a so-called authorised industrial officer of an industrial organisation. At a time when the number of small business bankruptcies increased by 37 per cent in the 1990 March quarter, this Warburton Bill allows unions to continue their intimidation of small business.

Things will never be the same again. Small business, in particular, will never again enjoy the protection that it has enjoyed in the last five years. Snooping on small business and their wages books almost became the chief initiative of the Minister for Industrial Relations from the moment he became the responsible Minister. He even issued press statements back then and bragged in ministerial statements about the defects of small-business operators.

The Opposition wonders where the privacy is in this Bill. The so-called liberators of the Labor Party must be feeling ashamed that they have had to be a party to such an invasion of privacy by an industrial officer. It has certainly been a great win for Trades Hall and the unions. They can now legally snoop. They should be feeling very happy with themselves. The effect on small business will be devastating. The perfect mechanism for undertaking inspection of wages books is the Industrial Inspectorate. It is here where professionalism and credibility reside. Of course, the reason why Trades Hall wants legal effect given to snooping on the wages books of small business is so that they cannot demand union membership. It is just a very underhanded way of getting memberships. The Opposition has received many complaints from small-business operators

about the aggressive tack of union organisers and industrial officers since this Labor Government came to power. It literally started on day one.

At the outset, Hanger did not recommend the repeal of the Essential Services Act 1979-1989 or the Industrial (Commercial Practices) Act and its amendments of 1985 and 1987. What Hanger did say was that, to some extent, his review was incomplete, as he was recommending a separate review of those sections of the Act dealing with voluntary employment agreements, industrial agreements, the role of industrial magistrates and also a review of the Industrial (Commercial Practices) Act.

So what this Labor Government has done is to take the stand that it is the repository of all industrial relations wisdom and it has not bothered about a review of voluntary employment agreements and the Industrial (Commercial Practices) Act. This, it must be said, is out of character for this Labor Government because, after all, it has instituted something like 85 inquiries in six months, and I do not think another couple would really have mattered. The modus operandi of the Goss Labor Government is "Government by inquiry or a review", so the fact that the Government is not carrying out the reviews recommended by Hanger suggests that Trades Hall is running the Government or that Labor is desperate to circumvent the Cooke report.

If one reads Labor's black book, its policy document or the hidden agenda, one finds that what Goss did not say in his strategy was that an ALP Government was committed to achieving a single piece of industrial relations legislation. This meant that it planned from the outset to repeal the Essential Services Act; the Industrial (Commercial Practices) Act; the Electricity Industry (Continuity of Supply) Act; and the Electricity Authorities Industrial Causes Act. The nub, however, is this, "The legislation will follow a comprehensive review of industrial relations legislation."

Some questions must be asked. Why is this Labor Government not reviewing the Industrial (Commercial Practices) Act and the Essential Services Act? Why is it rushing this industrial relations legislation through the House? The answer is easy. It is to circumvent the Cooke recommendations and his advice on union accountability. Only half of that job has been done. The other half is about to be done—that is, of course, if it is not closed down. I doubt that it can be now. However, this legislation should have waited until the inquiry is completed.

As I have said, this Industrial Relations Bill is a significant piece of legislation. Instead of being rushed through the House, it should remain on the table until the Budget session. This would give time for business and interested persons to examine the Bill and, more importantly, allow time for the public to digest the first Cooke report—which no-one has really had a chance to do—and to have its recommendations incorporated into the legislation. The Bill was introduced on 17 May. It needs the widest possible circulation before it is debated in the House. Unfortunately, it is being debated now. The Opposition intends to debate it right through to finality.

The Minister has said that this Labor Government is not blighted by ideological bias. Quite obviously, he was speaking with his tongue in his cheek when he said that, as the bias towards the unions is such that it has in fact corrupted this legislation. Nowhere do the objects of the new Act contain the hidden agenda, that is, to put unions into a position of privilege and to legitimise their slush funds. One has only to look at the $10m pay-out to SEQEB workers, whose behaviour was the cause of the 1985 electricity dispute, to find the deceit and hypocrisy of this Labor Government.

In 1986, the then Leader of the Opposition, Mr Warburton, promised that action taken against the SEQEB employees would be redressed by an incoming ALP Government. This was not mentioned in 1989, but it was certainly in the hidden agenda, and definitely not in the Hanger recommendations. Already this Labor Government has misled the people of Queensland. Of course, the Minister for Industrial Relations is a former assistant secretary of the ETU, so his second major initiative was to look after his mates. Incidentally, his first initiative was to appoint Glenys Fisher from the Professional Officers Association to the Industrial Relations Commission—an appointment which did

not even have the Premier's blessing. One has to wonder whether this Bill has the seal of approval of the Premier and his policy advisers. Rumour has it that it does not.

The magnitude of Labor's pre-election deceit regarding the pay-out to SEQEB workers pales into insignificance in the face of certain provisions of this legislation. Matters not considered by the Hanger committee but included in the Bill are the abolition of voluntary employment agreements, which were outside the committee's terms of reference, being Part VIIA of the former Act, and the repeal of the Essential Services Act and the Industrial (Commercial Practices) Act, leaving big business protected by sections 45 (a) and 45 (e) of the Federal Trade Practices Act but leaving small business with no protection whatsoever.

Matters in relation to which the Bill is inconsistent with the Hanger recommendations include the Political Objects Fund. In his second-reading speech, the Minister embarrassingly tried to rationalise why the Political Objects Fund provisions were not included in the Bill. He argued that section 57 (a) of the Act, which commenced operation on 13 April 1986, was inserted by the National/Liberal Governments "to intrude into the internal affairs of unions for purely political purposes". According to the Minister, it was seen by many that the main desire was to cut off the payment of affiliation fees by unions to the ALP.

According to Hanger, that section was inserted—

> ' . . . in response to complaints by some unionists objecting to part of their union subscriptions being used to finance the objects of a political party."

Incidentally, comparable legislation exists in section 107 of the New South Wales Industrial Arbitration Act.

It is most interesting to read what Hanger said on this matter. He argued—

> "We have in Chapter 1 of this Report that the conciliation and arbitration system is based upon the existence of a trade union movement and that therefore the system should encourage the existence of free and strong trade unions who are able to properly and effectively provide services to members. For that reason, trade unions are in a somewhat privileged position in the system. They have advantages that others do not have. In particular, preference provisions are inserted in awards for the benefit of assisting trade unions. The existence of preference clauses and closed shop arrangements means that there is some degree of compulsion upon persons to belong to a trade union.
>
> It is trite to say that many members of trade unions are reluctant members and we believe that it is, therefore, wrong to compel such persons to contribute money to a trade union knowing that that money is to be used for the furtherance of the aims of a particular political party. It means that many members of trade unions would be contributing to support one party when they, in fact, prefer to support another. That amounts to a significant inroad into personal freedom which should not be encouraged.
>
> We therefore see no reason to alter the present Section 57A."

The committee recommended that section 57A of the Act be retained. Hand in hand with the scrapping of the Political Objects Fund is the "preference", which is—cutting through all the legal argument—just another name for compulsory unionism.

The Warburton Bill provides that, via affiliations, the Labor Party will have access to a pipeline of funds from every person who is conscripted into a union. I find that absolutely amazing. The Labor Party talks about personal freedom, civil liberties and equal suffrage, yet the Warburton Bill insists on "preference" and permits its union mates—its cronies—to make donations to the Labor Party.

If a National Party Government had given the United Graziers Association the authority to compulsorily enrol numbers with the National Party being the beneficiary of, say, 10 per cent of the membership fee, the Labor Party and its satellites would have shouted, "Corruption." They would have maintained that they were outraged and that

the action was an infringement of human rights. Amazingly, however, as the Labor Party legislates to conscript employees to its cause, the so-called libertarians are mute.

Mr Beattie: No, we're not.

Mr COOPER: The honourable member is obviously feeling the effects of what I am saying.

These aspects of the Warburton Bill are in conflict with the International Covenant on Civil and Political Rights, which maintains that a fundamental right of workers is the right to join or not to join a union of their choice. Such a right is not included in this Bill. The inference that one can draw from this is that Mr Warburton is insisting that employees join his unions, and probably he would prefer that they join the ETU.

Without a shadow of doubt, Labor is cementing into law a totally corrupt practice. Labor has double standards—one for itself, whereby it is okay to siphon funds from a conscripted union member to the ALP to pay for its political campaigns, and another, whereby it would be corrupt for its political opponents to be party to that very same practice. There is one rule for one and one rule for another. It is wrong and corrupt.

Labor knows that it is proposing a corrupt practice. This Bill is legitimising a corrupt practice. Hanger said that the present provisions should be retained, because to do anything else would represent a significant inroad into personal freedom. This Warburton Bill makes precisely that freedom for the benefit of the ALP.

What could be more corrupt than legislation that protects union cronies at the expense of the community generally, forces people to join unions and ensures a steady flow of funds to the ALP, even if those who have to pay those funds object? The Warburton Bill will be regarded by the Trades Hall and the Labor Party as manna from heaven. Good luck to them! Across Australia, union membership is declining, but more particularly here in Queensland where only a certain percentage of the work force is in a union.

In September 1989, Roy Morgan Research conducted a significant poll on the subject of unions. On the question "Should union membership be voluntary or compulsory?"—87 per cent said that it should be voluntary, whilst a mere 11 per cent said that it should be compulsory. Among union members, 82 per cent said that it should be voluntary. Furthermore, 81 per cent of ALP voters said that union membership should be voluntary. According to those figures, it appears that the Labor Party is out of step with modern thinking.

The Labor Party is plunging the State back into the dark days that existed prior to 1957. This Labor Government should take heed, because it was union power that brought about the demise of the Labor Party in 1957. Some 40 years later, the Warburton Bill has the inbuilt capacity to bring about its fall again.

I commend the Opposition Industrial Relations spokesman, the member for Auburn, for his analytical expose of this Bill. He has put a tremendous amount of work into it and his foreshadowed amendments. Although it is tragic to witness this legislation, the Opposition will ensure that it makes an impression that is felt. I reiterate that the Opposition stands for voluntary employment agreements, productivity and equality across all sectors. When the National Party returns to Government, it will restore those elements of productivity and equality across the board.

This is certainly a retrograde Bill which epitomises backward thinking, represents blind subservience to unions and contains a certain amount of vindictiveness to get square with business. Once this Bill is forced through on Government numbers, those strike-free days of the past five years in particular will disappear. However, I reassure the people of this State that the National Party will eventually restore a freer aspect to industrial relations. Without doubt, this is a very sad day for the people of this State.

Mr SMYTH (Bowen) (4.15 p.m.): It is with some pride that I rise to speak on this Industrial Relations Bill. It is a major piece of reform that this State needs. I am pleased

that the Minister responsible for the legislation, Mr Warburton, and the Government, have come forward with it so quickly. I was amazed to hear the Leader of the Opposition speak in this place about human rights and freedom of speech, when in the late 1970s he and his colleagues and the Liberal Party introduced into this place legislation forbidding street marches. That Government used the police as a political tool to smash the heads of people in the streets of Brisbane. Yet members opposite talk about democracy! In supporting this legislation, I encourage members who are concerned that we do need a fair and just society to remember the fascist antics which were employed by Sir Joh Bjelke-Petersen and his puppets during his reign as Premier.

This Bill is based largely on the Hanger report, which was commissioned by the Bjelke-Petersen Government. But he and his puppets chose not to take note of this progressive study. I will speak firstly about clause 4, which relates to the commission. Under this legislation, the commission, which is a very important part of our democracy, will be retained. That clause reads—

"4.13 General jurisdiction of Commission.

(a) all questions of law or fact brought before it or that it considers expedient to hear and determine for the purpose of regulating any calling or callings;

(b) all questions arising out of an industrial matter or involving the determination of the rights and duties of any person in respect of an industrial matter;

(c) all questions that it considers expedient to hear and determine in respect of an industrial matter;

(d) any industrial dispute, as to which an Industrial Commissioner has held a conference under this Act at which no agreement has been reached, and which a Commissioner has thereupon referred to the Commission;

(e) all appeals duly made to it under any provision of this Act;

(f) all matters committed to the Commission by this, or any other, Act."

Mr Harper expressed a concern that this Bill related only to those people who belonged to a union. It is clear that he did not read the Bill or that he did not understand it.

Mr Palaszczuk: He didn't read it.

Mr SMYTH: That is probably right.

He maintained that the taking-away of VEAs would be a violation of human rights. I will give him an example of a violation of human rights. In the town of Moranbah, which is in my electorate of Bowen, a local service station——

Mr Harper: Answer the accusation that I made.

Mr SMYTH: The honourable member should listen to what I have to say. He will see what happened because of VEAs under his Government's regime.

I was referring to a local service station owned by a Mr Vaness. He employed two Fijians of Indian descent. Because of the political strife in Fiji, these two workers fled from their homeland and took refuge in Queensland. They and their families were sponsored to Australia by Mr Vaness. I make it quite clear that the travelling expenses incurred were paid for by the workers and their families, not by Mr Vaness.

One of the men, Mr Brigg Kumar, and his wife informed me of their concern that he was not being paid the same as others in his position. When he asked his employer, he was told that he was on contract—a VEA. There was no copy given to Mr Kumar. It was a secret, as we on this side have maintained in this place VEAs are.

Mr Harper: Then it couldn't have been a VEA.

Mr SMYTH: This is what the Government of which the honourable member was a member left workers open to. People took advantage of his Government's legislation.

Under the contract, it was explained that Mr Kumar was expected to work longer than eight hours a day, that he could be called out on weekends to carry out RACQ work and that he was not to expect any extra payment. He and his friend were also told that they were not to carry out mechanical work in their own home in their own time. They could not undertake weekend work in order to increase their standard of living, otherwise they would get the sack. It was put to them that if they complained, they would be deported back to Fiji, to a place where they and their families would be in danger.

By working through a Federal Government department, I found that the threat of deportment was a farce. By letter to that department, I made it quite sure that Mr Vaness and people like him would be canvassed in the future if they wanted to bring to Australia what I term to be slave labour from countries such as Fiji.

Mr Borbidge: Did you contact the industrial inspector?

Mr SMYTH: I did, yes. He took it upon himself to look at the situation. However, I could not obtain enough information for Mr Kumar, so I contacted the Federal department. Since then, the owner, Mr Vaness, has gone into liquidation, which I think has been a blessing for the Moranbah community. He has since left the country.

Mr Harper interjected.

Mr DEPUTY SPEAKER (Mr Hollis): Order! Will the member continue with his speech?

Mr Harper: None of us condones unlawfulness.

Mr SMYTH: No. But as a Government you allowed this type of thing to happen.

Mr Borbidge: No, it would have been illegal.

Mr SMYTH: You allowed it to happen, and it happened all over the State. It was like the situation in Roma that Mr Vince Lester tried to cover up.

Mr DEPUTY SPEAKER: Order! I ask the honourable member to address his remarks through the Chair.

Mr SMYTH: In relation to VEAs—the committee of inquiry recommended that there be a separate review of the provisions relating to voluntary employment agreements following the consideration of the report.

The National Party Government did not carry out any separate review of VEAs. It implemented VEAs simply to bring down the standards of the workers in this State—to bring about a change. In doing so, it tried to infringe on Federal awards, over which it had no jurisdiction.

I cite as an example a case involving a Federal award relating to workers in the electorate of Callide, which is held by Mrs McCauley.

Her husband is the part owner of a coalmine in that area. He employed workers under a State award and he intended to implement VEAs. He paid his workers on a monthly basis and below the award rate. It was not until the Queensland Colliery Employees Union confronted the company that those workers were paid the correct award rate and also on a weekly basis. That is the type of thinking that the National Party introduced into businesses in this State.

Another part of the Bill that I support is clause 4.13 (2), which states—

> "Without limiting the generality of the jurisdiction conferred by subsection (1), the Industrial Commission has jurisdiction—
>
> (a) on reference by an industrial organization, an employer, or twenty employees (not being members of an industrial organization of employees and not covered by an award) . . . "

The Bill does cover people who want to negotiate with their company, and it allows the company and the employees on the job to take the dispute to the commission to determine whether the agreement is valuable to the workers, and also to the company. That is unlike the National Party's VEAs, under which workers could be intimidated and forced to work for low wages. The National Party continued to bash unions. Conservative Governments of the past have used the old union-bashing gimmick——

Mr Harper: Union intimidation.

Mr SMYTH: It is not union intimidation at all. I have just explained to the House, that the workers can operate on their own with the company and they can take the agreement to the commission. At least under this Bill, the employees can approach a body and ask it to determine what is right and what is wrong.

The gimmick that the National Party used during the last 32 years continued to divide the community. Each time an election was imminent, the conservative Governments would threaten one of the service unions with a cut in conditions or wages. During the State election campaign, because of the vicious attack that Bjelke-Petersen and his cronies made on the Queensland people, the power workers or the railway workers would be forced to withdraw their labour. They had no alternative. In the seventies and eighties, the National Party and the Liberal Party created industrial disputes so that the people of Queensland associated the parties to those disputes with the Labor Party and hopefully voted against the Labor Party.

I take great pride in saying that I have been a union member for the last 20 years. I was a member of the Queensland Colliery Employees Union, which is a very progressive union.

Mr Booth: You will be back to one again when you leave this place at the end of this term, because this legislation, once the lights go out, will finish you.

Mr SMYTH: I do not think so.

Government members continually hear members of both the National Party and the Liberal Party, comment on donations from unions to the Labor Party.

Mr Lingard: At least there is no comment about brown bags today, is there?

Mr SMYTH: There is a difference between union donations and company donations. Union members have a democratic vote on the union decisions concerning donations to political parties. Companies also donate to political parties. The difference is that every union member has a democratic right, by putting his or her hand in the air, to say, "I will donate that amount of money." That is not the case with companies. I am not knocking companies for that. Company decisions are made by either the manager or the board. The share-holders do not get a say in where the money goes. The share-holders of a union do. They have that democratic right. I have no problem with that; that is the way in which the system works within our society.

The reason why the members of the National Party are so uptight about donations to the Labor Party is that it is now receiving recognition from companies and the National Party and the Liberal Party are not.

Mr Harper: You always have. There is nothing new about that.

Mr SMYTH: But more so now.

Mr Borbidge: Do you know details of Labor Party financial donations?

Mr SMYTH: I am a member of the Labor Party and I know about those matters, but I am not about to tell the honourable member about them.

As has been said in this place, the Industrial Relations Bill takes on board many aspects of the Hanger report. Under the heading "General Comment", the report states—

> "The Committee supported the retention of the existing system of conciliation and arbitration, noting that:
>
> 'None of the major users of the system submitted that the present system should be dismantled, and indeed, a great degree of satisfaction about it was expressed by the parties.' "

That is both companies and unions—

> " 'Most, however, felt that there was a need for substantial changes in the Act.' "

That is exactly what is happening with this Government at this time. This is an industrial Act that will go down in history as supporting both workers and the company.

Another part of the industrial procedure that should be welcomed by all workers within society is the grievance-settling procedure whereby the members of a union are expected to stay at work. There will be no lock-outs and no time off work until a decision is handed down by the commission. All parties to a dispute will abide by the commission's decision. In the past, under the present system in Queensland, both unions and companies have not followed the dispute-settling procedure and have not faced the reality that they need to work together to achieve the best for society.

Previous National Party Governments have fanned the flames of industrial disputes in Queensland and have done so for their own political aims. This Bill is seen as a threat to——

Mr Beattie: The white-shoe brigade.

Mr SMYTH: It is a threat to the structure of the National Party.

After the next election, the National Party will be reduced to a party representing only the country electorates, and I mean those places right out west. It is time that the people of Queensland recognised that the industrial legislation that was introduced during the seventies and eighties was against the workers in this State, and not particularly in favour of the companies, either, because they need a stable work force to make a profit for Queensland.

Mr Beattie: Sparkes has resigned.

Mr SMYTH: I have just noted that Mr Sparkes, the leader of the National Party, has resigned.

Mr Veivers: You are wrong. He has not resigned. He is not standing again.

Mr SMYTH: Mr Sparkes had a VEA. The National Party sacked him. I understand that before the end of this month Mr Harper is going to retire from this House and take over the position.

I support the Bill before the House.

Mr BORBIDGE (Surfers Paradise—Deputy Leader of the Opposition) (4.30 p.m.): The legislation before Parliament today is a massive confidence trick, as has been revealed by the honourable member for Auburn and the Leader of the Opposition. Just as the Premier claimed that the Public Service Management Commission Bill completed the Fitzgerald trilogy of reform, the Government is now claiming that this legislation implements the recommendations of the Hanger report.

Just as the PSMC was never mentioned by Fitzgerald, this legislation is not Hanger's legislation; it is Labor produced, it is TLC inspired and it is the policy document of the Government, no-one else. The legislation before the Parliament is a fraud; it is dangerous; and it is against the best interests of the majority of Queenslanders.

I endorse the comments made by other honourable members on this side of the House that it is quite improper for this legislation to be proceeded with in view of the

ongoing revelations and recommendations-to-be of the Cooke inquiry. The Government's decision to rush it through Parliament before too many people find out exactly what is in it is a blatant betrayal of Labor's alleged commitment to accountability. People are starting to wake up.

It was very refreshing to hear the following on the ABC news today—

> "The Qld Council for Civil Liberties says people facing up to 12 months jail could be denied the right to a lawyer under an Industrial Relations Bill currently before State Parliament. Council president Terry O'Gorman says under the Bill, people charged would require the consent of the prosecutor or permission from the Industrial Court judge to have a lawyer represent them. Mr O'Gorman says the Bill reflects the wishes of union groups who don't want lawyers anywhere near the Industrial Commission or the court."

Government members interjected.

Mr BORBIDGE: I will be very interested to hear what some of the great civil libertarians on the Labor side of the House say as this debate progresses. The news-reader went on to say—

> "Meanwhile the Qld Law Society says the Bill is unbalanced and should be referred to the CJC. It says the Bill shows the State Government is only paying lip-service to civil liberties and is ignoring the unanimous recommendation of the Hanger inquiry that there be legal representation in all industrial courts."

The Government has been caught out and, in the case of Mr O'Gorman, by someone who we on this side of the House could never say has been a great supporter of the National Party.

As has been emphasised, the Opposition opposes major parts of this legislation, which literally will take Queensland back to the Dark Ages. The Minister, in his second-reading speech and in subsequent media comments, referred to the alleged obnoxious relics of the Bjelke-Petersen past. With due respect to the Minister, I suggest that we are only now returning to the past—the past that saw the SEQEB dispute and the lights turned off, the past that saw industrial disputes the rule rather than the exception, and the past that saw the balance of power resting firmly in the hands of the trade union heavies. I point out that it is the Minister and his colleagues who are living in the past, for they are the people who are trapped in a TLC-inspired time warp; it is the Minister who is the political dinosaur and who is a generation behind the economic reality of the 1990s; and it is the Minister who is the creation of the mentality of the ETU, whose outstanding contribution to the State of Queensland was the SEQEB dispute.

What we sought to do in Government—and we received widespread praise for doing so—was to point out clearly to the trade union movement that it should be held accountable for its actions. Just the same as every other citizen is held accountable, so too should the trade union movement. I make no apology for being part of that Government at that time. When the lights were out, I can remember the small-businesspeople who were facing bankruptcy and the pensioners whose power was turned off and who were ringing up and saying, "If you guys ever give in to these union thugs we will never support you again." What we saw at that time was a turning point for industrial relations in Australia. What we are seeing today is the Labor Party endorsing that there should be one rule for its mates in the trade union movement and another rule for others.

This legislation is not about the working man. Let us get it straight—it is about protecting the lot of those who pull the strings at Trades Hall and, in doing so, this Government has killed off any chance of a business-led economic recovery. This legislation is not the blueprint outlined in the Hanger report; it is the Labor blueprint, the Warburton blueprint. It has "blueprint for industrial relations destruction" firmly blazoned across its cover.

My major concern with this legislation is that, at a time when real industrial relations reform is required, this Government seems only intent on rewarding Trades Hall for many years of unswerving support. The pay-off to the TLC hacks who financed Labor into Government is the ultimate act of political cronyism.

The economic predicament which is confronting us today demands enterprise-based agreements. We need to become more productive; we need to work smarter; and we need reform in the workplace. We could not do it in the 1970s and early 1980s and, as sure as I am standing here today, we will not be able to do it under this draconian legislation. This legislation pays lip-service to the issue of enterprise-based agreements.

I need refer only to Part 2 of the Bill, which outlines relevant interpretations. Nowhere to be seen is the interpretation of the term "productivity" and nowhere is to be seen an interpretation of the term "enterprise." Productivity is the art of achieving more from what one is given and efficiency is the power to produce the intended result or the ratio of the energy output to the energy input. These are both important terms when one talks about industrial relations in Australia in the 1990s. This Bill is not about productivity or efficiency. It does not seek to address productivity issues, and that is where ultimately this Bill will fail.

Mr Harper: It's about payola.

Mr BORBIDGE: Yes, it is about payola, as the member for Auburn indicates.

Much attention has been given to voluntary employment agreements, which were championed by the National Party in Queensland and ridiculed by the Queensland Labor Party. The introduction of voluntary employment agreements represented the most significant reform in industrial relations in the past decade. VEAs were tailor-made for the problems that Australia now finds itself in.

Mr Beattie: Why were they so secret if they were so significant?

Mr BORBIDGE: For the benefit of the honourable member who interjects and who should know better, I say that they are not secret. They are not like the provisions included by the Labor Government in the Public Sector Management Commission Act to deal with public servants, and I will expand on that later on.

If this legislation is passed through this House today, voluntary employment agreements will be a thing of the past in Queensland. As members of Parliament, we must consider if this legislation is better suited to the current problems confronting Australia than the legislation that facilitated the introduction of voluntary employment agreements. The bottom line is that VEAs are all about reform and this legislation is not.

Much has been made in the media of the VEAs which are in operation at Metway Bank and Power Brewing, and rightfully so. These are Queensland companies which are competing Australiawide and doing an outstanding job. VEAs also concern smaller operations and small businesses, which most Government members seem to have forgotten about. These smaller operations do not come under the interests of the big unions and have been neglected by the Labor Party and the trade union movement for years. An operation such as the Kin Kin sawmill, which was well depicted last week on *A Current Affair*, is a good example. This operation employs fewer than 10 people, but is very successful in its own right. Over 10 years ago the Kin Kin sawmill saw the light when it declared a form of flexi-time. The employees declared that they would work each day for an extra hour, thereby allowing them to work for only half a day on Fridays. What did the union movement have to say about that? According to the Australian Workers Union, the manager of the sawmill should be paying time and a half for that extra hour worked each day, but the Kin Kin sawmill cannot afford this extra impost on its weekly wage bill. The manager said that if this was the case, the workers would have to return to the normal five-day a week program. What did the men in the workplace say, the people whom the Labor Party supposedly represent? They said that their

agreement was so strong that they would not accept the extra money even if it was given to them. One of them said—

> "I don't consider that they have the right to say what hours I should work when I'm not hindering or upsetting anyone. We're all working together here and we have nothing against anyone else, they can do what they like and we should do what is necessary for us to survive on."

Voluntary employment agreements had universal appeal. They appealed to the workers at the Kin Kin sawmill for the same reasons as they appealed to the staff at Power Brewing. In a secret ballot 80 per cent of the staff voted to retain voluntary employment agreements. Some honourable members may ask what the relationship is between voluntary employment agreements and productivity gains. Productivity gains are evident at Power Brewing, where the productivity level of each employee is 85 per cent higher than any of Power's competitors. Today the Labor Government is intent on destroying productivity through the introduction of this legislation into this Parliament and it is doing the same to the sawmillers at Kin Kin. Last week on Channel 9 the workers at the Kin Kin sawmill said—

> "We're ahead half a day by Friday. The timber leaves here and goes straight to Brisbane and it is unloaded in Brisbane and they have till Monday to work on it."

In addition, the staff at the SEQEB Southport depot have publicly called for a continuation of their existing arrangements. The Labor Government does not know what it is doing with the passage of this legislation. It is betraying its constituents by bringing in legislation that will revoke voluntary employment agreements, which have resulted in massive increases in productivity in the places where they have been utilised. The SEQEB workers in Southport claim that their productivity has improved by 87 per cent since 1986. Yet there has been a massive campaign of misinformation peddled by the trade union movement in concert with their Labor Party parliamentary representatives in an attempt to discredit voluntary employment agreements. The members of the Labor Party—like the honourable member who interjected previously—say that VEAs are secret and that they are a tool used by management to suppress workers' pay and conditions. In reality nothing could be further from the truth.

Mr Beattie: Why didn't they——

Mr BORBIDGE: If the honourable member listens, he will learn something.

The industrial registrar was empowered with the responsibility of ensuring that every VEA that was lodged complied with the legislation and that minimum levels in respect of terms and conditions had been met. In effect, this placed VEAs firmly on the public record. In order for a VEA to be contemplated by an organisation, it first had to receive the support of 65 per cent of the workers. It then had to survive a seven-day cooling-off period when employees could make written submissions voicing concerns at the operation of the VEA. If more than 20 per cent of the workers lodged complaints, the VEA would be subjected to another secret ballot. Checks and balances were built into the system which protected the parties who were privy to the voluntary employment agreement.

What about the rubbish that is being peddled by the Minister and the Premier about the supposed secrecy of these agreements! They were the same people who had no hesitation in entrenching secrecy provisions in the Public Sector Management Commission Bill. Obviously, this Government has one rule for itself and another rule for everybody else.

I refer to comments made last week by Mr Bernie Power, chief executive of Power Brewing, who was interviewed on *A Current Affair*. I do not think that I had ever seen the Premier of this State look as weak as he looked during that particular interview. Mr Power was commenting on the VEAs that are in operation at Power Brewing. He said—

> "There was nothing secret about our document, it's a public document, it's actually been registered in the Industrial Commission. So the word 'secret' certainly has no application as far as our agreement is concerned. It is a public document."

Kin Kin sawmill and Power Brewing may be at opposite ends of the spectrum, but their lessons are the same. The damage that is about to be done to Power Brewing will also be inflicted on the workers of the Kin Kin sawmill. The lesson is that productivity-based agreements provide better economic outcomes than are provided by the terms of this legislation. The lesson is also that the only way out of Queensland's economic mess is to work harder, to work longer and, most importantly, to work smarter, which is also the opinion of the Prime Minister of Australia.

To achieve greater productivity, Queensland needs an industrial relations system that has a clear bias—I emphasise "clear bias"—towards productivity. I take this opportunity to outline some of the pitfalls presented by this legislation to the business community, which is looking for a commitment from this Government. It does not need another kick in the stomach in the form of this Bill. In recent months It has been kicked time and time again and is looking for productivity gains.

Members of the business community can see the mess that this country has got itself into and they—not Governments—have the ability to dig Australians out of it. Even so, the Government has to take the lead in respect of industrial relations—the type of lead that was given by the previous Government. The National Party in Government believed in the small-business community, but this Government does not. The small-business community stands to gain from productivity agreements but stands to lose by the enactment of this legislation.

Productivity agreements were the vehicle for stemming the increasing number of bankruptcy cases in this State that have increased by 35 per cent from March 1989 to March 1990. A belief in the business community is the crucial difference between the National Party and the Labor Party. Productivity-based agreements such as VEAs are all about employees and employers coming to agreement—an agreement that is suitable to both parties. By virtue of this legislation, the trade union movement and the Labor Party are saying that the business community is in the business of ripping off employees. I point out to the Minister that industrial relations involves more than strikes and lock-outs; most frequently, it is about covert forms of industrial action, such as sabotage, absenteeism and the individual working to rule. Those actions erode business profitability and they would not be contemplated by any clear-thinking businessperson.

I suggest that, if a VEA were abused, the focus of industrial relations would shift to cover actions. Mr Warburton is trying to say that the business community is going to suppress the work force and continue to make profits, but that is not the case at all. The successful operators of this world have one thing in common, that is, they treat their staff well. For example, the Metway Bank staff are treated well, and the staff at Power Brewing are treated well. That must be the case because 80 per cent of the staff at Power Brewing voted in favour of retaining the present arrangements. Successful operators pay their staff well and treat them as human beings, not as a number in a trade union databank. At the end of the day, they are the successful ingredients, and they are what productivity agreements are all about. VEAs are all about people in the work force making their own decisions without shop-steward domination and thuggery inspired by the Trades and Labor Council.

If this Bill is not about productivity, what is it all about? It is about protecting the trade union movement from the rising tide of discontent. More people are opting out of the trade union movement than are joining it. Employees are leaving trade unions in droves and are opting instead for the benefits of productivity, employee/employer-based agreements. This Bill seeks to drag people kicking and screaming back into the trade union movement—the same trade union movement that bankrolled the Labor Party onto the Treasury benches in Queensland. It is designed to get membership levels up, protect the lot of the trade union heavies and ensure that Labor's finance base is protected. This Bill does all that, even before the full recommendations of the Cooke inquiry have been presented to the Parliament. Mr Deputy Speaker, could you imagine the outcry that would be heard from the Labor Party if the previous National Party Government had even contemplated legislation in respect of criminal justice before the

final report of the Fitzgerald inquiry had been presented? Quite rightly, there would have been a major outcry.

The Cooke inquiry will be to industrial relations in Queensland what the Fitzgerald inquiry was to criminal justice; it will change forever the landscape of industrial relations in this State.

Mr Littleproud: As long as it is handled properly.

Mr BORBIDGE: As my colleague suggests, as long as it is handled properly.

This Government must consider industrial legislation only after the Cooke inquiry has presented its final report; but I know the Labor Party's agenda. Members of the Government are trying to discredit the Cooke inquiry in some way because its effect will be similar to the bite of a mad dog. It will bite long and hard at the midriff of the trade union movement. It will cause an open wound that will bleed badly all over the hands of the Goss Government. This Government must await the final recommendations of the Cooke inquiry before it proceeds with legislation of this type.

The Government's pushing of this legislation through the Parliament while the Cooke inquiry is proceeding flies in the face of all the assurances given by the Premier to the people of Queensland when he was Leader of the Opposition. He said that the Labor Party stood for accountability and integrity in Government.

Mr Ardill: That's right.

Mr BORBIDGE: Except when it affects its mates, its financial base and its cronies at Trades Hall.

The Opposition does not trust the Government with the carriage of this legislation. It does not trust the Government because, like the traditional B-grade Hollywood movie, we have the actors. Let us look at the key players in industrial relations in the State of Queensland.

The Minister was formerly an assistant secretary of the ETU in Queensland—the people who gave us the SEQEB dispute.

The Minister for Resources Industries——

Government members interjected.

Mr BORBIDGE: I can understand that Government members are a bit touchy on this matter. I can well understand their sensitivity.

The Minister for Resource Industries was also formerly an assistant secretary of the ETU in Queensland.

Then we come to that intellectual giant, the Minister for Administrative Services. He used to be the president—and the vigilance officer—of the Brisbane branch, as well as the Federal councillor, of the Waterside Workers Federation of Australia. We have a wharfie in the Cabinet backing up the ETU on how to fix industrial relations in Queensland.

Then we have the Minister for Tourism, Sport and Racing, Mr Gibbs, who was formerly an organiser with the Federated Miscellaneous Workers Union.

Mr Littleproud: Associated with dogs.

Mr BORBIDGE: As the member for Condamine said, he was associated with dogs.

Then we have the Minister for Family Services, who also in the Parliamentary Handbook lists with pride that she, too, was a union organiser.

I suggest to Government members that they examine very closely Standing Order 158, which states—

> "A Member shall not be entitled to vote either in the House or in a Committee upon any Question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed."

I suggest to Government members——

Government members interjected.

Mr BORBIDGE: Government members are very touchy. They can give it, but they cannot take it. I suggest that they examine their consciences. I will be very interested to hear what the civil libertarians on the back bench of the Labor Party say; whether they come out and support Mr Terry O'Gorman or whether, once again, they run for cover and sulk on the Government benches in the comfort of numbers.

I say to Government members that the repeal of this legislation is the beginning of their end. They should mark my words. By the repeal of this anti-strike legislation today, they are signing the death warrant for Labor in Government in Queensland. The execution may still be some time away. However, today, they have totally sown the seeds of their own destruction.

Most people in this State do not trust trade unions, the Trades and Labor Council or the motivation behind the legislation. As the Cooke inquiry unfolds and as people close to the Labor Party start to reveal themselves, there will be growing suspicion in the electorate as to the real motivation behind this Industrial Relations Bill. The Labor Party is selling out its constituency—the workers, the people whom it pretends to represent. It is preserving the industrial relations establishment: its mates at Trades Hall and its cronies and hacks who control the trade union movement in Queensland and who bankroll the Labor Party and upon whom it is totally dependent to raise the funds that it needs to secure and to maintain Government in this State.

As the ramifications of this legislation become more and more evident in the wider community, the outrage will grow and the time will come when the Labor Party regrets very much this vindictive piece of legislation that it has presented to the Parliament today, which is designed to entrench compulsory trade unionism in this State to apply to its own supporters a privileged set of new rules and to make sure that the Labor Party goes against everything that it said it stood for during last year's election campaign.

Mr PITT (Mulgrave) (4.59 p.m.): In 1916, the Ryan Labor Government established a system regulating employment relations which was both equitable and just for employer and employee alike. The operation of an independent tribunal has been the foundation of industrial relations in this country since federation.

It must be said, though, that the Bjelke-Petersen era brought about changes to industrial law which seriously jeopardised this system based on equity and fairness. The balance between the rights of workers to satisfactory wages and conditions and the rights of those who employed them to expect a reasonable level of productivity and a degree of industrial harmony was upset.

That period in Queensland's history was clearly marked by a confrontation which sought to break down the role of unions which exist to protect working men and women from exploitation by unscrupulous employers. Direct interference by the Executive also undermined the role played by the independent umpire—the arbitration commission.

The Bill before the House seeks not only to restore the primacy of those structures which provide equity and fairness but also to establish procedures which are forward-looking.

This Government is committed to the accelerated development of the State's industrial base and, as such, this Bill proposes reforms which will put in place an industrial relations framework capable of carrying us into the twenty-first century.

The committee of inquiry set up in July 1987 under the chairmanship of Mr Ian Hanger, QC, brought down its report on the operations and effectiveness of the Industrial and Conciliation Act in November 1988. The Government of the day failed to act on the spirit of the report, content merely to pay lip service to the conclusions contained therein.

The most basic conclusion endorsed the system of conciliation and arbitration, placing it at the centre of industrial relations. The report recognised and endorsed the fundamental role of unions, stating quite clearly that "the present system is based on a system of unionism".

The Hanger report went even further. It criticised measures taken by the National Party in 1985 and 1987 which reduced the independence, autonomy and standing of the Industrial Commission. Those measures effectively fragmented industrial jurisdiction.

Today, I wish to address the need for flexibility in industrial matters brought about by the rapid pace of economic and technological change. While there is a need to clearly establish minimum standards relating to working hours, sick leave, annual leave and so on, there is also a need for flexibility to provide alternative approaches. These alternative approaches to establish variations in minimum conditions of employment must, however, be agreed to by the parties concerned and sanctioned after close scrutiny by an independent umpire, that is, the Industrial Conciliation and Arbitration Commission.

This Bill will allow for flexibility in working arrangements designed to meet modern requirements, which are subject to rapid change. It will also enable restructuring to proceed at a pace in keeping with these requirements.

This is no room in a fair and equitable system for those procedures euphemistically called "voluntary employment agreements".

Touted by the previous Government as providing for the flexibility I have just mentioned, they were characterised by an ulterior agenda. They were the tool by which the working conditions of Queensland workers were to be reduced in an effort to minimise costs for the employer. They aimed to destroy the ability of the union movement to satisfactorily carry out its central role of protecting the rights of workers. Taken at face value, the VEA concept had many appealing aspects, most of which, when placed under the microscope, revealed ominous danger signs.

Prior to the introduction of VEAs in 1987, the rights of Queensland workers were protected under their various awards and the provisions of the Industrial Conciliation and Arbitration Act. These rights were protected by law. Workers, represented by their union, were guaranteed a hearing before the commission. Enforcement of award conditions was carried out by the Industrial Inspectorate. VEAs changed all that. The very term "voluntary" was grossly misleading. It was merely a political sop to the electorate. The VEA bound even those employees who did not agree with it. This includes employees who take up work at a future date. They, too, must accept the conditions of the agreement—an agreement arrived at without their consent which, at the same time, takes away the legal rights given by an award.

Section 94B of Part VI(a) of the amendment enacted in 1987 provided that a so-called voluntary agreement could be made between an employer and 60 per cent of employees covered by a Queensland award to effect a variation to that award. It also allowed the employer to enter into an agreement with one employee or one proposed employee in a particular calling or business. Once registered, the VEA was binding. All future employees had to abide by the terms of the agreement throughout its life, which was set at a minimum of 12 months and a maximum of three years.

Over the years, the National Party, with its union-bashing mentality, made much of the need for secret ballots in the important decision-making processes of union activity. It is interesting to note that this same desire was not transposed into the area of VEAs. In fact, no procedure was laid down in the Act for the establishment of the 60 per cent support for the VEA. An interesting example of this anomaly was the Metway Bank ballot when that organisation set up its VEA. All employees at the time were required to put their name on the face of the ballot-paper. So much for secrecy! So much for their being voluntary!

A further amendment was adopted in April 1989 to raise the acceptance level to 65 per cent and, because of the justified cynicism of workers, a secret ballot clause was inserted. This partial capitulation to reality was quickly offset, though, by other sections

whose proposed intent was to streamline the process of registration. Only seven days were allowed between lodgment and registration. During this period the registrar could take objections, provided that 20 per cent of employees could particularise irregularities in the ballot. This provided no real safeguard for the dissatisfied employee, as he may not have even have known that the VEA had actually been lodged and, therefore, was not in a position to record his objection. Even though a union, in an attempt to protect the interests of its members, was able to apply to peruse the VEA, it found this difficult because of the secrecy which surrounded the lodging of the document.

If there was nothing to hide, why was there the need for secrecy? If VEAs were so good, why not open them up to public scrutiny? If they were fair and equitable, why not have them placed before an independent umpire, that is, the Industrial Commission? The truth is that this system stifled public debate and effectively hid the long-term faults of VEAs. It was a divide-and-conquer tactic, whose long-term aim was the complete destruction of the union movement.

The United States experience should be a lesson to us all. For the first few years workers get better conditions and the effectiveness of the union is eroded. Everything is all right whilst the going is good, but the crunch comes when times are tough. What happens when there is a downturn in the economy or the industry and the employer begins to retrench people? Employees covered by the protective umbrella of a union will undoubtedly receive a far better termination package than those covered by a VEA. On the local scene, one only has to peruse the termination provisions operating at Castlemaine and Carlton United breweries as contrasted to those at Power's to verify this assertion.

This Bill gives the Industrial Commission powers to make enterprise awards, which will be able to deliver additional benefits to employees whilst at the same time ensuring that hard-won conditions are not eroded. Public hearings before the commission will restore confidence because everything will be out in the open. The Bill gives all concerned a degree of flexibility to vary awards to meet the challenges of the workplace. It re-establishes fairness and equity and, in so doing, provides hope for better industrial relations in this State.

I support the Bill.

Mr BEANLAND (Toowong—Leader of the Liberal Party) (5.07 p.m.): It is with great disappointment that the Liberal Party again finds the Government introducing legislation that is certainly not in the best interests of Queenslanders generally. I know that the ALP has made a commitment to its union masters to bring in this legislation. Nevertheless, it is something that is certainly not in the interests of all Queenslanders.

I want to highlight a few of the major points involved. As one does that, the true position soon becomes clear. There has been a great deal of controversy surrounding voluntary employment agreements, or enterprise agreements. The bottom line, I suppose, in relation to these voluntary employment agreements is that they will result in fewer members for the trade union movement and, consequently, fewer jobs for union bosses and, therefore, less power for union bosses. In addition, there would be fewer funds for Australian Labor Party campaign purposes. Honourable members noticed today some reflection of that in the Cooke report. I will return to that point shortly.

A large campaign has been waged by the ALP and the union movement against voluntary employment agreements. One must ask why that has occurred. Apart from the two reasons that I have outlined, namely, that union bosses have less power and fewer jobs and that less money is available for ALP campaign coffers, one must consider what VEAs mean to the people in the workplace.

The Industrial Conciliation and Arbitration Act and Another Act Amendment Act 1987 sets out minimum provisions relating to voluntary employment agreements. Neither the media nor the union movement seems to cover that aspect. They always present the alternative view that VEAs are nasty and will create sweatshop conditions and never outline the minimum requirements of voluntary employment agreements.

Those minimum requirements include at least four weeks' annual leave on full pay for those who work an ordinary week and at least five weeks' annual leave for continuous shift workers. All applicable statutory holidays are provided for. At least eight days' sick leave per year is provided on full pay, with payment limited to 13 weeks in any one year. Full long service leave requirements are specified in that Act. As to full-time and part-time employees—the hourly wage rate is equal to the rate of pay for ordinary time shown in the wages clause of the relevant award or industrial agreement. As well, workers can take a maximum of 50 per cent of their annual leave entitlements in cash.

None of this is ever mentioned in the media. Union members say only that they will obtain only half their current award and pay conditions. That is not so under registered voluntary employment agreements. From time immemorial people have made one-off arrangements, but that has nothing to do with voluntary employment agreements as shown in the current Act. Voluntary employment agreements even allow for a 19 per cent loading for casuals, cover most of the requirements of award conditions and stipulate that the conditions under VEAs will be considerably better.

In the past couple of weeks I have been approached by a number of SEQEB workers who have been under contract for some time. To give honourable members a better understanding of their situation, I shall cite several cases. The first involves a person on $21,000 gross per annum. He is a lone parent who has a child at school and a monthly mortgage commitment of $410. He will lose $32 net per week. In fact, he might have already lost that amount, because SEQEB contracts are not being renewed.

Another person who earns $28,000 gross per annum has a monthly mortgage commitment of $640. He will lose $52 net per week. Another worker who earns a gross annual salary of $23,000 has a monthly mortgage commitment of $520 and a monthly car repayment commitment of $110. He will lose $43 net per week. Another worker earns $32,000 gross per annum and has mortgage commitments of $580 per month and car repayment commitments of $160 per month. He will lose $61 net per week.

Honourable members are aware of the conditions of SEQEB employees, including a nine-day fortnight. Another SEQEB worker who earns $23,000 gross per annum and whose house renovation commitments are $510 per month faces a loss of $36 net per week. Another worker receives a gross annual salary of $24,000. His monthly mortgage is $540 and his monthly car repayments are $130. He will lose $38 net per week.

Those people are quite upset about that loss of income but are unconcerned about a whole host of other matters. When they entered into contracts with SEQEB, they undertook certain commitments. They are left high and dry because award conditions will now apply to their employment.

Another SEQEB employee earns $27,000 gross per annum. His mortgage commitment is $710 per month and he faces a net loss of $23 per week. One person with no commitments, whose gross annual salary is $19,500, faces a loss of $29 net per week. Those people volunteered that information. They were not stood over by union bosses or anyone else. Another person, on a gross salary of $29,000 per annum and nil commitments, faces a net loss of $25 per week.

Union bosses want VEAs made public because they want to know what conditions might be provided to other workers so that they can use those as an example to try to improve the conditions of workers under union awards and agreements. No doubt, that is all very well, but the bottom line is that those union bosses want the best of both worlds. They must present an argument or excuse for not accepting VEAs. Therefore, if there is something sinister about the fact that VEAs are not made public for every union boss to peruse, that helps to build their case against VEAs.

Another important aspect of the legislation is that it centralises power. It is clear that this legislation is heavily oriented towards the maintenance of the centralised wage-fixation system in Queensland. The replication of many of the sections of the Federal Industrial Relations Act 1988 evidence this. The Queensland system is to be even more an adjunct of the Federal system. I cite as an instance the wholesale adoption—and it

is seen throughout the legislation—of sections in relation to union rules and amalgamations that presume the validity of actions of industrial organisations and actions in relation to certain offences.

If one cares to look at the whole thrust of this legislation, one will see that it is an endeavour to increase and improve the union position. As a member of the Liberal Party has already pointed out, the fall-off in union membership is quite stark and is no doubt a matter of major concern for union bosses. No doubt, they want to try to improve the situation. This legislation is one of the ways in which it can be done.

This Bill will abolish the Industrial (Commercial Practices) Act, which has been used to great effect to ensure that everyone was treated equally under the law. It has been used to ensure that the trade union movement does not strike willy-nilly across the board. The Essential Services Act has been used for the same purpose. That is evidenced by the fact that in this State the power has been kept on for the past four or five years without any black-outs occurring. That is something which the present Minister cannot guarantee, and does not pretend to want to guarantee. Instead, pieces of paper have been waved about suggesting some power pact between the Government and the union movement for the term of this current Government.

Nothing is said about the long-term future and whether continuous power supplies will be available or about the effects that the last strike had on the small-business community, on people in nursing homes and in other areas. They were affected tremendously by that strike. In many cases, small-businessmen lost their total life savings. Not a word has been heard about how those people will be assisted.

This legislation is all about ensuring that the union bosses are above the law and that no stick will be waved at them. As a result, the Government is abolishing the Industrial (Commercial Practices) Act. It is the most effective Act in the Government's arsenal and would ensure that essential services are kept functioning so that this State and the standard of living of everybody in it, not just one particular sector, namely, the union movement, continue to improve.

One cannot help noticing that in 1983 a section relating to political objects was inserted in the legislation. It was inserted to clear up some problems that had arisen. The retention of that section was recommended by both Mr Hanger and, more recently, today, in his belatedly released report, Mr Cooke. Both spell out quite succinctly that the Political Objects Fund should be retained.

I will quote from Mr Hanger's report, because I think it is particularly relevant. On page 360 he states—

> "A member is not required to make any contribution to the union for political objects unless a separate rate of contribution is determined by the union and the member has notified the Secretary in writing that he desires to contribute to the political objects fund. Subscription for membership must not include a contribution to the political objects fund and a member shall not be placed at any disadvantage by reason of his refusal to subscribe to a political objects fund."

Clearly, one can appreciate the union movement's concern over that section and its reason for wanting it to be struck out.

In relation to the section's history, Mr Hanger stated—

> "Section 57A of the Act commenced operation on 13th April 1983. It is understood that the insertion of the section was in response to complaints by some unionists objecting to part of their union subscriptions being used to finance the objects of a political party."

He stated further —

> "It is trite to say that many members of trade unions are reluctant members and we believe that it is, therefore, wrong to compel such persons to contribute money to a trade union knowing that that money is to be used for the furtherance of the aims of a particular political party. It means that many members of trade

unions would be contributing to support one party when they, in fact, prefer to support another. That amounts to a significant inroad into personal freedom which should not be encouraged."

Mr Hanger recommended that section 57A of the Act be retained.

In his report, Mr Cooke advocates that the section relating to the Political Objects Fund be retained in the legislation. I want to make further remarks about that because I think it is important to clear up a couple of misapprehensions. Mr Cooke points out—

"Most unions these days have large annual incomes and, with amalgamations in the air, the future will see larger unions with multimillion dollar incomes.

Although some comparisons may be made between a union and a public company, there are significant differences. A shareholder makes an active choice to buy shares in the first place and may sell his shares at any time if he is dissatisfied with the directorship or the dividend received.

By and large, a union member has no choice as to which union he joins, and so long as he remains in a particular calling, resignation is not a practical option."

It is quite clear from that alone that Mr Cooke perceives there is a vast difference between a company and a union. We know also that companies are incorporated and are legal entities under the Companies Code or corporate legislation, whereas unions are an association of members. They are supposedly a free association of members. I will deal with that matter shortly. We know that that is not quite the situation at all. There is a vast difference between companies and unions. We know that unions do not rush off and become incorporated under the Companies Code.

Mr Cooke continued—

"It should not be thought that I believe more stringent requirements should be placed on auditors of unions than on auditors of public companies."

From all of this, I think it is quite clear that both Mr Hanger and Mr Cooke, as gentlemen learned in the law, believe that the Political Objects Fund should be retained. As the Minister responsible for this legislation, Mr Warburton has made great play of the fact that he has adopted the Hanger report. This is one section of the Hanger report that has not been adopted. One can well understand the ALP's concern. According to the Cooke report, more than $80,000 was given to the ALP under the guise of affiliation fees. Several other efforts—quite successful, too, I might add—were made to slip funds under the carpet or under the back door to the ALP for campaign purposes without displaying them in the Political Objects Fund. Although the law has been on the books, quite clearly a number of unions—in this case, the only union to be investigated so far is the FEDFA—have successfully been able to skirt around it, and I believe that what this House ought to be doing is tidying up that area and tightening up that provision. Instead, this Government is running away from that problem and going in the opposite direction.

Mrs Edmond: This is as scintillating as Santo's.

Mr BEANLAND: I thank Mrs Edmond, the member for Mount Coot-tha. Honourable members in this House heard her earlier scintillating speech. It was a very sad reflection indeed—even on her colleagues.

The next clause I want to refer to relates to the right to legal representation, a subject on which I would have thought the civil liberty lawyers in this House would have spoken today, but so far those on the other side have been fairly quiet. It is quite clear, though, that again the union movement has won out on this matter. Because one hears so much from the ALP about civil liberties and the need for natural justice for people, one expected that this Bill would have had such a clause in it. However, what one finds is that in this State under this legislation people may be charged with criminal offences and face trial. They are in jeopardy of imprisonment without the right to be represented by a qualified legal practitioner of their own choice. In the words of Mr Justice Matthews, "Such procedure is a denial of natural justice."

The Law Society and the Bar Association are interested in this matter. Because there are some very clear arguments in favour of ensuring that legal representation is available, I would have thought that common sense would dictate that the Government would pay some attention to this matter. The arbitration commission has significant powers—it can sentence people to gaol. Quite often, one party is represented by people with legal expertise. The trade union movement has many people trained in the law. They might be industrial advocates, but many of those advocates have law degrees. In fact, a member of this House has appeared many times in that tribunal. He has a law degree, and he was the secretary of a union before he was elected to this place. I am sure that he appeared.

One party appearing has a law degree, but the other party is not given the same opportunity. That is terribly unfair and terribly unjust. It does not matter how one looks at it or what red herring one cares to drag across, it is quite clear that there are some very strong arguments indeed for the fact that one ought to be able to have a legal representative of one's own choosing when appearing before, for example, an Industrial Magistrate to ensure proper legal representation.

There have been some notable cases where parties to a dispute have gone before the Industrial Commission believing that they can have legal representation, but have found out to their painful detriment that that is not the case. This House should keep in mind that the powers of the court are such that people can be sent to gaol. They can have their civil liberties denied, perhaps through no fault of their own but through contravention of the requirements of this legislation. I am referring not to legislation such as the Criminal Code or the Companies Act, but to this industrial relations legislation that members of this House are discussing today. It is a particularly important point, and I would have hoped that the Minister had seen fit to insert those clauses in the interests of all Queenslanders.

One further clause that I wish to refer to relates to the tenure of office of the commissioners. I note that commissioners are to be appointed for seven years, and not for a period until their retirement, similar to judges. At present, commissioners are appointed for seven years and may be appointed for a further term not exceeding seven years provided that they shall retire from office on attaining the age of 70 years.

Mr Hanger, I think with some justification, states in his recommendations that—

> "Subject to an appropriate age for retirement, we think that Commissioners should be given tenure until retirement. Whether that age should be seventy as is presently the case with Judges or reduced to 65 in line with current trends in other Industrial Tribunals throughout Australia is not a matter upon which we are properly qualified to advise. Having said that, we tend to the view that retirement should be earlier rather than later to enable younger people to bring in fresh ideas . . ."

There has certainly been a traditional preference against appointments to quasi-judicial office for fixed terms. However, one must keep in mind that such people have to be free to exercise their judgment without fear or favour. One can envisage the situation where commissioners might be required to adjudicate on sensitive matters at the conclusion of their term. That might be an impediment to their acting without fear or favour. So, if judges or commissioners were appointed until 70 years of age, or 65 years of age, whatever the case might be, they would not have this threat hanging over their heads and would not wonder whether the Government agrees with their decisions. This issue needs to be discussed further. It has been supported by Mr Hanger, but certainly not by the Minister. One has to ask: are there some commissioners whom the Minister wishes to get rid of at some stage? I am not sure who is due for retirement in the near future, but clearly the Government has some reason for inserting that clause, which is against the Hanger committee recommendations. One cannot help feeling that there might be something below the belt in store for some of those commissioners at the end of their term of office. Perhaps some commissioners are coming up for retirement in the not-too-distant future.

Clause 4.15 (h) provides that any award may come into effect from the date the matter was first raised by the commission, so there is retrospectivity. There is no real justification for that provision. The law should provide that the date on which the commission makes the decision is the date on which the decision comes into effect.

The matter of appeals must be reconsidered by the Government, particularly as the Government has been strongly opposed to legislation that does not allow civil liberties to be restored. In relation to another Bill, the Minister spoke at length on the United Nations convention on freedom of association. That has been done away with under this legislation.

This legislation is certainly for big unions and big employer organisations. Small organisations and individuals have been squeezed out of the industrial arena. The big club syndrome is coming to the fore again. The Federal Government's system of big unions, big business and big Government certainly applies in this legislation. If individuals were being considered, the small organisations would be allowed to appear before the court instead of those small players being squeezed out.

A great deal has been made of compulsory unionism, which is certainly well and truly covered in this legislation.

I cannot help but notice that no limit has been placed on the number of industrial commissioners, which currently is six. The legislation will allow the Government to stack the court with additional commissioners. I hope we do not have a repetition of what happened in the former Upper House, which was stacked by the ALP more than 60 years ago. I question why no limit has been placed on the number of commissioners.

It is disappointing that this legislation has come forward. Business, particularly small business, is horrified that this Government, which prior to the election went round the State saying that it was for small business, has let small business down so badly at such an early stage of its period of office by bringing forward this legislation that puts small business at the mercy of big union bosses. Many workers voted for the Government in the belief that they would not be penalised as they will be, whether through enterprise agreements, voluntary employment agreements or by being squeezed out of the industrial relations arena. They will now find themselves squeezed out because more than ever it will be a case of big clubs and big operators, whether they be union or employer groups. Small and medium-size business in this State will not benefit from this centralisation of power by the Government to iron out some of the problems highlighted by Mr Cooke in his report, so that there will be a freer flow of funds between the union movement and the Australian Labor Party.

I again appeal to the Minister to retain the right of people to have legal representation. As some honourable members have already enunciated, we are talking about throwing people into gaol without their having the right to natural justice and the opportunity to have legal representation. There is no point in claiming that it cannot happen, because it is allowed for under this legislation.

It is a very sad day for Queensland business and Queensland people generally that this legislation is being brought forward by this Government.

Mr FOLEY (Yeronga) (5.35 p.m.): It is but a century ago that one heard the same specious arguments being advanced on behalf of those interests opposed to the welfare of the common people. We stand here at the start of the 1990s, on the brink of what will be, one hopes for Queensland, a period of great progress. In the 1990s, we see the leadership of the Australian Labor Party in bringing to this House an Industrial Relations Bill which sets out the basis for a reformed, healthy, cooperative approach to industrial relations to form the basis of a sound approach to the Queensland economy and, in so doing, to put behind us the divisions, the confrontations and the animus which characterised industrial relations in this State over the past three decades.

The progress of this important piece of reform legislation may be seen nowhere more dramatically than in clause 1.4. It is said that it is the function of the great reform

Governments of history to set out that which is positive, and I will turn to that in due course. However, let us not forget in this place that instrument of industrial evil which is being repealed by this Bill. I refer in particular to the Industrial (Commercial Practices) Act. It is repealed pursuant to clause 1.4 of the Bill, along with the Essential Services Act and, of course, the Industrial Conciliation and Arbitration Act, which was the principal Act of the former structure of industrial relations. I say the "principal Act" because it was patent that when that Act and the commission under it formed a basis for independence as it did during the 1985 electricity industry dispute, it was the then National Party Government which moved to sweep it away from its role in the centre of industrial relations and overcome it by, in the first instance, the declaration of a state of emergency, and in the second instance, the introduction of the Electricity (Continuity of Supply) Act and the Electricity Authorities Industrial Causes Act. This demonstrated the lie to the claim which is now made on the part of the Opposition that what is sought is industrial legislation which promotes conflict and disharmony.

It is very pleasing to see that under this Bill the Essential Services Act 1979-1989 will become a mere item in the dustbin of history. It set out an unworkable scheme for the proclamation of emergency. It set about seeking to achieve by force that which could not be achieved by cooperation. The Essential Services Act will stand in the history of the Queensland Legislature as a symbol of the failure of industrial relations during the Bjelke-Petersen period. It set about seeking to produce a climate of fear in which workers might be deterred from seeking that which they were reasonably entitled to seek. In modern times, it is anathema to a free society that we have civil conscription. It is anathema to free-thinking people. I might add that the word "freedom" that formed in the mouths of the members opposite might well scald their mouths, having regard to their actions over the past several decades in this arena.

Mr Littleproud: What about compulsory unionism in the public service?

Mr FOLEY: I am indebted to the honourable member for his interjection. The public service has undergone the most spectacular of reforms to the greater good of Queensland through the introduction of the Public Sector Management Commission Act—a piece of legislation which was the very first introduced under this Government, and which was acclaimed by all reasonable thinking persons as a major reform. I am indebted to the honourable member for his acknowledgment of the great achievements of the Labor Government to date in respect of the introduction of the Public Sector Management Commission Act; an Act which in its wisdom the honourable member's own party supported.

The Essential Services Act, which is repealed by this progressive legislation introduced by Minister Warburton to the House and brought in at an early stage of this Government's period of office, is a——

Mr Stoneman: The undertaker of Queensland's progress.

Mr FOLEY: On the contrary, the Minister stands in the great tradition of Labor Ministers who have been reformists in this area of industrial affairs and who have set out a true basis for an era of cooperation and progress. In his actions in bringing forward this Bill to the House, the Minister has acted in the great traditions of the century-old Labor movement in this country. One sees the parallels with the debates in the 1890s when at that time there were similar resorts——

Mr Stoneman: This would have been relevant in the 1890s; this sort of legislation.

Mr FOLEY: The honourable member is quite correct. There is a certain great and timeless quality about this legislation which might well have benefited all centuries. Its greatest contribution is not to the nineteenth century, as the honourable member might wish, but it is to the next generation because it will set out the foundations for a healthy Queensland economy in the twenty-first century, and the honourable Minister deserves the credit and support of the House for that important reform.

Mr Harper: He will be remembered for it, anyway, won't he?

Mr FOLEY: Indeed, he will, and nobly so. I thank the honourable member for his interjection.

That philosophy of confrontation and attempt to achieve by force and force of law through this kind of legislation, the Essential Services Act, reflects the same sort of attempt made in the 1890s to use force to bludgeon the working people of that time into conditions which were unfair and unjust. The debate continues, and one sees in the course of the argument that the same tired cliches are being advanced by the non-progressive forces in this Parliament.

Dr Watson: The Essential Services Act has not been invoked.

Mr FOLEY: Quite so. I am indebted to the honourable member for Moggill who identifies that the Essential Services Act has not been invoked. It stands as a symbol of the impotence of the previous Government; an attempt to scare and use bludgeoning species of legislation when the true basis of establishing cooperation could not be achieved. Of course, on repeated occasions, resort was made to the state of emergency powers under the State Transport Act in circumstances that were highly inappropriate.

The statute book of Queensland will be all the purer for the inclusion of clause 1.4 by repeal of the repugnant Industrial (Commercial Practices) Act 1984-1987. The previous legislation reflected the desire of the New Right in Australia to use the rhetoric of the law of contract, the common law right to damages and contempt powers that attach to the Supreme Court, as a device to go outside the traditional cooperation that is found in the Industrial Commission. It embodied the same type of argument that was used in the 1890s, namely, that the so-called freedom of contract or sanctity of contract must be respected.

At that time, the desire on the part of certain employers to reduce wages earned by shearers led to the great struggle in which the foundations of that great party to which I am proud to belong were grounded. By the wrongful use of the law of contract and related common law powers of the Supreme Court, the Industrial (Commercial Practices) Act became a device which is now seen to be discredited among the thinking authors in the field of industrial relations.

The flawed jewel in the crown of the previous structure of industrial relations, that is, the arena of voluntary employment agreements—the legislative basis of which is being effectively repealed by the Bill that is currently before the House—was that it proceeded upon the rhetoric of the law of contract, namely, that a productivity contract was a voluntary agreement. However, the fallacy in that suggestion of voluntariness may be simply demonstrated.

The fallacy that Lord Denning observed in the British Court of Appeal in the famous case of Lloyds Bank v. Bundy was that, when a contract exists between two persons who are in profoundly unequal positions of bargaining power, one does not have the basis for the true law of contract founded either in the positive law or in the idea of a meeting of minds. That case drew together the equitable doctrines of undue influence, undue pressure and unconscionable bargains to mould the concept which, in modern times, has underpinned consumer protection legislation. I might add that that type of legislation includes the Fair Trading Act, which was introduced by the previous Government. The consumer protection concept was based on a contract between persons in profoundly unequal bargaining positions. Those types of contracts cannot truly be said at law, at equity or in common sense to be voluntary. They are contracts that have the gloss of voluntariness, but, because the most important element for ensuring a fair equality of power between employer and employee has been ousted by the agreement, none of the substance. I refer, of course, to the important historical role played by the trade union movement. When one has an agreement between a powerful employer and a series of individual employees without the benefit of the trade union being a party to the agreement, one cannot truthfully characterise it as a voluntary employment agreement.

All the more force is added to that argument when one reads in the previous legislation the extraordinary provision ousting or replacing the hearing before the Industrial Commission with the simple lodgment of the agreement with the Industrial Registrar. That lack of a hearing before the Industrial Commission and the lack of trade union involvement took away the central basis on which it could be claimed that such employment agreements could be characterised by voluntariness.

I present that short criticism of the voluntary employment agreement scheme, as it was structured under the previous legislation, to illustrate the importance of ensuring flexibility in dealings between employers and employees. That principle is well recognised by the current Government and is also well recognised in the legislation that is presently before the House. Indeed, the whole spirit of the Hanger report indicates that where reasonable opportunity exists through an industrial commission—in this case, the Industrial Relations Commission—to find a fair balance in the interests of employers and employees, great flexibility is possible, including the flexibility shown by the trade union movement in the work associated with the World Expo site. That was a triumph of cooperation that again put the lie to the suggestion that modern dealings between trade unions and employers need to be characterised by some degree of hostility or rigidity. The true position is far from that.

This legislation sets out a basis for a new era in which the appeal to unreasonableness that so often characterised the Bjelke-Petersen era's approach to industrial relations can be put well behind Queensland industrial relations.

Whether it be conflict promoted as between employers and employees, demonstrators and police, or urban people and rural people, one sees a resort to conflict as a method of Government. That is characteristic of a primitive species of Government. It is characteristic of the old regime at its worst. One sees in this legislation the framework for development of a new and better playing field in which there can be genuine opportunity for the great resources of this State to be fully developed and in which the opportunity for a sound basis for the economy may flourish.

The legislation includes provisions in respect of the appearance before an Industrial Magistrate and the Industrial Commission. I am astonished to learn of the new-found concern of members opposite for those provisions which recite in large part sections 116 and 125 of the previous legislation—legislation which was in place during the whole period of the Liberal and National Party Governments. It is extraordinary to hear the born-again civil libertarians who have emerged on the Opposition side of the House. One sees this new-found concern for civil liberties and human rights in respect of matters which only a few months ago were sustained as being part of the law of the land.

Mr Randell: What about someone who wants to enter into a VEA? You are going to take away his liberties.

Mr FOLEY: No, on the contrary. I am indebted to the honourable member for his interjection. The provisions enable the establishment of flexible agreements, but they require the involvement of the trade unions and of the Industrial Commission. The alternative is that the single, powerful bargaining partner deals with a number of isolated, weak bargaining partners. That is the fundamental inequity.

It was the realisation in the 1890s that there was a need for a combination of working men, as it then was, that produced the necessity for the Combination of Working Men Act. The realisation which is now dawning upon the learned members of the Opposition is that it was realised in the latter part of the nineteenth century that it was necessary for persons who do not control capital to combine in order to exercise a reasonable degree of bargaining power in the course of their negotiations. That led, in England and in Australia, to legislation directed at forbidding them from combining. It was legislation predicated upon a profound misunderstanding of the desirability of the unity of labour—which is, as is often said, the hope of the world.

That combination of working men legislation of that time was brought in for the very reason that the honourable member referred to, namely, that it provided the opportunity for freedom of association, which is referred to in the International Covenant on Civil and Political Rights, and, I might add, respected in the course of this legislation. It was as a result of that recognition in the latter part of the nineteenth century, following the historic struggles of the labour movement throughout the 1890s and after, that that legislation was ultimately repealed and replaced by a more enlightened era in industrial relations. Tonight, we are in the singular situation of standing on the brink of a new era in industrial relations which is able to look forward into the twenty-first century to as important a reform as those in the early part of this century looked forward to.

This important piece of legislation is one that will replace confrontation with cooperation. It is one that will replace the politics of division with the spirit of cooperation, which is so necessary if we are to make Queensland an even greater place than it currently is.

I support the Bill.

Sitting suspended from 5.58 to 7.30 p.m.

Debate, on motion of Mrs McCauley, adjourned.

STATE HOUSING (VALIDATION OF REGULATIONS) BILL

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Housing and Local Government) (7.31 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to validate certain regulations made under the State Housing Act 1945-1988."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Burns, read a first time.

Second Reading

Hon. T. J. BURNS (Lytton—Deputy Premier, Minister for Housing and Local Government) (7.32 p.m.): I move—

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

Under the Acts Interpretation Act, all subordinate legislation, for example, regulations, must be laid before the Legislative Assembly before becoming law.

In June last year, regulations were made under the State Housing Act, increasing various fees and charges collected by the Housing Commission in respect of a number of activities performed by the commission. The regulations were not tabled in the House in the required manner and, consequently, they are void and of no effect.

Accordingly, as a substantial amount of fees and charges have been collected under the void regulations, the Bill now before the House has a twofold purpose. Firstly, it declares that the regulations in question are as valid and effectual as if they had been laid before the Legislative Assembly as required by law. Secondly, the Bill validates all Acts, matters and things done and all fees and charges collected under the regulations.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

PUBLIC SERVICE (ADMINISTRATIVE ARRANGEMENTS) BILL

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (7.33 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend various Acts to make provisions for and in relation to administrative arrangements consequent upon the restructuring of the public service and for related purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Mackenroth, read a first time.

Second Reading

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (7.34 p.m.): I move—

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

On 7 December 1989, the Goss Government made sweeping changes to the administration of the public service in Queensland by reducing the number of departments comprising the public service from 27 to 19.

This was the first firm step towards ending the fragmentation and disunity of Government departments. The move proved not only feasible but also a direct avenue to comprehensive programming and complete accountability. However, this reduction required a fundamental rearrangement of the functions and responsibilities of the 19 departments, which, in most instances, were renamed, with the position of chief executive of the department also being redesignated. These changes have to be reflected in the numerous Acts administered within the departments. The Government decided that the best way to facilitate this was with one Bill which amends 29 Acts administered within five departments. A further Bill will be necessary for the Acts which are yet to be amended.

This legislation, to be known as the Public Service (Administrative Arrangements) Bill 1990, formalises our promise to better coordinate Government departments and maximise their efficiency. It is proof positive of the Government's unwavering commitment to providing a revitalised and efficient public service for the community.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

PARLIAMENTARY MEMBERS' SALARIES ACT AMENDMENT BILL

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (7.36 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Parliamentary Members' Salaries Act 1988-1989 in a certain particular."

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) (7.37 p.m.): I move—

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

Honourable members will recall that, on 21 March last, this House approved the membership of the Parliamentary Committees for Electoral and Administrative Review and for Criminal Justice.

The Government has considered the additional workload to be borne by the chairman and members of these committees and has reached the conclusion that the chairmen and members of both committees should receive some additional remuneration for their services.

The payments outlined in the Bill are identical to the rates applicable to the Public Accounts and Public Works committees. Additional salary provided for the chairmen is at the same rate as that applicable for the Government Whip, whilst that for members is at the same rate as that applicable for the Government Deputy Whip. These payments are considered reasonable.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

LAND TAX ACT AMENDMENT BILL

Hon. K. E. De Lacy (Cairns—Treasurer and Minister for Regional Development) (7.38 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Land Tax Act 1915-1989 in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr De Lacy, read a first time.

Second Reading

Hon. K. E. De Lacy (Cairns—Treasurer and Minister for Regional Development) (7.39 p.m.): I move—

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

The Bill has two chief purposes. Firstly, it provides for the removal of the 1.05 hectare area limitation on the principal place of residence concession as from 30 June 1989. It provides also for insertion in the Act of a new structure under which exemption for religious, educational and charitable bodies is rationalised and standardised across stamp duty, payroll tax and land tax. This will have effect as from 30 June 1989.

It is proposed that there be an exemption for all land owned by or in trust for an exempt charitable institution and used for a qualifying exempt purpose. The definition of "exempt charitable institution" covers a list of institutions and bodies and also provides for the Minister additionally to be able to declare an institution to be an exempt charitable institution where its principal object and pursuit is of a charitable nature or promotes the public good. These initiatives were announced in the 1989-90 Budget of the previous Government. However, the previous Government did not introduce legislation to give effect to these concessions, and it is necessary that this now be done.

When the abolition of the 1.05 hectare area limitation on the principal place of residence concession was announced, it was stated that the value of the concession

would be recovered for any parts of the property subdivided within five years. In this regard, the Bill provides that, where a property has been benefiting from the concession and is subdivided, tax will be reassessed for the previous five years or a shorter period for which the current holder has owned the land. Additional tax will be levied on the principle that the total tax finally payable will be that which would have been levied if the area to be taken by the subdivision from residential use by the owner had not been exempt in those years.

The Bill also incorporates a technical amendment to the home unit company's principal place of residence concession provisions to ensure that the concession applies where the property is held by the home unit company itself as trustee for the individual share-holders.

I commend the Bill to the House.

Debate, on motion of Mr Stoneman, adjourned.

SUPERANNUATION (STATE PUBLIC SECTOR) BILL

Hon. K. E. De Lacy (Cairns—Treasurer and Minister for Regional Development) (7.42 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to provide the machinery for the establishment of a new Superannuation scheme for the State Public Sector and for related purposes."

Motion agreed to.

Mr DEPUTY SPEAKER read a message from His Excellency the Governor recommending the necessary appropriation.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr De Lacy, read a first time.

Second Reading

Hon. K. E. De Lacy (Cairns—Treasurer and Minister for Regional Development) (7.43 p.m.): I move—

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

The purpose of this Bill is to set the legislative framework in place for the establishment of a new superannuation scheme for Queensland public sector employees. The Bill provides that the detailed conditions of the scheme will be prescribed by trust deed. The trust deed will require the approval of the trustees appointed under the Act and the approval of the Governor in Council. Additionally, the trust deed will be treated as subordinate legislation and will thus be subject to scrutiny by the Parliament.

Primarily, the scheme will replace the State Service Superannuation Scheme for new appointees to the public service and other major areas of Government service. It is planned to freeze membership of the State Service Superannuation Scheme once the various parties have agreed to the conditions of the new scheme, the trust deed is in place and the necessary administrative structures for the new scheme are established.

It is proposed further to offer membership of the new scheme to the existing members of the State Service Superannuation Scheme on an optional basis. The transfer arrangements to apply from the existing scheme to the new scheme will be actuarially determined after an actuarial valuation of the existing scheme is completed.

Honourable members would be aware that the basic benefit structure of the State Service Superannuation Scheme has remained unchanged since its inception in 1959. However, since that time the scheme has been the subject of 20 separate legislative amendments. As a result, the scheme is now extremely complex, is not readily understood

by the membership and is costly to administer. It is also the Government's view that the conditions of the existing scheme are no longer appropriate to the employment patterns of today.

For these reasons, the Government has entered into negotiations with the unions and associations representing public sector employees with a view to introducing a superannuation scheme—

- which would best meet employees' needs and requirements;
- which is affordable within currently acceptable levels of funding;
- which is easily understood by the membership;
- which may be administered in a cost-effective and efficient manner; and
- which is acceptable to employing authorities as an effective part of employees' remuneration packages.

These negotiations are progressing well and it is expected that the new scheme will be in place by 30 June this year.

Whilst the scheme will cover appointees to those employing authorities which currently come within the ambit of the State Service Superannuation Scheme, it will also be made available to employees of those areas of Government service and those statutory authorities which currently operate separate staff superannuation schemes.

The new scheme will be funded at the same level of Government contributions as the existing State service scheme and it is proposed that the scheme conditions comply with the requirements of the Commonwealth Occupational Superannuation Standards Act and Regulations.

The provisions of the Bill are designed to—

- Define the scope for eligibility of the scheme to include any Queensland Government entity.
- Establish the scheme membership provisions.
- Set out the constitution, functions and proceedings of the board of trustees. It is proposed that those persons who have been appointed under the Superannuation (Government and Other Employees) Act and the Gosuper scheme trustees will also be the trustees of the new scheme.

The Bill also provides that the scheme is to be established by a deed approved in writing by the board of trustees and then approved by Order in Council.

A further provision of the Bill is for the fund to be invested for the first five years' settling-in period by the Queensland Treasury Corporation and subsequently under arrangements agreed to between the trustees and the Government.

In addition, the Bill covers the administration of the fund in terms of fund accounting, audit, actuarial investigation, reporting to Parliament and other normal prudential requirements. The Government is confident that the new superannuation scheme will provide a more equitable arrangement for all Government employees without increasing the cost of superannuation coverage to the Government.

The legislation proposed will enable the establishment of superannuation arrangements for Queensland public sector employees which are readily understandable, simple to administer and which will be valued by employees as an important part of their remuneration package.

I commend the Bill to the House.

Debate, on motion of Mr Stoneman, adjourned.

SUPERANNUATION ACTS (MISCELLANEOUS AMENDMENTS) BILL

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (7.48 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Public Service Superannuation Act 1958-1989, the State Service Superannuation Act 1972-1989,

the Parliamentary Contributory Superannuation Act 1970-1989, the Police Superannuation Act 1968-1989 and the Police Superannuation Act 1974-1989 each in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr De Lacy, read a first time.

Second Reading

Hon. K. E. De LACY (Cairns—Treasurer and Minister for Regional Development) (7.49 p.m.): I move—

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

The purpose of this Bill is to introduce amendments of a relatively minor nature to the parliamentary, police and State service superannuation schemes. The primary reason for the changes is to ensure that the conditions of the schemes comply with the requirements of the Commonwealth Occupational Superannuation Standards Act and Regulations which extend to public sector superannuation schemes from 1 July 1990.

In this regard, the schemes are to be amended to include the Commonwealth Government's reporting requirements to members and for the holding of triennial actuarial investigations. Currently, the Acts governing the police and State service schemes prescribe that actuarial investigations be held at intervals no longer than every five years.

A further change, which is of considerable significance to members of the police and State service schemes, is to vary the rate of interest payable on contributions refunded to members on early resignation from a standard 5 per cent per annum to a rate which reflects the net earning rate of the funds. The Government considers that the inclusion of such a provision is long overdue.

Further amendments are proposed to the Police Superannuation Scheme resulting from recommendations made by the Fitzgerald commission of inquiry. That commission, when proposing the structure and management of the police force, considered the superannuation entitlements of police officers and recommended that the provisions of the Police Superannuation Fund be reviewed—

(a) to ensure that it caters for the needs of contract employees; and

(b) to assess the desirability of that fund having the power to conduct independent inquiries into an officer's health when that officer is being considered for retirement on medical grounds.

Accordingly, provisions are included in the amending legislation to permit any police officer appointed under a contract of employment to contribute to the police scheme.

A further provision requires that the Police Superannuation Board be satisfied that a member is permanently unfit to carry out the duties of his or her office before paying an incapacity benefit. This provision is similar to one currently contained in the legislation covering the State Service Superannuation Scheme.

To assist in the reorganisation of the Police Department, the Bill will also permit the payment of an early retirement benefit under arrangements approved by the Governor in Council for police officers. Where the early retirement benefit is payable, it will have the same value as the benefit which can be preserved in the fund by any member who resigns before retirement age. A similar cash benefit is to be payable where the Crown terminates a contract of employment of a police officer for reasons other than misconduct. A similar provision is contained in the Bill in relation to the termination of contracts of persons covered by the State Service Superannuation Scheme.

A number of machinery amendments are also proposed to the Parliamentary Contributory Superannuation Act. These changes, which have been recommended by the parliamentary scheme trustees, include-

- The provision of a requirement that regulations made shall be tabled within 14 sitting days after publication in the *Gazette* and that where regulations are not tabled, or are tabled outside the prescribed period, they shall be void and of no effect.
- The correction of an apparent oversight to provide that previous refunds received from the Parliamentary Contributory Superannuation Fund by a member of the Legislative Assembly are escalated and deducted from the current entitlement where the current entitlement is determined on the basis of both current and previous periods of service.
- Provision to allow the trustees' discretion to pay an ill health retirement benefit where no medical certificate had previously been provided by a member and the member is forced to retire because of an accident.
- The repeal of section 22 of the Act which provides for a member to nominate to the trustees that he has no spouse but has a female dependant who is also a housekeeper. This benefit is now paid to the estate.
- Provision to allow the trustees to pay interest, at a prescribed rate, on lump sum payments from the date they become due until the date they are paid.
- The introduction of a preservation option to members of the Parliamentary Contributory Superannuation Fund to provide a further benefit option.

The amendments proposed in the Bill will apply from a date or dates to be proclaimed, and generally it is proposed that the provisions be in place by 1 July 1990.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

LIQUOR ACT AMENDMENT BILL

Hon. R. J. GIBBS (Wolston—Minister for Tourism, Sport and Racing) (7.55 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Liquor Act 1912-1989 in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Gibbs, read a first time.

Second Reading

Hon. R. J. GIBBS (Wolston—Minister for Tourism, Sport and Racing) (7.56 p.m.): I move—

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

The previous Government amended the Liquor Act in July 1989, which implemented a scheme of rationalisation for the liquor industry and enabled owners of non-viable hotels to apply to the Licensing Court for removal of the licence to another part of the State not adequately serviced by a hotel.

A number of applications have been made under the amended section and are currently being considered by the Licensing Court. Additionally, there have been indications that a person or company proposed to purchase all the hotels in a town and then apply to the Licensing Court to remove some of those hotels to other areas.

It is not the intention of the Act, nor is it the Government's wish, that entrepreneurs become part of the liquor industry if their only aim is to make a profit by purchasing licences for removal and then reselling those licences at a greatly inflated margin.

A lot of the licences in small and remote country areas are able to be purchased at a lower price than would be possible in major centres and application can be made to remove those licences to an area where there is a lucrative market. It will remain a requirement of the Act that there must remain in the locality adequate licensed premises to serve the needs of the public.

The proposed amendment will still allow licences which are non-viable, because of the number of premises in a town or area, to be removed to sites where there are inadequate licensed premises to service the needs of the public and enable the remaining owners to lift the standard of their premises, thus providing to the public in that area a better standard of facility for their enjoyment.

This amendment will allow the Licensing Commission to examine the proposed site after the Licensing Court has approved the removal of the licence, to satisfy itself that the new site is suitable, and that it is justified to meet the needs of the public and the neighbourhood of that new site.

The proposed amendment will also carry out the Government's policy to limit the costs involved in extensive court hearings in the Licensing Court by allowing the Licensing Commission to consider the needs of the public and that of the neighbourhood of the site as well as the suitability of the site itself. It can then inform the court whether the removal should or should not be effected before putting both the applicant and any persons who desire to object to the expense of having to argue the merits of the application before the Licensing Court.

The commission may still make a recommendation to the court after considering the evidence where objections are made and heard. The applicant will always have the right of appeal to the court if the applicant feels aggrieved by the decision of the commission not to support the application.

I commend this Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

RACING AND BETTING ACT AMENDMENT BILL

Hon. R. J. GIBBS (Wolston—Minister for Tourism, Sport and Racing) (7.58 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Racing and Betting Act 1980-1989 in certain particulars"

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Gibbs, read a first time.

Second Reading

Hon. R. J. GIBBS (Wolston—Minister for Tourism, Sport and Racing) (7.59 p.m.): I move—

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

The evidence of the extent of illegal betting in Queensland has been comprehensively addressed in the Fitzgerald report and is the subject of further investigation by the Criminal Justice Commission.

The Government was elected on a platform of clearing up corruption and eliminating illegal practices. Consistent with our commitment, the Racing and Betting Act Amendment

Bill seeks to redress the current situation in Queensland where there are no legal means for members of the public to place a bet on sporting fixtures other than horse-racing, trotting and greyhound-racing. The practice of illegal betting on sporting events is understood to be fairly widespread in Queensland, particularly concerning the outcome of football matches.

Legal betting is, however, available through the various Totalisator Administration Boards in other States, with the exception of the ACT and the Northern Territory. Additionally, there is limited betting through book-makers in Victoria, the Northern Territory and Tasmania. It is timely, therefore, for the Government to legislate to provide legal avenues for members of the public to place bets on the outcome of sporting fixtures. This step is entirely consistent with the Government's commitment to eliminate illegal betting practices.

The measures proposed in the Bill benefit the community by contributing, to the Consolidated Revenue Fund, an appropriate levy which otherwise could not have been collected due to the illegal nature of such betting. The proposed amendments to the Racing and Betting Act will enable the TAB to establish new forms of sports totalisators and, in particular, to initiate "Footy TAB", which is designed to facilitate betting on the outcome of football matches.

As the Sydney Rugby League competition matches generate considerable interest in Queensland, the Bill empowers the Queensland TAB to amalgamate investments with other totalisator bodies, namely, in this instance, the New South Wales TAB. Further, it is anticipated that, through a 10 per cent turnover tax on Footy TAB, consolidated revenue should receive in the vicinity of $400,000 per annum from this new form of legalised sports betting.

It is also intended that the Bill will empower the TAB to introduce a new form of betting on evening harness racing, known as "Tabanza". This is a game of luck rather than skill and is based on the order of finishing position in a field of 10 runners in a race. This new initiative differs from other forms of betting on racing in that the punter does not make any selection of runners regarding the outcome of the race. Instead, the punter is allocated a random set of 10 numbers pertaining to the placement of runners at the finish of the race.

Honourable members will be aware of my commitment to introducing sports betting by book-makers simultaneously with sports betting through the TAB. I believe that this step has all the social and economic advantages of healthy competition and, through a turnover tax which is half the present rate, will assist book-makers. The provisions of the Bill enable those book-makers who are members of the Queensland Bookmakers Association to accept bets on the outcome of approved sporting events.

It is planned for the Queensland Bookmakers Association to submit proposals for ministerial approval on particular sporting events or series of events. As such, it would be up to the Queensland Bookmakers Association to vet impractical submissions and to provide relevant details, such as the means by which results are officially declared. Also, there is an added benefit in allowing for book-makers to accept bets on sporting contingencies while conducting their business at race meetings. This is the incentive for members of the public to attend race meetings and place a bet on sports results with attendant book-makers.

The Bill proposes that the turnover tax payable by book-makers on sporting events will be 1 per cent. This is lower than the standard rate of 2 per cent, provides some immediate financial relief to book-makers and is indicative of the Government's preparedness to assist book-makers as they endeavour to cope with an overall industry trend of declining attendance at race meetings.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

MINERAL RESOURCES ACT AMENDMENT BILL

Hon. K. H. VAUGHAN (Nudgee—Minister for Resource Industries) (8.05 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Mineral Resources Act 1989 in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Vaughan, read a first time.

Second Reading

Hon. K. H. VAUGHAN (Nudgee—Minister for Resource Industries) (8.06 p.m.): I move—

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

Honourable members will be aware that the Mineral Resources Act 1989 was assented to in October last year. They will also be aware that the Act is yet to be proclaimed, seven months after its hurried passage through the House.

At the time, I expressed my concern that some organisations and interested parties were not satisfied with the Bill. I opposed the second reading of the Bill and sought to have the legislation lie on the table of the House for a reasonable time to allow more public scrutiny.

After the happy events of 2 December, the Minister for Primary Industries and I called together representatives from the various rural, land-holder and mining organisations as well as the Local Government Association of Queensland to discuss their concerns. The rural and land-holder organisations lodged an extensive combined submission and the Government provided its responses. By last month, we were at the negotiating table trying to reach agreement. At that meeting, we were able to reach some compromises, which is why I am before the House tonight. The purpose of this Bill is to amend the Mineral Resources Act 1989 before it is proclaimed.

The mineral resources of this State belong to everyone. It is the Government's role to ensure that those resources are responsibly developed in the interest of this State and not just in the interests of one group, be they miners or farmers. The land-use debate requires balance and a carefully planned framework by which that balance can be sought.

I strongly believe that, once the amended Mineral Resources Act is in place, the Government will be able to strike that balance between the needs of the exploration and mining industries and the needs of other land-holders, especially rural industry. Accordingly, this Bill before the House tonight amends the Act in three ways: firstly, to take into account the issues negotiated by these various organisations; secondly, to require that current and prospective land use be taken into account when the Government is considering granting mining leases; and, finally, to address a number of other interpretation and administration issues related to the legislation which have been raised with my Department of Resource Industries since the Act received royal assent.

I begin with the issues which the interested parties agreed upon. The Bill provides for the addition of a new objective in the Act to encourage responsible land-care management by prospectors, explorers and miners. This is to highlight to the exploration and mining industries that, as well as primary producers and other land-users, they, too, must adopt acceptable land-care methods. The compensation provisions relating to prospecting permits, exploration permits and mineral development licences have also been extended to allow the land-holder to obtain compensation for injury or loss, as well as for damage to his land or any improvements on that land. The Act as it stands

allows compensation only for damage. Prospectors will now be required to give land-holders at least seven days' notice before their initial entry onto land-holders' properties. The legislation as it exists requires notice, but does not specify any period of time.

Another amendment seeks to save miners and land-holders time and money. If a land-holder attends a court hearing only to find an applicant for a mining claim and mining lease has abandoned or withdrawn the application, this Bill allows the mining warden to award costs against the applicant. Similarly, to discourage frivolous or vexatious objections, an objector who does not pursue his objection may have costs awarded against him.

A provision has also been included to allow conditions to be imposed on explorers requiring them to comply with industry codes of conduct. The mining industry has codes of conduct which were devised in consultation with the major rural organisations. The Bill will require all explorers to comply with these codes. Those who do not will face fines or loss of their exploration permits.

Similar provisions are included for mineral development licences. However, in the case of these licences the provisions will be extended to cover industry agreements. This is to give legislative backing to such agreements as the "at risk" agreement currently in place between the mining and rural industry organisations. Under the current provisions of the Act, an explorer has to advise the land-holder of the proposed exploration program and the time-frame involved. This Bill extends that provision so that if a land-holder has concerns about proposed exploration on his property, he can refer them to the mining registrar, who is required to investigate and, if necessary, make a recommendation to the Minister. As part of this conflict resolution process, the mining registrar will be able to call a compulsory conference of the land-holder and the holder of the exploration permit or mineral development licence to discuss the problem. These new provisions will give the land-holder an appropriate avenue for conflict resolution at any time. A similar avenue is provided for a holder of an exploration permit or a mineral development licence, who can also refer any dispute with a land-holder to the mining registrar for investigation and report.

The Bill provides further that when the Minister requires an environmental impact study to be carried out for a mining lease application, the study will have to be available to the public at least two months before the application is heard in the Warden's Court. The Bill also allows for objections to be lodged up until the end of that two-month period.

Finally, as agreed between the parties, the current provisions of the Act relating to the liability of land-holders have been clarified to ensure that a land-holder is not liable for any injury suffered if the victim is injured as a result of prospecting, exploring or mining and if the land-holder has not contributed to the injury.

I now turn briefly to the number of interpretation and administration issues raised since the Act was assented to in October. Rural industries have continued to voice concern over what they see as legislation that will give the mining industry an inherent right to the land ahead of all other land-users and threaten the viability of value-adding agricultural processing industries. We all must realise that minerals have to be mined where they occur. Nevertheless, this Government recognises that the land on which they occur may already, or in the future, support other activities that are of just as great a value to the community as the minerals. Accordingly, the Act is to be amended to require the mining warden to look at these factors. When he makes a recommendation to me about a mining lease application, he will have to have considered whether, in the light of the current and prospective land use, the proposed mining operation is an appropriate land use.

The Bill also amends the definition of "reserve" to clarify that land leases issued under Schedule 1 of the Local Government (Aboriginal Lands) Act 1978-1981 are reserve land for the purposes of the Mineral Resources Act. This gives the residents of the Mornington and Aurukun Shires the same protection as those living on areas held under deed of grant in trust for Aboriginal and islander people. It has also been clarified that

when leases are issued to individual residents of these reserves, the owner for the purposes of entry and negotiation of compensation in relation to exploration and mining remains the trustees of the reserve not the individual lessee.

The amendments also provide for the holder of a mining claim, mining lease or mineral development licence to vary the location of his access. This will be by agreement with the land-holder or, if an agreement cannot be reached, by determination in the Warden's Court. Further, for a three-month transitional period after the Act comes into force, applicants for mining leases will be able to apply to convert those applications into applications for mineral development licences. The mineral development licence did not exist under the old Mining Act and therefore miners have tended to apply for mining leases to protect their resources even though they are not ready to mine. This amendment will allow them to advance their projects under a more suitable tenure, that is, a mineral development licences. A similar mechanism is provided during the three-month transition period for holders of granted mining leases to apply for mineral development licences.

The Bill also clarifies that the holders of mineral selections and mineral freeholds, titles where minerals other than gold may not belong to the Crown, have a priority to apply for a title to those minerals under the Mineral Resources Act during the three-month transitional period.

I believe that the Mineral Resources Act, as amended by this Bill, is a sound and balanced piece of legislation. I commend the Bill to the House.

Debate, on motion of Mr Fitzgerald, adjourned.

MINING (FOSSICKING) ACT AMENDMENT BILL

Hon. K. H. VAUGHAN (Nudgee—Minister for Resource Industries) (8.14 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Mining (Fossicking) Act 1985 in certain particulars and for another purpose."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Vaughan, read a first time.

Second Reading

Hon. K. H. VAUGHAN (Nudgee—Minister for Resource Industries) (8.15 p.m.): I move—

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

Mr VAUGHAN: Amendments to the Mining (Fossicking) Act 1985 are necessary because of the impending proclamation of the Mineral Resources Act 1989. The Mining (Fossicking) Act was introduced to encourage tourism in mining areas. The purpose of the legislation is to allow the declaration of areas in the State where fossickers can seek gemstones and gold, having obtained fossickers' licences from the Department of Resource Industries. The Act regulates fossicking within these special areas and also provides for their overall control.

As I indicated during the introduction of the Mineral Resources Act Amendment Bill, there are major conceptual changes in the Mineral Resources Act. It adopts a totally new approach to the definition of "land" and the relevant authorities available for accessing such land for the purposes of prospecting, exploration and mining. Major changes have also been made to the administration of these authorities, particularly in relation to the respective roles of the mining registrars and wardens.

Because of these new concepts, certain provisions of the Mining (Fossicking) Act are now inconsistent with the Mineral Resources Act. To bring these two pieces of legislation into line, certain amendments are necessary to the Mining (Fossicking) Act and this is the first purpose of this Bill.

In this regard, it has been necessary to replace terms such as "search for or collect any mineral" and "mining purpose" with the defined terms of "prospect", "explore" or "mine". Terms such as "Crown land" and "reserve land" have been deleted because the Mineral Resources Act only recognises land as being occupied or unoccupied. All references to the Mining Act have been replaced with references to the Mineral Resources Act and references to "miner's right" have been replaced with references to "prospecting permit" because the "miner's right" no longer exists under the Mineral Resources Act. It has also been necessary to replace references to the warden with references to the mining registrar and other officers because most functions carried out under the legislation are administrative as distinct from judicial. It has been clarified that these officers require a warrant from a justice before entering any dwelling houses. The proclamation of the Mineral Resources Act will also see the end of the concept of miners' commons. These are areas on several of the State's older mining fields where vacant Crown land has been set aside for residents to depasture stock.

Last year, during the introduction of the Mineral Resources Act, I raised the concerns of the residents of the central Queensland gemfields at the possibility of losing their miners' common. As Minister, I have taken action with this Bill to save those commons. I believe that these commons should be retained in areas with tourism potential, such as fossicking locations, particularly the central Queensland gemfields. Accordingly, the Mining (Fossicking) Act is to be amended to provide for the establishment and management of miners' commons within designated areas set aside under the legislation. That is the second purpose of this Bill.

The amendments provide for unoccupied land within designated areas to be declared miners' commons by Order in Council of the Governor in Council. There is also provision for the abolition of miners' commons in a similar manner. Management of these areas has been a problem in the past, so the amendments will now provide for suitable management.

The Minister is empowered to appoint, with consent, the local authority or another body corporate as manager of the common. The manager is required to submit, for the Minister's approval, rules for control and management of the common. Those rules must prescribe fees for the maintenance and management of the common. If the Minister is not satisfied with the management, he may replace the manager.

I believe that these provisions will answer the needs of the residents of the central Queensland gemfields and other similar areas.

I commend the Bill to the House.

Debate, on motion of Mr FitzGerald, adjourned.

COMMONWEALTH POWERS (FAMILY LAW—CHILDREN) BILL

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.19 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to refer to the Commonwealth Parliament certain matters relating to children."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Milliner, read a first time.

Second Reading

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.20 p.m.): I move—

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

The Bill before the House, though small in length, is significant both in terms of the effect it will have on families who are the subject of complex and arid legal disputes and on the advancement of real, practical and progressive federalism. The object of the proposed legislation is to refer to the Commonwealth, pursuant to section 51 (37) of the Commonwealth Constitution, power to legislate for—

- the maintenance of children and the payment of expenses in relation to children or child bearing; and
- the custody and guardianship of, and access to, children.

The legislation specifically preserves the continued operation of Queensland's adoption and child-welfare laws. Further, the inherent jurisdiction of the Supreme Court over children in these areas is also retained. Significantly, the Bill also empowers the Governor in Council to terminate the reference of powers to the Commonwealth. In other words, the reference of powers is not irrevocable and any future Government or Parliament retains the legal and moral authority to terminate this arrangement, should circumstances necessitate such action.

Even without such a specific provision, I think it is now accepted that a State which refers power to the Commonwealth can later revoke them. I refer, firstly, to the High Court decision of Public Vehicles Licensing Appeal Tribunal (1964) 113 CLR 207 and, secondly, to the following comments of Professor Lumb—

> "It is clear, therefore, that a State Parliament may refer a matter to the Federal Parliament for a fixed period, or for an indefinite period of time or without any period of time specified. There is grave doubt, however, as to whether the reference may be in terms specifically irrevocable as this would constitute an infringement of a basic constitutional principle that a State Parliament cannot bind its successor. Taking the matter further one might also venture the opinion that a reference of power made in unqualified terms may be repealed by a State Parliament at any time."

The Bill is in almost identical terms to legislation passed by the Parliaments of New South Wales, Victoria, South Australia and Tasmania in the 1986-1987 period—Parliaments, it should be added, dominated at that time by both Labor and the conservative sides of political life. In short, referral to the Commonwealth of Family Law powers over children, in jurisdictions other than Queensland, was a bipartisan measure.

When the Family Court was created in the mid-1970s, a distinction had to be drawn between nuptial and ex-nuptial children. At the very time when a specialist court was established to deal with family matters and when all States, including Queensland, were passing legislation to remove the stain of illegitimacy, a legal distinction was created between legitimate and illegitimate children by the operation of the Commonwealth's marriage and matrimonial causes powers. Commentators, lawyers, judges and persons affected by this division of authority spoke out in favour of change, and the reasons they advanced were, and remain, compelling. Firstly, the Family Court was established as a specialist court for dealing with the sensitive and difficult questions relating to family matters. It is illogical and unfair that ex-nuptial children should be excluded from this court whereas children of a marriage can be dealt with.

Secondly, not only is there a difference in court forums but a difference in the substantive law which is applied between these classes of children. In both instances, it is outrageous that a situation can arise within one family whereby the children have to go before different courts and be subject to widely divergent principles of law. Thirdly, time and time again cases were heard by the High Court purely on the constitutional issue of whether this or that court had jurisdiction to hear a particular application. Real people—ordinary Australians—were caught in a whirlpool of arid legal disputes which were as time-consuming and costly as they were ultimately useless, except for the lawyers involved and the specialists of obscure principles of constitutional law.

In 1986, the then Chief Justice of the High Court, Sir Harry Gibbs, in one such case, said—

> "This matter provides another example of the lamentable results that can ensue when the limits of the respective jurisdictions of State and Federal courts are not clearly defined."

This Bill will ease this lamentable situation and ensure that the Family Law Court can deal with all family law issues involving children. It will ensure that threshold constitutional demarcation disputes will not arise and that the rights of the children of a household are resolved by one court and by the application of one body of law in a

consistent and rational manner.

The passage of this Bill will complement the cross-vesting legislation which came into force on 1 July 1987. As a result of that other example of cooperation federalism, cases commenced prior to this legislation being passed will be able to be transferred to the Family Court. In that regard, and for the interest of honourable members, I refer to a 1988 decision of the Supreme Court of New South Wales in Mulhall v. Hartnell, 12 Family Law Reports 361. Apart from all of those considerations, there are even further reasons why the passage of this Bill is essential.

In 1988, Queensland, in the absence of referring family powers over children, was required to pass legislation adopting Stage 1 of the Child Support Scheme. Unfortunately, the Queensland legislation adopted the Commonwealth legislation as passed, but not as subsequently amended. If Queensland is to have up-to-date legislation adopting Stage 1, it will need to amend the Child Support (Adoption) Act 1988 each and every time the Commonwealth amends its legislation. This is both cumbersome and undesirable, because it would waste the time of this Parliament and because there would inevitably be time gaps between the benefits enjoyed interstate and those enjoyed by Queensland recipients of the scheme.

In addition, the deficiencies of the 1988 Queensland Act are also highlighted by the fact that it adopted only Stage 1 of the Child Support Scheme and not Stage 2. The practical effect of this is that, in Queensland, ex-nuptial children of parents who separated after 1 October 1989 are not receiving the benefits of the higher maintenance payable under the assessment scheme. This Bill will remove this anomaly and the potential for any future ones being created.

As the effect of this Bill will be to enable the Commonwealth to sensibly legislate for the family law aspects of ex-nuptial children, there will not be a need for the Child Support (Adoption) Act 1988, and it is therefore repealed under the proposed legislation.

The real beneficiaries of this Bill will be the children of de facto relationships and children belonging to "blended families". Family dissolutions are traumatic enough, and the law should help, not hinder, people suffering in those circumstances. The division of constitutional authority in this area has been a source of hardship for many, and this cannot continue.

The Bill will rationalise and humanise the law without permanently depriving this Parliament of its legislative authority. Rather, this Bill is a hallmark of mature federalism and an illustration of the means by which the States and the Commonwealth can cooperate in advancing the interests of the most important component of any political system—the people.

I commend the Bill to the House.

Debate, on motion of Mr Gilmore, adjourned.

CORRECTIVE SERVICES ACT AMENDMENT BILL

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.28 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Corrective Services Act 1988 in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Milliner, read a first time.

Second Reading

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.29 p.m.): I move—

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

Since the inception of the Queensland Corrective Services Commission, a number of the changes recommended by Mr Jim Kennedy in the final report of the Commission of Review into Corrective Services in Queensland have been implemented. Whilst those changes have made a dramatic impact on the corrections system, this Government is of the opinion that there are still areas that require attention.

Mr Kennedy's report stressed that corrections in general should be managed in a manner that is consistent and equitable. He made particular reference to the process of releasing prisoners to community-based supervision, stating that the process should be depoliticised and that the community at large have a greater role in the decision to release. Mr Kennedy also formed the opinion that the Aboriginal community lacked representation in the decision-making process.

The current process still requires the Governor in Council to determine the release of life-sentenced prisoners to a structured community supervised integration package which includes work release, home detention and parole. Criticism of this method of releasing life-sentenced prisoners has been raised in Mr Kennedy's report, by prisoner-interest groups and by prisoners themselves.

It is apparent that the spirit of the recommendations made by Mr Kennedy has been inhibited by the continuation of this unnecessary process. This opinion is held not only by this Government but also by numerous community groups and individuals. It is clearly unsatisfactory and unfair that the final decision to release prisoners to community supervision should rest within the realm of political influence. If the community at large has to accept those people back into their society, then it is reasonable that the decision to release should be made by a community corrections board that is truly representative of the general public. In this way the community itself will have the responsibility for releasing life-sentenced prisoners.

Accountability will be ensured by a careful and public selection process for new members, by sound judgment in appointments to board positions, by the requirement of reporting annually to Parliament and by the presence of a representative of the Director-General of Corrective Services.

It is the policy of this Government that the decision on the release of life-sentence prisoners should be depoliticised and that the community corrections boards should have a membership that is more representative of the general community. Moreover, we have moved responsibly to introduce quite significant changes in this regard, resulting in the legislation that is now before the House.

Essentially, this Bill will empower the Queensland Community Corrections Board to determine applications for release to community-based supervision by life-sentence

prisoners and will change the composition of community corrections boards to provide for a membership that has a solid community representation, including representation of Aboriginal and Islander people. I am of the opinion that these changes to the Corrective Services Act will result in significant increases in the level of community input and improve the fairness of the decisions to release prisoners to community-based supervision.

I commend the Bill to the House.

Debate, on motion of Mr Gilmore, adjourned.

PRIVACY COMMITTEE ACT AMENDMENT BILL

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.32 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Privacy Committee Act 1984 in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Milliner, read a first time.

Second Reading

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.33 p.m.): I move—

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

This Bill has one object and that is to ensure that the Privacy Committee Act and the Privacy Committee continue in existence until 14 June 1991. The Act as it stands contains a sunset clause which provides that the legislation continues in operation for five years from the date the Act was proclaimed, and no longer. As the Act was proclaimed to commence on 22 August 1985, unless this Bill is passed, the Privacy Committee Act will lapse on 22 August 1990.

The Privacy Committee, through the medium of a subcommittee, recently reported to me on the future role of the committee and of privacy legislation in general. Without going into all of the matters raised, I can advise the House that the following points were made by the Privacy Committee—

- there should continue to be a Privacy Committee;
- it should have an expanded role; and
- there should be exposure of the role of the Privacy Committee to the public for its views.

Rather than attempt to bring into Parliament a hastily prepared piece of legislation in this critical area, the Government has determined that it is far better that there be sufficient time for community debate and that, while this debate takes place, there remain in existence a Privacy Committee which will safeguard the privacy interests of Queenslanders.

I do not intend to make any lengthy comments on the adequacy of the existing legislation. On 27 March 1984, during the second-reading debate in this House on the present legislation, the then member for Sherwood, Mr Innes, said that the Bill was "a very modest reform; it might even be called shy and retiring". I share Mr Innes' view and believe that there is considerable scope for improvement, both in the legislation establishing a privacy watchdog as well as in general legislation protecting the privacy of Queenslanders.

I would like to place on the public record my appreciation of the work performed by the Privacy Committee. Since 1985, it has been chaired by the Honourable Charles

Sheahan, QC, and despite the comparative paucity of legislative, financial and infrastructure back-up for the committee, it has carried out its role in a thoroughly competent and professional manner. It certainly is not the fault of the committee that its recommendations in the past on such matters as the Invasion of Privacy Act were not implemented.

The right to privacy is one of the most fundamental human rights that citizens in a liberal democratic society are entitled to. With rapid developments in technology, the growth of the institutions of State and urbanisation, there is a need for all Governments to be vigilant and unstinting in protecting this basic right for their citizens. Because privacy is such a basic right, it is appropriate that the community be given an opportunity to have its say on the way in which legislation should proceed. This Bill will facilitate this process and ensure that, in the near future, Queensland has effective and comprehensive privacy legislation.

I also indicate that, just as Government members will be encouraged to have an input in this law reform process, I would also be pleased if both the Opposition and members of the Liberal Party contributed. Privacy should not be a partisan issue. Loss of privacy affects all people irrespective of age, social position or political persuasion. Accordingly, I indicate to the members of both the National Party and the Liberal Party that I will welcome their views in due course when legislation is being developed.

I commend the Bill to the House.

Debate, on motion of Mr Gilmore, adjourned.

JURY ACT AMENDMENT BILL

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.37 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Jury Act 1929-1988 in certain particulars."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Milliner, read a first time.

Second Reading

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (8.38 p.m.): I move—

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

Prior to 1972, the process of selecting juries was carried out by a completely manual system. The Jury Act Amendment Act 1972 introduced computers into the procedures for the first time. For example, the annual jury list and the prospective jurors' list have been produced by computer from that time. The Jury Act and Other Acts Amendment Act 1976 further refined those procedures.

The steps in the Jury Act relating to the selection of juries are set out in great detail and currently combine manual and computerised elements. Examples of manual components in the process are to be found in the balloting steps outlined in the present section 13 and the duty of the sheriff to notify the Principal Electoral Officer of certain matters in the current section 14A.

It is now proposed to introduce further elements of computerisation into the jury selection process, including the enhancement of some presently existing computerised steps. This legislation will provide a statutory basis for the introduction of these new

and enhanced computerised procedures in the selection of juries. Two general principles have been adopted in drafting these amendments to the Jury Act, namely—

(a) Where possible, manual elements in the Act in the current system will remain in place because—

(i) More remote court districts will need to avail themselves of the manual system for some time to come. In any case, it is envisaged that a pilot program for the Brisbane district will be conducted in the initial stages while other districts will continue to use the existing system.

(ii) Court officers may need to revert to the manual system when technical problems arise out of the use of computers, for example, when computers fail.

(b) A less detailed approach when setting out the procedures is being followed where possible. Part of the current problem necessitating legislative amendment is occasioned by the extremely detailed nature of the present provisions in the Jury Act itself. It would be more convenient if some of this detail were confined to regulations, thus making future changes in procedures easier to effect. In this context, it is useful to consider the South Australian Juries Act which simply refers to "random selection made by computer".

The steps to be computerised as a result of this Bill are—

(a) the selection of persons directly from the electoral roll to whom questionnaires for jury service are to be sent; and

(b) the selection of persons to whom summonses for jury service are to be sent, based on information provided in the returned questionnaires.

The introduction of these changes will necessitate the following amendments or additions, among others, to the Jury Act—

(a) There will no longer be any requirement for the Principal Electoral Officer to furnish to the sheriff as soon as practicable after the last day of April, August and December a list for each jury district, as provided for in the present section 12.

(b) The selection of persons to whom questionnaires for jury service are to be mailed is to be carried out by computer utilising a random selection process.

(c) Likewise, in computerised districts the selection of persons to whom summonses for jury service are to be sent is to be carried out by computer, again utilising a random selection process.

These amendments are purely technical in nature and will have no noticeable impact on the general public. However, they do put in place a computerised system which is more efficient than that presently existing. Obviously, there are areas of policy covered by the Jury Act which must be reviewed when time permits, for example, the issue of exemptions from jury service for particular classes of people. However, the present amendments reflect a degree of urgency in that they are necessary to allow the court administration to use computerised procedures which have been developed as part of the upgrading of the systems in the courts.

I commend the Bill to the House.

Debate, on motion of Mr Gilmore, adjourned.

MINERS' HOMESTEAD LEASES ACT AND ANOTHER ACT AMENDMENT BILL

Hon. A. G. EATON (Mourilyan—Minister for Land Management) (8.41 p.m.), by leave, without notice: I move—

"That leave be granted to bring in a Bill to amend the Miners' Homestead Leases Act 1913-1986 and the Mining Titles Freeholding Act 1980-1989 each in certain particulars and for related purposes."

Motion agreed to.

First Reading

Bill and Explanatory Notes presented and Bill, on motion of Mr Eaton, read a first time.

Second Reading

Hon. A. G. EATON (Mourilyan—Minister for Land Management) (8.42 p.m.): I move—

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

In 1986, the administration of the two Acts that are being amended by this Bill was transferred from the then Mines and Energy portfolio to the Lands portfolio. However, at that time only head office administration was affected. Wardens still carried out their registration and valuation duties in the regional districts. With the commencement of the Mineral Resources Act, those wardens will no longer be available for those duties.

The Bill gives legislative authority for the transfer of the registration, valuation and other matters dealing with miners' homestead leases, miners' homestead perpetual leases, business areas, residence areas and market gardens from mining wardens to registrars of miners' homesteads and land commissioners. Registrars will deal with the registers for their districts and dealings involving these tenures. Land commissioners will be responsible for any matters involving inspection and valuation. The Bill reinforces the Government's commitment to the restructuring of the public service.

The administration of mining is covered by the new Mineral Resources Act and is the responsibility of the Minister for Resource Industries. The grant and administration of land tenures for business and residential purposes is more logically the business of the Land Management portfolio.

By perusing the Explanatory Notes which were tabled with the Bill, honourable members will see a full explanation of the extent of this legislation.

I commend the Bill to the House.

Debate, on motion of Mr Lingard, adjourned.

INDUSTRIAL RELATIONS BILL

Second Reading

Debate resumed (see p.1843).

Mrs McCAULEY (Callide) (8.44 p.m.): The repeal of the Essential Services Act, the Industrial Conciliation and Arbitration Act and the Industrial (Commercial Practices) Act is an action which may well be the undoing of the Goss Government. This legislation is the very backbone of the Labor Party's philosophy, namely, looking after the worker—the battler, as Mr Burns would say. Although this sounds very commendable, it is, in fact, misleading and quite untrue.

While I am talking about untrue matters, I feel that I should refute some of the allegations that were made by the member for Bowen, Mr Ken Smyth. For a start, Yarrabee is not in my electorate; it is in Mr Harper's electorate. During this year, I have sat in this House and listened to the honourable members for Bowen and Broadsound bleating about multinationals. However, when it is time for the Aussie fellows—one from Maryborough and one from Kingaroy—to have a go, to buy a coalmine and to make it a real Queensland concern, those members say, "How dreadful! How shocking that is! How appalling!" That is typical of the attitude which is, "Let's sell it to the Japanese. Forget the Queensland boys. Don't let them have a go. Forget the boy from

Kingaroy and the boy from Maryborough. Why should they have the chance? We would rather sell it to the Japanese." That is typical of the attitude of members opposite.

Mr Smyth is very welcome to visit Yarrabee at any time and see for himself the things on which he was laying down the law. I am sure that he would be quite pleasantly surprised. I want to go on record as saying that I am very proud of the Yarrabee mine and what my husband is doing there. I think it is a landmark in the mining industry and I think it will continue to be a landmark for a long, long time. A mine such as that is long overdue in the mining industry.

Some very fine people work in the mining industry in Queensland, but unfortunately the two miners on the other side of the Chamber are not among them.

An Opposition member: They are "minimiminers".

Mrs McCAULEY: The honourable member is right; they are "minimiminers".

This legislation is looking after the interests of the Labor Party—the friend of big business, the levier of high interest rates—which long ago forgot about the battlers of Australia.

To go back in history—the rise to power of conservative Government in Queensland in the 1950s brought to the very highest seats of power in Queensland the country work ethic—get in and do the job; it does not matter what time of the day or day of the week it is; when the work is there, the worker does it and has time off when the job is finished, not just because it is 5 o'clock. This is a different ethic from that espoused by some unions and their members today. Their philosophy is not, "What can I give to the job?", but, "What can I get out of the job?"—how many sickies, overtime, double-time, lurks and perks.

I well remember the time many years ago when our phone rang in the middle of the night. It was one such "worker" complaining that the crib tables were not clean and that he could not eat his dinner until they were clean. He gave no thought to perhaps wiping them down himself. Heaven forbid such lateral thinking.

That is the worker attitude I despise, for that is the attitude that does nothing for this country. However, let me make it clear that I know many good men and true who are part of the working class of this nation and that it is not them to whom I refer. The people I have in mind are wrongly labelled "working class" because they would not work in an iron lung. They are grafters and unproductive incompetents who are slowly but surely killing this country's economy.

In fact, Australia's labour output is significantly lower than that of other industrialised countries. For example, in a table of hours worked per year it is found that the United States worker chalks up 1 917 hours a year; the Japanese worker, 2 013; and the Australian worker, 1 768. Output per head, measured in United States dollars, is also interesting. In the United States, the figure is $35,000 a head; in Japan, $32,500; and in Australia, a mere $22,000.

The VEA legislation was always regarded with distaste by the Labor Party. With declining union membership nationally, particularly in Queensland, the union movement had great difficulty accommodating that legislation. The chance to change and remove the restrictions of archaic provisions in awards and the chance to change existing work methods and operations and meet the challenges of tomorrow were challenges that the Labor Party refused to grasp.

It did not matter that VEAs provided flexibility for the tourist industry and other important industries, that potential existed for multiskilling, that outdated work restrictions could be removed and that there was potential for increased employment. No; union-leaders simply saw that VEAs posed a threat to their power and influence and they were not prepared to give that away without a fight. If one reads the Cooke inquiry report, it is obvious that there was a lot at stake and it is easy to understand why the union-leaders dug in over VEAs.

To digress slightly—I mentioned multiskilling. I was interested to see the reaction of one of the Labor men on the council on which I serve when multiskilling was discussed. He was adamantly opposed to the concept, despite the fine example of QEC and its multiskilling practices. He had a totally closed mind on the issue.

Most women would find it difficult to understand such an attitude because, as wives and mothers, we are the greatest practitioners of multiskilling in society. We have to have a wide range of skills which enable us to do our job and do it well. Demarcation disputes as a result of someone changing a light bulb when he is really only allowed to sweep the floor will be a thing of the past if multiskilling is adopted on a broad scale in Queensland—as it should be.

In a recent article in *Business Queensland*, Viv Forbes commented on VEAs. Those comments are worthy of repetition. He wrote—

"The threatened attack on VEA's"—

by the Goss Government—

"looks more like favours for friends than actions in the public interest."

He continued—

> "With the disappearance of legalised and unearned monopolies all over the world, even in the comrade societies, it is surely out of step for the Queensland Government to propose strengthening the coercive monopoly still held by unions and tribunals. It is also an insult to Queensland workers for union czars to claim that employees are too stupid to be allowed to discuss, negotiate or decide on their own working conditions.
>
> The real reason for the hysteria of the union leaders is that VEA's pose a threat to their power and influence.
>
> Smug and self assured, they have used ideology, legislation and coercion to encourage work habits and enforce employment conditions which have eroded the prosperity of this and future generations of Queenslanders.
>
> They have systematically poisoned the waterholes while loudly complaining about thirst.
>
> The years of industrial obstruction and featherbedding have so depressed productivity and returns to Australian workers that there are huge potential returns available to any enterprise that can shake off these artificial shackles."

His final comment was—

> "It is not fashionable these days to praise anything done by Sir Joh, but his opposition to union thuggery, and his support of freedom of choice, even for union members, struck a strong under-current of support which crossed all political boundaries."

In an editorial on 15 April this year, the *Sunday Mail* commented—

> "VEAs, or Enterprise Agreements, are the way out for mired Australia. They spell the end of 1950's-style management-worker confrontation."

The article went on to speak about Mr Warburton's stance by stating—

"Mr Warburton is a victim of the passage of time"—

a bit like the dinosaur, I think—

> "His posturing on industrial relations is 30 years too late. From laying siege to VEA's he has now moved on to re-introducing de facto compulsory unionism."

Those are sad but true comments, and yet the opposition remains.

Perhaps the best known instance of unions failing to allow their own people to negotiate better terms and conditions was the Mudginberri abattoir case in which the meat-workers' union launched industrial action against its own members who had negotiated employment conditions that were superior to those in the existing meat industry award.

This entrenched opposition to VEAs led the National Director of the Australian Small Business Association, Mr Peter Boyle, to comment—

> "You have to wonder whether people in Australia are truly free if the distant judges of the Arbitration Commission can prevent them from sitting down with their employers and freely entering into agreed terms and conditions for working."

The Australian labour market is still a massively regulated and centralised structure that is totally inappropriate both for the challenges facing Australia as a nation and for the small-business sector. Australia's pathetic productivity growth can be directly sheeted home to the inefficiencies, the rigidities and the massive costs associated with the union-dominated centralised wage-fixing system.

Australia's absurd industrial award system, with its system of overtime payments, is totally out of step with modern industrial trends and the needs of the tourist and retail sectors in Queensland.

I want to read a lengthy quote from the Minister, Mr Warburton. Although it is lengthy, I need to read it so that I can make some points. He said—

> "On the issue of VEAs, I made it clear before the election that I and my Government believe they are against the public interest. That can be proved. There are even employer organisations now complaining about them.
>
> We can't go back to the bad old days. We don't want a law of the jungle. That's the last thing we want. Some people have this peculiar idea that the introduction of VEAs meant the end of industrial disputation.
>
> That couldn't be further from the truth. The time will always come when you have disagreement between parties. VEAs push the arbitration process aside.
>
> What they've also done in some cases, particularly where there is a high labour content when companies are tendering—for instance security businesses—they are now discovering that VEAs make the playing field very uneven.
>
> It's become unfair competition where one company has VEAs and one doesn't. It makes it possible for one company to tender lower because they have an unfair advantage in terms of labour costs.
>
> As far as employees are concerned, some of the provisions that employers are trying to get inserted in agreements are absolutely obnoxious. I don't see stopping the payout of annual leave as really being in the best interests of working people and their families, for example."

Mr Warburton made six points in that statement, and they are all wrong. That type of statement has, until now, been made with complete impunity by delegates of the industrial relations club. Honourable members should consider them.

The first point was that VEAs are against the public interest. No proof was offered for that contention, although in the seven or eight VEAs that were first approved by the arbitration commission, the matter of public interest was considered and not seen to be impinged upon. Of the 50 or so subsequently lodged under the new legislation, no action has been taken against the VEAs by the commission suggesting that the public interest was being impinged upon.

The second point was that even some employer associations are against VEAs. Employer associations would be lucky to represent 20 per cent of real employers, and most, not some, employer organisations are against VEAs.

The third point suggested a return to the law of the jungle. It is possible for employers and employees to negotiate a unique enterprise deal in complete harmony. Last year in Queensland at least 60 or 70 businesses did that. The only problems came from petulant unions, not the employees.

The fourth point was that VEAs push the arbitration process aside. Section 94L of the VEA legislation specifically empowered the arbitration commission to reject a VEA

if necessary. Furthermore, in no way is the power of the arbitration commission diminished in its role, however useless, of arbitrating disputes.

The fifth point was that VEAs make the playing field uneven, and the Minister cited an example of a security firm that was a party to a VEA submitting the lowest tender for a contract. That example would probably be of a firm called Securaguard, which had only 10 or 12 employees who were not offered overtime on a regular basis. Ironically, casuals were often recruited from opposition security firms for the odd instances of overtime on weekends. Similarly, Securaguard employees occasionally moonlighted for the opposition. That VEA effectively enabled Securaguard employees to moonlight in their own firm. The bottom line for Securaguard was almost no saving on its wages bill, but a happy work force.

Any savings that allowed Securaguard to quote lower that its opposition would have come from its very lean management structure. For instance, the Queensland manager operated the business from his home. Even if the VEA did allow the company to quote lower than its opposition, which it did not, so what? All Queenslanders benefit from competition.

The sixth point was that some employers were trying to insert provisions that were obnoxious. This is the only point where a modicum of truth applies. The operative word is "trying", but employees are not stupid, as Mr Warburton implies. They can negotiate for themselves. For example, one VEA that was drafted for a business in Rockhampton was very insensitive. The employees simply rejected it in the secret ballot.

The experience of the National Party is that employees voted against those VEAs that contained conditions that they did not understand, and against VEAs containing unfair or oppressive conditions.

Unfortunately, Mr Warburton's statement is typical of the reactionary forces that are opposed to VEAs. If the war is to be won, those forces must not be given even an inch, let alone the unchallenged mile of a lie that so clearly exemplifies opposition to this change.

The repeal of the Industrial (Commercial Practices) Act is a retrograde step for Queensland. Among other things, this Act provides legal protection for innocent employers when a union is taking action to force concessions from an entirely different employer. This protection exists at a Federal level, and it is a retrograde step to abolish it from this State's statute book.

When the infamous SEQEB affair was at its height and Queensland was blacked out for lengthy periods, those who suffered most were the elderly and those people with small children. My husband's grandmother, who was in her eighties, almost burnt her house down when she was forced to use candles to find her way about. It is outrageous that such a situation may again occur in this State.

The Opposition is opposed totally to this legislation.

Mr FENLON (Greenslopes) (9.00 p.m.): A fresh wind of change is sweeping through the Queensland industrial relations system. It is blowing away the rancid air of confrontation and is bringing about a new confidence in the future and trust between individuals throughout the industrial relations system.

I first practised in the Queensland industrial relations system in l979 and again for the past five years. The industrial relations system is very much an exercise in the interpretation of history and in the development of new practices that have a continuity with past history, so it is particularly important to place this debate into the context of that history.

When I first started work in industrial relations in Queensland in my mid-twenties, I was rather surprised to find that a great deal of the activity associated with the settlement of disputes seemed to be undertaken over refreshments in places other than the commission itself, principally by male representatives of the unions and employer organisations. It was indeed an effective process in itself.

At that time, a growing sense of professionalism was entering the system due in a large part to the development of specific industrial relations courses, such as the courses at the then North Brisbane CAE. At that time, I had the honour of actually teaching in some of those courses, and it is very satisfying to see the men and women who were involved in those courses now taking up, with great competence, responsible positions on both sides of the industrial relations scene. I am not saying that the industrial relations practitioners of the 1960s and 1970s and before were not highly competent and capable people, but they operated in a very different world, and it is very commendable that the individuals within that scene have moved with the times.

Today's industrial relations community is made up of many people who are highly qualified in industrial relations, and it is heartening that women are figuring prominently among these people, albeit in not large enough numbers yet, but their growing involvement augers well for the future. It is also significant that this Government has, in fact, appointed Queensland's first industrial commissioner, which is yet another great historic step forward for Queenslanders.

The industrial relations community is made up of men and women who set out to provide high standards of representation for the industrial organisations for which they advocate. Whilst individual industrial organisations have their own parochial interests, a great commonality of agenda occurs across that community, whether by consensus or by enforcement of Industrial Commission policy and principles. Specific business viability and the general economic buoyancy of the State and national economy are foremost on this common agenda.

It is with this common agenda and of course their parochial agendas that the various participants within the industrial relations community appeared before Mr Ian Hanger, QC, and his colleagues in the course of their inquiry. The various participants from all sectors of the industrial relations community generally sought a move toward modernisation of the industrial relations system, a system that would cope with the changes in technology and the changes sweeping through every area of human endeavour.

The most substantive issues that the Hanger inquiry took up in reorganising modern developments are those pertaining to a need for greater flexibility in the labour market and the industrial relations system in general. This was a key theme of the report.

It is significant in this regard that even though the report and supporting comments from the President of the Industrial Court and major participants from both sides of the industrial relations community supported this move towards greater flexibility, and the report was originally presented in November l988, the National Party Government chose to ignore it. It chose to ignore the report even though it was, and is today, the most fundamental ingredient for micro-economic reform and improved productivity, which are crucial to the health of the Australian economy. The Industrial Commission, for instance, made specific reference to difficulties in achieving flexibility and restructuring, particularly in relation to the metal industry 38-hour-week case. This has not been an isolated incident.

What this recent history illustrates is a frightening indictment of the previous National Party Government, for it seems that it was capable of turning its back on very clear historical trends occurring throughout this country and other Western economies. It turned its back and indeed invented its own vision of history and its own unique and ill-founded analysis of current economic events.

While the National Party has indeed hidden in the kitchen cupboard for the past decade, the rest of Australia has been getting on with the job of restructuring Australia's industry in order to make this country more competitive. If it had come out of the cupboard, it would have learnt of the substantial consensus throughout Australia in the restructuring of work practices and of management practices. It is a healthy development for Australia, for it recognises that no one party is right and that no status quo is commutable. It is a development which recognises that, if we are to change the way in which people work, the nature of the work and the way in which it is combined with

materials and technology, we must look towards changing the structure of remuneration and requisite conditions of employment.

It is a development which recognises that, with such changes, management itself must adopt modern principles of management and must apply them through a lean and effective structure. Above all, it recognises that such developments must take place in a collaborative manner. Through such developments, Australia can hope to compete with foreign markets and Queensland can hope to compete with Australian and overseas markets.

Change for any individual is usually a difficult exercise, but change must go on and it must be accompanied by the acquisition of extensive additional knowledge for all parties concerned. It is highly responsible that the changes that are taking place deliberately set out to incorporate upgrading of education and skills in order that management and workers meet these new demands. These new skills may extend from workplace literacy to computer application of work processes.

This attitude to micro-economic reform is a great development for it consciously acknowledges these processes and industries' needs. Most importantly, it has provided for a cohesive national approach to its application. It is an approach that has been facilitated by the industrial organisations, the Federal Government and the respective industrial commissions around Australia. They have acted in a highly responsible manner in the public interest. They have assisted by providing principles and policy to implement it.

The sad fact of life as we have come to know it in Queensland is that the National Party Government has said "No" to the nationwide justice of collective responsibility; it has said "No" to a uniting set of coherent principles of economic reform; and it has said "No" to an ordered regulation of the labour market so that the members of the National Party can do it their way and watch from their manger as the rest of the country gets on with the job of comprehensive reform. The National Party has not been able to come to grips with the idea that the much-needed process of reform that Australian business has been advocating is being promulgated by Labor Governments.

It is, indeed, difficult to understand why a political party that purports to represent business should abandon such a responsible approach to economic reform in order to pursue what is now known as the voluntary employment agreement road to oblivion. The VEA legislation set out to create a new mode of industrial relations, which was essentially characterised by the deregulation of the labour market. That is, it set out to create pockets, and eventually the widespread incidence, of wages and conditions that bore little resemblance to the overall award standards through the economy. This was to be done under VEAs, via the veil of secrecy provisions and the provisions which enabled small sectors of the work force or industry to determine widely variant conditions. I must pursue my questioning and ask: why did the National Party take this approach to micro-economic reform and not the approach that this Government is now taking? It could have taken this approach to review economic reform but it chose not to.

In attempting to appreciate this great distinction in approaches, I am grateful to the 1986 publication of the H. R. Nicholls Society titled *Arbitration in Contempt*, for it brings together prominent National Party ideologues such as John Stone into context with co-contributors such as Sir John Kerr and Ian McLachlan. We all know that membership of the National Party entitles one to automatic and full membership of the H. R. Nicholls Society.

Mr FitzGerald: Where did you get that from?

Mr FENLON: I believe that they have the green and gold card just as do the members of the Opposition.

Let us see what the full strategy for economic restructuring provides and why the National Party maintains its attention solely upon its great utopian dream which, on the face of it, appears limited to the rights and wrongs of a group of workers doing their

own thing in a small workshop in South Brisbane. The entire thrust of the H. R. Nicholls Society's papers is directed towards deregulation of the labour market and the destruction of the centralised system of wage fixation in Australia. It is about the crushing of trade union organisation and strength and its inexplicit agenda is the creation of a new economic and political order in Australia. Obsessed with what he refers to as trade union excesses, in one of the papers John Hyde says that a Government must lower trade barriers, deregulate and privatise. He writes—

> "It is the unions, not the Commission, which command allegiance. I believe the Government could reduce the Commission's powers without damage to itself or society so long as it is seen to be confronting the Commission rather than the unions. Now that the Commission claims to be holding down wages might be a good time to reduce its capacity to maintain monopolies."

It is clear that the objective here is to dismantle the role of the independent arbitrator and to establish a system which brought the unions and Government into stark confrontation. This is not just a fiddle with a specific institution, but a move towards a new form of economic system.

Ian McLachlan advocates what might be called the highest form of agrarian socialism when he enunciates a number of principles which he believes will make life better for farmers. Honourable members will note the use of the word "farmers". He does not refer to Australia as a whole, to business including farmers or labour including farm labour, but to a very egocentric sector of the Australian community that has enjoyed disproportionate economic and political power for far too long.

Mr Harper: You know that the economy depends on farmers.

Mr FENLON: It does, indeed, and the honourable member would be well aware that the Australian economy also depends on overall economic viability throughout the whole country.

The principles advocated by Mr McLachlan not surprisingly include——

Opposition members interjected.

Mr FENLON: Opposition members should take note of this.

His principles include, firstly, no improvements in wages and conditions as long as Australia continues to have either unemployment or inflation problems. I must say that this is a very constructive approach to industrial relations and the Opposition's colleague is clearly advocating this. It is part of the package to go with the VEAs. Secondly, Mr McLachlan advocates the abolition of all sanctions against employers and unions. Surely, even the learned members of the Opposition could appreciate that this means a new economic system and a new system of government.

During the course of the debate today, we have heard the tired old clichés that set out to justify specific practices pertaining to VEAs, without recourse to the full implications of such a system. Much has been made of what has been claimed by honourable members opposite to be a lack of secrecy surrounding VEAs. If they think that VEAs are public documents, I invite them to try to get hold of a copy of one. I invite them to telephone an employer and try to arrange to have a copy sent out to them. However, that is not the critical point of the secrecy issue; the critical point is the time when the VEA is made.

Under the VEA system, agreement is reached in secrecy, behind closed doors. Those doors are closed not only to unions but also to the business community. Members opposite should check with business interests—not just the selective business interests who happen to be their mates, but with the collective interests of business in this State and in this nation. Clearly, the collective interests of business point to the need for a centralised industrial relations system and a regulated labour market, and not one that is subject to the whims of industrial anarchists that snipe from the periphery and provide

unfair competition by undertaking restructuring that is not consistent with Australia's best interests.

I also invite honourable members opposite to inspect the Bill so that they may see the scope that it provides for flexibility in industrial conditions. An examination of section 14 of the current Act would disclose that it provides for minimum standards under various specific conditions. That section is amended in Part II of the Bill as a consequence of the Hanger inquiry recommendations. The new provision stipulates that such minimum standards are preserved, but that they may be varied either by the commission or by agreement between an employer and an industrial organisation of employees in respect of a particular award or industrial agreement. What more could honourable members opposite want? Employers and industrial unions have been conducting the system in a responsible manner. They have collectively accepted responsibility for micro-economic reform and they are getting on very well with that very difficult job throughout Australia. They certainly need some help in Queensland.

One imperative ingredient in the process is goodwill—that is, goodwill right across the industrial relations community. Goodwill is fundamental to the trust between employers and unions and to the effectiveness of micro-economic reform. Anything that interferes with that process should be left behind in history. VEA legislation is clearly something that interferes with that process. It has resulted in unevenness and distrust in the industrial relations community. Members of the Opposition should simply open their eyes to see that that is the position.

The move away from the VEA system is a move toward reinforcing the power of the Industrial Commission. Industrial commissioners have proven throughout history that they are responsible in resolving disputation in an unbiased manner in the public interest. VEA legislation was not in any way a constructive act; nor did it assist the processes of economic life and fairness. It was destructive action that set out to destroy the power and status of the Industrial Commission. That was part of the real agenda of the VEA system. I would be grateful if honourable members opposite had the courage to stand up and say what the entire real agenda was. I suggest that it was designed to dismantle the current award system and replace it with the rancid vision of authoritarianism to which I eluded earlier.

I support this Bill because it signifies a move in the opposite direction from VEA legislation. In fact, it strengthens the role and status of the State Industrial Commission. In summary, it provides for greater power by way of penalties and devices to ensure that its orders and solutions to industrial disputes are complied with. Before members opposite pull on their jack boots and feel the surge of power that comes from a realisation that someone in the community might be kicked, I point out that the proposed legislation places a great onus on the conciliatory role of the Industrial Commission and emphasises the resolution of disputes before they are notified to the Industrial Commission. One particular device that honourable members might be interested in that has not been a feature of legislation previously——

Opposition members interjected.

Mr FENLON: If they would listen, they would learn all about it.

As I was saying, a disputes settling procedure that requires inclusion in all award is contained in clause 11.10. The previous legislation provided only for the prospect of an industrial commissioner's conciliation. As an advocate for nurses in this State, I have had personal experience of this process. I made an application for the very simple inclusion in an award of a provision that would facilitate the minimisation of industrial disputation in the workplace. The proposal was to include a provision that would enable nurses to find out the appropriate way of resolving disputes and the manner in which problems could be overcome. The answer that was given by the Queensland Government at that time was, "No." It was not interested in facilitating that process for that "militant" and "terrible" band of employees known as hospital nurses. I am

proud of this legislation, because a disputes settling clause will be an automatic entitlement in awards.

The Bill marks a departure from the politics of division and confrontation as exemplified by those draconian and negative pieces of legislation that will be repealed by the enactment of this Bill, particularly the Essential Services Act 1979-89 and the Industrial (Commercial Practices) Act 1984 and its amendments.

The Bill marks the opening of a new era of consensus, cooperation, microeconomic reform and just laws for all concerned. I support the Bill before the House.

Mr LITTLEPROUD (Condamine) (9.24 p.m.): In speaking to the Industrial Relations Bill, firstly, I acknowledge that there are some parts of the Bill that are worthy of support, in particular the consolidation of various pieces of legislation to do with industrial relations into one Bill. However, there are other aspects of the Bill of which my colleagues have already been highly critical. Tonight, I intend to speak about some of the issues about which I feel strongly.

Many members of the public are outraged about the repealing of some of the Acts that have been referred to by the honourable member for Greenslopes. They are also extremely upset with the other Bill that the Minister has before the House at present, the legislation which deals with the superannuation to be paid to former SEQEB workers.

This Bill does little to protect the individual rights of union members from the union leadership itself and from union heavies. It returns Queensland to the situation in which the trade union movement can once again flout the laws of the land and hold the community to ransom. It moves away from the much-needed initiatives that have been put in place in recent times—initiatives that would have brought greater productivity and competitiveness to our work force--and returns us to the old centralised system. It is deliberately structured in many ways to protect and to promote the union movement and, of course, its political arm, the ALP.

The member for Auburn and other members spoke at great length about the clauses relating to donations to the union movement and political parties. They indicated that that practice is extremely dangerous.

In his second-reading speech, the Minister used the phrase "industrial relations system based on equity and fairness". That is a statement of true idealism. Of course, it is not borne out by the past performance of industrial relations and the way in which union leadership has performed in Australia. It seems rather hypocritical that those words are used to introduce this Bill when, at the same time, we have a Bill before the House, the electricity superannuation legislation, which is nothing less than a pay-off to the ETU. Of course, the Minister has strong affiliations with that union. I will have more to say about that legislation when the Bill comes before the House.

The past performance of the union movement and union leadership has led to circumstances in which employees have been denied their civil right of freedom of association and we have had unlawful harassment of non-unionists and individual union members. In the past, we have seen the practice of political thuggery and of the industrial might of the trade union movement being used to smash employers. We have seen the unions' contempt for industrial laws when court decisions did not suit them. We have seen malpractice in the holding of union elections, fraudulent use of union members' funds and the community being held to ransom, which brings back memories of the electricity strike.

The Minister has promised that that is all behind us. Is he promising an end to compulsory unionism? Obviously not. Is he promising the end to personal harassment in the workplace? There is no mention of that. Is he promising that no longer will essential services be withheld? The press has published a statement that the State Government and the unions plan a power-supply pact. I will be interested to see how well that pact holds together. Is the Minister promising that secret ballots will be held before strike action is taken? Is he promising that secret ballots will be held for all union

leadership positions? Is he promising a proper audit of union members' funds? Is he promising that all unions will be forced to obey all the laws?

First perusal of this legislation and of press statements issued by the Minister give the impression that all parties will now be using a level playing field. My thoughts are: pigs might fly.

Wording in some clauses of the Bill is deliberately couched in vagueness so that, in future, union-leaders will find it easy to interpret those clauses in such a way that the old excesses, the old abuses and the ability to escape true accountability will still be part of the unions' bag of tricks. Vague terms such as "in good faith" seem to be so lacking in definition that they can be seen as nothing less than fine-sounding words that hint at democracy but, in reality, provide an out for any union-leader or union official.

At present, Queensland is undergoing a cleansing process which started with the Fitzgerald inquiry, which was an initiative put together by the National Party Government. Another initiative is the Cooke inquiry. The process of the cleansing of our society cannot and will not be complete until the Cooke inquiry is allowed to complete an unhindered inquiry into all unions.

It should be recorded in *Hansard* during this debate that it was a previous National Party Government that initiated the Fitzgerald inquiry, and out of that came the Criminal Justice Commission and the Electoral and Administrative Review Commission. Those bodies have been established to ensure greater accountability . The National Party Government also set up the Cooke inquiry to investigate allegations of malpractice in three unions. It is history now that the report by Mr Marshall Cooke recommends prosecutions. It is history now that a vice-president of the ALP has been accused of using massive amounts of union funds for his own personal benefit. It has been revealed that union funds have been used to provide prostitutes for delegates to union conferences. It has been revealed that strike funds meant for workers at the Bjelke-Petersen Dam in the South Burnett were used improperly. It has been disclosed that at least one union illegally hid its funds so that it could still breach industrial laws but escape confiscation of those funds.

Given the close affiliation of all unions with one another, one can well ask: are these practices common to all unions?

Mr Schwarten: No.

Mr LITTLEPROUD: Let us have an open inquiry and find out.

This State's clean-up of all forms of public administration cannot, and will not, be completed until the trade union movement is subjected to such a full and open inquiry. The public recognises that the union movement is the most powerful body in the nation. The public also knows that the union movement thumbs its nose at the industrial laws of this land. The Cooke inquiry revealed that the unions are also capable of violating civil and criminal laws.

The public of Queensland will not be satisfied with a promise that the unions' administrative measures will be reviewed. Any suggestion of a review without a full and open inquiry will be seen for what it is—a cover-up.

The public of Queensland is entitled to nothing less than a full and open inquiry. The evidence coming from an inquiry into just one union has been positive proof that the union movement could well be corrupt. It is essential that the union movement, the most powerful body in the nation, must be subjected to all the rules and laws with which the rest of Australia must comply.

The challenge to the Goss Government is this: clean up the union movement, too, and do it openly and publicly; prosecute those who have violated the law and those who are corrupt; act in the best interests of Queensland; do not protect those in the union movement who have broken the law; and, above all else, root out those who are corrupt, even though they have close ties with the ALP.

It could be said that the trade union movement is probably the most powerful force in Australia, yet I believe that it has not served Australia well. It may have served its members well in the short term, but it has done a great disservice to Australia. By use of its industrial might, the industrial movement has gone beyond safeguarding and improving the working conditions of the working man. The union movement leadership has abused its power to the extent that it has made Australia uncompetitive.

The union leadership has gone beyond seeking a fair day's pay for a fair day's work. It has pursued, to the great detriment of Australia, holiday loadings, which are unheard of elsewhere in the world; site allowance; dirt money; holiday entitlements, which are unmatched in the rest of the world; redundancy packages, which are unmatched in the rest of the world; and long service packages, which are also unmatched in the rest of the world. The list goes on and on.

By the use of its massive industrial might and by flouting industrial laws, the union movement has placed Australia in a disastrous financial position. Is it not fitting that the great union-leader of the 1960s and 1970s—Bob Hawke—now has to wrestle with the macronational problems that he helped to create when he abused industrial union might as President of the ACTU. I can still recall his boast as President of the ACTU when, during a national wage campaign, he said—

"I am prepared to bring Australia to its knees for the price of a packet of cigarettes."

An Opposition Member: Shame!

Mr LITTLEPROUD: Shame, all right.

Much comment has been made about the flexibility of wage fixation and industrial relations. I want to make a few comments about the centralised wage fixation system in Australia. Experts who have diagnosed Australia's economic woes have identified the centralised wage fixation process as their major cause.

VEAs—introduced by the former National Party Government—offered the opportunity for each place of employment to shape its own employment conditions to suit its own best interests, while at the same time ensuring that all parties were safeguarded. Enterprise agreements, as proposed by the Federal coalition, offer the same flexibility—the same opportunity—to address the problems in relation to productivity, profitability and competitiveness.

This piece of legislation slams shut the door to any hope of a return to rational industrial relations in which productivity, profitability and competitiveness are given due consideration. This piece of legislation shuts out the only chance that we have to save our economy. It shows conclusively that the trade union masters have control of the ALP and that, regardless of the nation's needs, the union movement will have its way. The union-leaders know well the truth of the old adage, "Might is right". The union movement has no intention of acting in Australia's best interest, and that is why this piece of legislation is flawed. It is not what it purports to be.

Mr Schwarten: Are you finished?

Mr LITTLEPROUD: No. I have a few more things to say, yet. It is interesting to hear a comment from a former organiser of the Queensland Teachers Union. I want to make a couple of comments about that union.

A number of years ago, at the State conference of the Queensland Teachers Union, a motion was moved that that union should become affiliated with the Trades and Labor Council. That motion was soundly defeated. Delegates of the Queensland Teachers Union then attended the national conference of the Australian Teachers Federation. At that conference a motion was moved that the Australian Teachers Federation should become affiliated with the ACTU which, of course, is affiliated with the Trades and Labor Council. Would honourable members believe that, after coming away from a conference that turned down an affiliation with the Trades and Labor Council, the Queensland

delegates of the Queensland Teachers Union voted in favour of affiliation with the ACTU? That lost me.

I can give honourable members a more recent example than that. Just last week I went to the office of the Clerk of the Court in Dalby and I read the submissions in relation to the electoral system that have been received on behalf of the Electoral and Administrative Review Commission. Lo and behold, one of the submissions——

Mr Beattie: I bet you put one in.

Mr LITTLEPROUD: I put in two submissions.

I am going to tell honourable members about one of those submissions. The submission of the Queensland Teachers Union, put together by Mary Kelly and the hierarchy of the union, strongly advocated one vote, one value. Honourable members should know that they did that because of their close affiliation with the ALP.

Honourable members should also know that some time ago the Queensland Teachers Union tried to reorganise its own structure. That union is divides the State into regions, and each region is entitled to a State councillor. The number of teachers in each region is not equal, yet it was proposed by Mary Kelly and her executive that there should be a one vote, one value system in the union administration. Would honourable members believe it? The teachers of Queensland turned it down. They did not want it. They wanted the representation to remain as it was. Yet the leadership of the Queensland Teachers Union has the audacity to put to EARC a submission saying that it strongly advocates one vote, one value. That is not the mood of the people at all.

Mr Schwarten interjected.

Mr LITTLEPROUD: Mr Schwarten knows that very well.

Mr SCHWARTEN: I rise to a point of order. The honourable member has grossly misrepresented the Queensland Teachers Union.

Mr DEPUTY SPEAKER (Mr Campbell): Order! There is no point of order.

Mr LITTLEPROUD: Thank you, Mr Deputy Speaker, for recognising the frivolity of the situation.

In conclusion, I wish to say there are some members on the Government side who came to this place through their close connection with the trade unions. However, there are others who came to this place from the professions and who have been used to living according to professional ethics. I appeal to the Government members who come from a professional background to recognise that the union movement is using them to put in place legislation that will promote and protect the trade union movement. Once again the decent principles of industrial relations and individual rights will be flouted. I appeal to members of the Government who have a professional background to value their credibility and their ethics and I ask them not to let the union movement strangle the Government that has been elected by the people of Queensland.

Mr WELFORD (Stafford) (9.37 p.m.): Honourable members are indebted for that wonderful sermon from "Father" Littleproud, in which he spoke about professional ethics. As a professional, I am delighted to participate in this debate and support a Bill that promotes and protects the union movement.

I will explain to honourable members opposite, who obviously have not grasped just what an important part unions play in the industrial relations process, just why it is that even as professionals—surprise, surprise!—members on the Government side can support a Bill that promotes and protects the union movement in the orderly conduct of industrial relations.

In 1985, the Federal Government established an inquiry into the Federal industrial relations law and systems, which became known as the Hancock inquiry. The report of that inquiry was handed down in 1985. Subsequently, the Queensland Government

established the Hanger inquiry into industrial conciliation and arbitration legislation in this State. Recently, the report of that inquiry was handed down.

During my career as a lawyer, I had the privilege of working with Ian Hanger, QC. I am pleased to say that he is an excellent lawyer. I am pleased also with the substance of the Hanger report, which the Government has put into effect as part of its policy which was announced prior to the last State election.

Let me dwell on some of the important aspects of the report and this new legislation. One issue that I will raise consistently in this House and which is borne out by this Government's commitment to the Bill is the consistency between State and Federal laws. Not only in the industrial relations field but in the law generally there is much to be said for State Governments moving to make their laws consistent with one another's and with the Commonwealth's. Under a national system in this country in which a national economy and an international economy operate on the industrial relations systems and activities, it is important that our industrial relations processes achieve that greater level of consistency between State and Federal arbitral institutions.

The other concept which the Hanger report supports and which this Bill establishes is that of cooperation between the State and Federal tribunals. For example, I invite honourable members to peruse chapter 5 of the Hanger report, which refers to section 9A of the existing Act. That section allowed for members of the Federal commission to act in the State tribunal as if they were a State commissioner sitting alone. Other States allow the appointees in those circumstances to exercise all the powers of the State tribunal. That was limited by the previous provisions of the Act. However, by bringing the provisions of the State legislation into line with those of other States, any member of the Federal commission who sits in the State commission will exercise the powers of a State commissioner. That provision is contained in clauses 7.2 and 7.3. Any of the determinations of a Federal commissioner sitting in the State jurisdiction will be deemed to be an award or determination of the State tribunal.

Another limitation of the existing legislation was that it did not allow for a State commissioner to deal with matters referred from a Federal commission. Other State laws provide for that and for that degree of cooperation between the State and Federal commissions, which is important. Fortunately, clause 7.1 of this Bill allows a State commissioner to accept an appointment as both a State and Federal commissioner simultaneously, thereby enabling State commissioners to deal with industrial matters that are referred to the State tribunal by the Federal commission.

Similarly, the power to confer not only the Federal commission but other State commissions was previously restricted. Under the existing industrial legislation in Queensland, State commissioners could confer only with the Federal commission. Following a recommendation of the Hanger report, clause 7.5 of the new Bill allows the chief commissioner to initiate conferences with other State commissions and the Federal commission and to hold joint sessions with the Federal commission.

Page 86 of the Hanger report states—

> "The Queensland Commission is prevented from taking the initiative in any matter requiring a joint approach because a matter must have commenced or be about to commence before the Federal Tribunal."

The provisions in the new Bill not only will promote consistency between the Queensland Act and the legislation of other States but also will facilitate the coordination between the Federal and State tribunals. Those two factors, namely, the consistency of legislation between our States and other States and between our State and the Federal system, are important because they help to coordinate the operations of the tribunals in this State and elsewhere.

This is sensible legislation because it provides and promotes a sound national system of industrial relations and builds on the achievements that have already been made with the recently introduced Federal Industrial Relations Bill. It is essential in recognition of the national and interstate activities of corporations and operators in the

marketplace. For the benefit of our national economy, there should be consistency across the nation in the way that industrial disputes and industrial affairs are conducted.

At page 89 of his report, Mr Hanger said—

> "We are mindful of the importance of this co-operation and the benefits that can flow therefrom. In particular, it would seem to us that the Australian economy is experiencing structural change which calls for very close co-operation between all Industrial Tribunals, to ensure that some measure of uniformity in the formation and implementation of policy on award wages and conditions applies. Without this co-operation, it is conceivable that the economy could be adversely affected by individual Tribunals making decisions without regard to their impact in other areas. There also appears to be a realisation and acceptance by the community at large that communication and co-operation in all spheres of industry is very necessary."

I turn now to the issue of appeals, in which there was inconsistency between the laws of the State and those of the Commonwealth. Appeals are dealt with under section 34 of the existing Act, which provide that no right of appeal exists on the merits from a single commissioner sitting alone in the State commission. It seems to me that it is an essential feature of any proper system of a review of tribunals of this kind that, where a single commissioner is sitting along, there ought to be a process of review to a more senior commission, a Full Bench of the Industrial Commission. That is what this legislation provides.

Clause 9.2 of the Bill now before the House allows appeals to the Industrial Court on grounds of error of law or an excess, or want, of jurisdiction. This, of course, reflects the situation as it was under the existing law. In addition, the legislation contains clause 9.4, which allows appeals on other grounds, that is, grounds other than questions of law. I suggest that this is an essential part of a process of review of decisions of single commissioners who can obviously make mistakes from time to time.

In the report of the Hanger inquiry it was suggested that all these appeals, both on questions of law and questions of fact or on the merits generally, should go to the Full Industrial Court. In the event, that suggestion has been slightly varied in the Bill and the legislation now allows for appeals on the merits to go to a Full Bench of the Industrial Commission, with appeals on questions of law to go to the Industrial Court as previously was the case. Nevertheless, there is a filter to prevent frivolous and vexatious appeals on the merits, whereby the President of the Industrial Court must give leave based on the public interest test. It is a test very similar to that applied by the High Court in determining whether appeals from State or Federal Courts should go to the High Court for full hearing.

There are two other matters which this Bill rectifies in terms of insidious provisions which existed under the previous legislation and which were piecemeal additions to the previous legislation introduced by the National Party Government. These provisions, like many of the industrial laws enacted by the previous Government, were indeed designed to incite industrial conflict. The first of these involves section 135 of the existing Act, which relates to the presumptions in relation to evidence, particularly evidence of their being a strike. Section 135 (f) contains a mandatory presumption that effectively reverses the onus of proof. That provision, which is set out on page 102 of the Hanger report, states—

> "it shall be presumed that a failure of any person to comply with any order or direction of the Commission that he (either alone or with others) or a class of person to which he belongs should remain at work or return to work is due to his engaging or continuing to engage in a strike unless he shows to the satisfaction of the tribunal before which the proceedings are taken that his failure to comply is due to some other cause".

As the commission of inquiry itself pointed out, the effect of this mandatory provision is to reverse the onus of proof, that is, it requires the person who might be

engaging in some sort of industrial action to prove against the presumption in that provision that he was or was not engaged in a strike. The practice of reversing the onus of proof in law is a very, very difficult one. It is one which is generally frowned upon by anyone who has respect for due process and the rule of law. Only in the most exceptional circumstances should matters of evidence allow for a reversal of the onus of proof, particularly where the purpose of that presumption or the reversal of the onus is designed to gather evidence for a criminal charge. That is precisely how that provision, section 135 (f), was to operate, because it was to be used as part of the evidence to be gathered for a prosecution under section 36A for a breach of a direction of the commission in relation to a strike as defined in the Act.

Similarly, section 135 (i) provided for proof of facts on the basis of a newspaper report. Honourable members will recall the controversy which surrounded this provision, which effectively allowed journalists to be dragged before the commission or the court to produce their newspaper reports to be used as prima facie evidence of the facts contained in their report.

At page 106 of the Hanger report, the commissioners stated—

> "During the well-known 1985 SEQEB dispute, various union leaders made statements about their intentions to the media. The statements were printed in the newspapers and the general public knew, for example, that there might be a strike of transport workers on the following day. However, if an interested party went to interview that union leader, he obviously would say nothing about his intentions. The result was that while the whole of the country knew that there was going to be a strike, interested parties were unable, unless the reporter was subpoenaed in court, to prove that there was in fact going to be a strike or that a particular person was inciting people to strike. When reporters began to be subpoenaed to prove what had been said, objection was taken to such a course of conduct by the daily press. Newspapers then ceased publishing the names of the reporters who had written a particular story. Editors then began to be subpoenaed to give evidence as to who published a story so that the reporter could be called to say who made a particular comment to him. This sort of game playing brings the system into disrepute . . . "

That is what the commissioners considered in relation to that piece of mischievous legislation. They said that this sort of game-playing, which was obviously incited by this sort of tampering with the rules of evidence introduced by the previous Government, would bring the system into disrepute, and so it did.

I am pleased to say that those provisions are not contained in this legislation. Accordingly, a more realistic, more rational and more responsible process is contained in clause 8.10, which relates to the submission of evidence pertaining to relevant matters before the commission.

As I have indicated, the second insidious feature which was legislated upon by the previous Government, again to incite and inflame industrial conflict, concerned the provisions which related to sanctions, in particular, section 73A. Amongst other things, that section provides for what was known as a fast-track process for the deregistration of unions. The members of this House should look at the following words contained in the Hanger report—

> "The effect of Section 73A is to allow the Government of the day to bypass what must be considered the normal avenues and to act executively on a matter that is properly judicial."

The report then states—

> "We feel confident that there is no need for a 'fast track' in Queensland."

And so it should be. The report then went on to state—

> "We are opposed to giving the executive branch of Government the power to deregister a union under Section 73A and believe that this power should reside with the Full Industrial Court."

This confusion and conflation between Executive action and judicial and parliamentary action are precisely the problems, not only in the industrial arena but also in other arenas of law enforcement, that brought down the previous Government. Not only in legislation but also in the previous Government's actions at an Executive level, it continually confused what were properly judicial or parliamentary functions with its Executive functions. This is just another example of that confusion and of that corruption of proper processes that are an essential part of the separation of powers principle.

The sanctions question is a difficult one, but the Federal Hancock inquiry considered that an important feature of the system mitigated or militated against there being sanctions to any extensive degree. The committee noted in particular that there was a common ground amongst all people who participate in the industrial relations system, and that is that the commitment to the industrial relations system itself was an important factor to be considered, and that history has indicated that, by and large, sanctions, or at least penalties, particularly imprisonment and financial penalties, have proved not to be effective.

The Federal industrial inquiry came to the view that deregistration ought to be the ultimate form of sanction so that parties were encouraged to see themselves as part of, a system that they would want to remain part of, and that the threat of removing them from that system would be an effective sanction.

The more rational sanctions provisions recommended by the Hanger report have been incorporated in clause 8.23. I am pleased to say that the insidious process of Executive action, whereby unions were deregistered by Executive decree, no longer operates.

Reinstatement is another interesting area that attracted considerable comment in the course of the Hanger inquiry, and that is now dealt with rather effectively in this Bill. Before this Bill, the commission, under its existing jurisdiction, did have powers of reinstatement, but the right to compensation, in the event that reinstatement was not a practicable alternative, was in doubt, at least until the 1988 decision of the commission in the matter of re Gauld.

At all times the commission had jurisdiction to award lost wages, but this did not always account for the compensatory factor in that 1988 decision that was seen to be justified. In that case, the commission awarded one month's pay in lieu of reinstatement.

The Hanger report specifically recommended that the jurisdiction to grant compensation in lieu of reinstatement be entrenched in the laws of Queensland, and this has now been done, and the alternative of compensation is now provided for in clause 11.11.

Another important factor which was addressed by the Hanger committee—and this is a matter that ought to be taken up by the Minister and his advisers in considering the rules of court—was the issue in reinstatement cases of there being a right on the part of the person dismissed to ask for reasons for the dismissal.

In due course, Queensland will have administrative laws that I am confident will require administrators and bureaucrats to give reasons for their decisions where that decision adversely affects a party to it.

Mr Hanger stated that where a person is dismissed, that person ought to have the right to seek reasons for that dismissal, and those reasons ought to be available to the person who might make an application for reinstatement or for compensation. While that specific right is not incorporated in the clauses of this Bill, I urge the Minister to keep that recommendation in the forefront of this Government's policy for the provision of relevant regulations or rules of court.

I believe that the exchange of information of that kind is essential to a candid and open industrial relationship and to provide for the sound and rational resolution of disputes when employees are dismissed.

The question of preferences was another factor that raised a number of comments in this debate. Naturally, Government members have come to expect the conservatives

to scaremonger about the preference provisions in the Bill, provisions that are not the slightest bit different to those provisions that have been operating in the existing legislation for many, many years, and operating most effectively.

The allegation made is that by those preference provisions the ALP Government is somehow favouring its mates, the so-called union bosses. The reality is that absolutely nothing has changed in the operation of those preference provisions, and they provide nothing more than the existing law already provides.

Clause 11.9 (2) states specifically—

> "The prescribed conditions on which preference is to be granted are—
>
> (a) an employer is required to give preference to a member of an industrial organization over another person only when all factors relevant to the particular case are otherwise equal;
>
> (b) an employer is not required to give preference to a member of an industrial organization over a person in respect of whom there is in force a certificate under section 13.53;
>
> (c) preference means preference at the point of engagement and preference at the point of retrenchment."

A certificate under section 13.53 could cover a conscientious objection. Those are the only circumstances under which preference is granted and they are proper circumstances for preference which have been operating for many years. There is nothing sinister in them. Indeed, the Hanger report, in referring to the process of preference on page 258, states—

> "However, a limited form of preference serves a useful purpose. It encourages union membership and limits demarcation disputes and encourages unions to respect the industrial system."

It says elsewhere that unions are fundamental to the existence of the industrial system in Australia and have a preferred status conferred upon them by registration. There are very good reasons for that. This is why I said, at the outset, that I am pleased to support a system of industrial relations which promotes and protects unions within the industrial system. It provides stability and a consistent process. Anyone who has observed the industrial harmony achieved through the peak council process of industrial relations operating in the Federal sphere can only be profoundly impressed by the way in which the union movement, through the Accord with the Government, has established an industrial relations system that allows for business to get on and develop in this country. It is this commitment to industrial harmony that is encapsulated in this Bill. It provides a rational basis for industrial relations in which unions quite properly play the major part.

To conclude—I mention three matters which I think are fairly innovative and which, I suggest, ought to be given more credence in the future. The first is the matter of grievance or dispute settling procedures mentioned by the honourable member for Greenslopes. These are contained in clause 11.10 of the Bill. Previously, section 12A of the Act allowed for dispute settling procedures to be incorporated in awards, but only by agreement. The Hanger report points out that this matter, when left as a voluntary factor, often did not get into agreements where it could be effectively and properly used. The new provision, in line with that report, provides for a statutory mechanism whereby the commission can intervene to require dispute settling procedures to be included in an award.

At page 279 of the report, the commissioner said—

> " . . . the Committee is firmly of the opinion that grievance or dispute settling procedures should be inserted in all awards and industrial agreements of the Commission. Such procedures should preferably be formulated by mutual agreement but where there is no agreement the Commission should be empowered to insert an appropriately structured procedure in the particular award or agreement."

This process whereby, in legislation, we encourage an evolving process in industrial relations is healthy. There are many areas in which we legislate in advance of common

practice. This is one instance in which the legislation specifically encourages dispute settling procedures to be part of awards, and that is a positive move contained in this policy.

The second feature, which is not contained in the Bill, is the question of common law liability. In 1915, Queensland adopted the English practice of excluding the common law right of actions in tort.

Mr Foley: Very wise.

Mr WELFORD: It was, I must say, and I note with gratitude the contribution of the honourable member for Yeronga that it was a wise move.

It survived many years of conservative rule until 1976 when those provisions were repealed. The Hanger report suggests that these civil remedies be retained. I demur from that proposition. I disagree with it. I believe it is proper that the civil remedies should be stayed pending the parties attempting to resolve their disputes under the procedures of industrial conciliation and arbitration provided in the Bill.

In the initial draft of the 1987 Federal Bill, that was contemplated, whereby civil rights or civil remedies in tort were stayed pending the parties making a reasonable attempt to resolve their difficulties by conciliation. That would be a valuable process to adopt here. It is not adopted in this Bill but is certainly something to which I will be committed some time in the future.

One other factor on which the Hanger report suggested no action be taken in this Bill relates to the subject of industrial democracy. I am a strong supporter of industrial democracy and employee participation. Whilst it is not contained in the Bill, like many other areas of legislation which apply to advance the sensible process of employment relations, such as anti-discrimination laws in other States, it would be appropriate if the Government, in due course, legislated to provide for industrial democracy.

I am pleased to support the Bill and believe that it is a significant advance on the industrial relations climate in Queensland. It removes those draconian pieces of legislation outlined in clause 1.4, and that, in itself, is a significant advance in promoting a much more rational, humane and harmonious climate for the conduct of industrial affairs in this State.

Mr CONNOR (Nerang) (10.07 p.m.): I intend tonight to look at the industrial climate that ordinary Queenslanders will face in the future and exactly how this legislation could affect them. First, I must look back at how the present legislation handles a major industrial dispute in a crucial, essential service and the options that will be available under the new legislation; so I will compare the old and the new.

I assume that this present State Labor Government has similar resolve to that of the Hawke Labor Government during the airline pilots' dispute. In any industrial dispute involving essential services, one must look at the Government's whole armoury with which it can intervene in industrial relations matters. Before this Bill becomes law, the available weapons a State Government could use to counter a rogue union are the Federal Trade Practices Act, the Queensland State Transport Act 1938, the Industrial (Commercial Practices) Act, the Essential Services Act and the Industrial Conciliation and Arbitration Act. However, after this Bill has passed through this House, Queensland will no longer have the Essential Services Act, the Industrial Conciliation and Arbitration Act or the Industrial (Commercial Practices) Act because all these pieces of legislation will be repealed by this Bill. I do not think that any Labor Government would be inclined to use the secondary boycott provisions contained in the Trade Practices Act, because those provisions were to be axed by the Federal Labor Government, but that proposed repeal was blocked in the Senate.

Bearing all that in mind, I ask: what will happen when the lights go out? I know that the Government has a wonderful agreement with the unions not to pull the plug, but I have heard of unions not honouring agreements before and am sure that this will happen in the future. Under the existing legislation, assuming that the power industry control-room operators go on strike and turn the lights out, the Government could use

the following means to get the power back on: firstly, after declaring a state of emergency, it could issue orders under the State Transport Act 1938 requiring the operators to go back to work. That process will take at least one day. If the operators do not go back to work in a week, an offence could be proven in the court, which will begin to impose fines. However, the lights will still not be turned on because the unions will not go back to work. They know that they will be able to negotiate away the fines in a settlement to end the strike. As a result, unless the unions settle, the lights will still not go back on.

Secondly, action could be instituted by the Government for breaches of sections 6 and 7 of the Industrial (Commercial Practices) Act. An urgent hearing for an interim injunction would be sought under section 21 of that Act. That order could be gained within hours and served on the strikers within one or two days. If they still did not go back to work, they could be charged with contempt and a warrant issued within three days. They would then be forced back to work. The result is that the power would be back on in a maximum of five days, but most likely within two days, because the unions would back down when their members were facing gaol. It must be remembered that this Government intends to repeal this Act. Thirdly, action could be taken under the Essential Services Act, which up to this time has never been tested. We cannot be sure what the exact result would be. As can be seen, under extreme conditions the necessary tools are presently in place to ensure that the power stays on, or, at worst, stays off for only a few days.

However, once this Labor Industrial Relations Bill passes through this House, the Government will have its hands tied. The power can be turned off for weeks and nothing can be done to turn it back on because the only two Acts that could get the men back to work will have been repealed. As I said, the State Transport Act will not do the job; the unions would just laugh at it. The Government says, "What about sections 8.23 and 8.24 of the new legislation?", but under this new legislation the Government's armoury would be as follows: firstly, the Government would have to notify the State Industrial Commission that the power was off, which would be followed by rounds of compulsory conferences taking at least two days or possibly a week. Secondly, the Government would get an order under section 4.24, which would take approximately one day. That means a total of at least three days, or possibly a week or more.

Thirdly, that order would have to be served, which would take another day or possibly two. That makes approximately four days or probably over a week so far. Fourthly, the Government would then have to file an affidavit under section 8.23 showing that the power workers had not complied with the orders. This would take another day or perhaps more. As a result, the power has been off for at least five days, but probably more like two weeks. Finally, proceedings would have to be brought before the Full Industrial Court under section 8.24. The whole process would take at least two weeks and possibly more. Even after two weeks, only fines can be imposed and these can be negotiated away when and if a settlement is reached. Clearly this legislation would do nothing to bring about a speedy end to another power strike.

It is important to examine exactly what will occur in other essential industries if this legislation is passed. The Transport Minister claims that he is out to revitalise Queensland's railway system. If this system is as antiquated as he makes out, how does he propose to overcome the entrenched interests of the various railway unions? Whenever State Governments have sought to modernise their railways, unions have stood in the way of change. Under this legislation, how will the Minister for Transport prevent crippling rail strikes, which will be the inevitable consequence of any serious attempt to modernise? How long will rail commuters have to stand on station platforms waiting for trains that will never arrive? Just as in the power industry, in the face of this ineffective legislation the railway system will cease to function.

Recent months have seen growing discontent within the road transport industry and again the Minister for Transport has fuelled the fires of this confrontation. As there is little evidence that his attitude will change, it is inevitable that the Queensland road

transport industry is facing further industrial chaos. When agricultural produce cannot be brought to the cities, primary produce cannot be carried interstate and machinery and equipment cannot be transported to Queensland's developing regions, under this new legislation what will this Government do? The answer is: absolutely nothing. This legislation will not solve a crisis in either the railways or the road transport industry.

In addition, how will this legislation solve a crisis on the waterfront? What will happen when vital reforms on the waterfront are met with resistance from the trade union movement or when the wharves are closed, ships are stranded and goods are delayed? What will this legislation achieve? This legislation will not cope and the wharves will remain closed. The whole transport system will grind to a halt. I call on the Minister to give an ironclad guarantee that this legislation will resolve the problems that are likely to arise in important industries. If he is unable to do that, he must concede that this legislation is a total failure.

That brings me to Queensland's record in industrial disputes. Until now, Queensland's track record was the best of any State in Australia. That position was set out in a document dated February 1990 that was presented by Queensland's Treasurer, the Honourable Keith De Lacy. Page 25 of the document titled *Review of the Queensland Economy* shows quite graphically the difference between Queensland's style of industrial relations and that of the rest of Australia. It also shows a marked reversal in the trend towards fewer strikes in Australia.

In 1983, when the Hawke Government came to power, 1 641 days per 1 000 employees were lost through industrial disputes. In 1985, this trend declined to 1 256—a 23 per cent reduction. This has since dramatically turned around. In 1988, 1 641 days were lost per 1 000 employees. Queensland consistently had fewer strikes per employee than the rest of Australia. In 1987, Queensland lost only 74 days per 1 000 employees, whereas the nation's total was recorded as 1 312 days lost. I repeat those figures: 74 to 1 312. Compared with the rest of Australia, Queensland has averaged less than one-fifth the number of days lost because of industrial disputes and, in some years, as little as one-twentieth.

In years to come, it will be very interesting to look back on the figures for 1990 to see just how this Government has coped with this new legislation.

Mr BEATTIE (Brisbane Central) (10.18 p.m.): The previous speaker who imparted such a great knowledge of industrial matters apparently thinks that the accord is the Honda Accord.

Let me first turn to the issue of the VEAs. During this debate, a great deal has been heard from honourable members opposite about VEAs. They spoke in a very supportive way about them.

Mr Stephan: You don't like them.

Mr BEATTIE: Nor does the honourable member.

I draw the House's attention to a letter referred to previously by the Honourable Minister. I wish to deal with its contents in greater depth. The letter is from Vince Lester, who is a former Minister for Employment and Industrial Affairs. The letter was addressed to the former Premier, and is dated 25 July 1984. The letter sets out what the National Party thought of VEAs.

Opposition members interjected.

Mr BEATTIE: Let members of the National Party sit in this Chamber and cop it. They have made a big issue of VEAs and I want to inform them of what Vince Lester had to say. Let me examine closely the contents of this letter, which states—

> "Most Queensland awards are common rule awards i.e. awards are applicable to all employers and employees in a particular industry, trade or calling. Such awards prescribe only a minimum rate of wages payable by an employer and have statutory backing by virtue of the provisions in the Industrial Act which make it

an offence for an employee to receive or an employer to pay a lesser amount of remuneration than that prescribed by an award."

Mr Stephan: That is right, too.

Mr BEATTIE: The honourable member should be patient. Even he will understand it, if he will only listen. The letter goes on to state—

"It is envisaged that under voluntary employment contracts an employer would be able to negotiate with an employee payment of a lesser amount than the minimum weekly wage prescribed by awards of the Commission."

I emphasise the words "lesser amount". What a disgrace!

Who stated that VEAs would allow the payment of less than the minimum weekly wage? It was certainly not anybody on the Labor Party's side of the House. Only Vince Lester said that—the former Minister who now, in some disgrace, occupies the Opposition benches. It is a great shame that this evening the former Minister is not present in the Chamber.

I will not stop at citing only part of the letter, because it gets better. I emphasise that this letter was signed by Mr Lester. It goes on to state—

"It could be argued that voluntary employment contracts or any move away from the existing arbitration system is a recipe for industrial instability and wage fixing chaos."

I emphasise the words "wage fixing chaos". The letter goes on to state—

"It could in some circumstances lead to sweated labour conditions and in some areas cause a wage explosion.

The present wage fixing system of conciliation and arbitration practiced in Queensland and the rest of Australia has served the community well for close on 80 years and has general acceptance."

It has achieved "general acceptance" by everyone except for the National Party mob on the opposite side of the House who now want to disown Vince Lester.

Statements made today by various members of the opposition parties—such as the Honourable Neville Harper, Mr Cooper, Mr Beanland and Mr Borbidge—indicate that they no longer want to be associated with the position that they adopted when the National Party was in Government. It is no wonder that today Sir Robert Sparkes resigned in disgrace and disappointment. I feel some degree of sorrow when I think momentarily about that.

Opposition members interjected.

Mr DEPUTY SPEAKER (Mr Campbell): Order! If honourable members want to interject, they should do so from their usual places.

Mr BEATTIE: Thank you, Mr Deputy Speaker. I appreciate that. Of course, rudeness is only to be expected.

Mr DEPUTY SPEAKER: Order! There is no reason to comment on that.

Mr BEATTIE: Thank you, Mr Deputy Speaker.

As I was saying, there is no doubt why Sir Robert Sparkes resigned in disgrace today. He did so because he was humiliated by the industrial relations policy of the National Party mob when they were in Government. I am sure that as time goes by honourable members will hear from members on the opposite side of the House appropriate condolence comments on the demise and departure of Sir Robert Sparkes. The reality is that the attitude revealed in the letter to which I have referred is the reason why the National Party is in such a mess and why members of the National Party occupy the Opposition benches.

The true position is that VEAs are not available to the public. If they are so wonderful, why are they kept a secret? They should be examined in contrast to an award. Because awards are public documents and are available for everyone to see, anyone in the community can go to the Industrial Commission and examine them.

If VEAs are so wonderful, why did not the legislation provide for open community inspection of them? How do we know that they are not breaking wage principles? How do we know that they are in the public interest? We do not, because they are secret documents. It does not matter how much Mr Borbidge, Mr Cooper or Mr Harper talk about the wonderful conditions that apply to VEAs; the basic reality is that they are secret documents, they are not available for public scrutiny and, indeed, there is absolutely no guarantee that the people working in that particular industry are not subject to intimidation by the employer concerned. There is no guarantee whatsoever that those people will not be subject to intimidation. Opposition members can bleat all they like about it, but that is the reality. When a small number of workers are negotiating with an employer, he has the upper hand and they are not in a position to defend themselves. It is a nonsense to talk about ballots and VEAs looking after the average worker.

I turn to the Cooke inquiry, about which we have heard a great deal. Today, the Minister tabled the first report of the Cooke inquiry. I was interested to hear many Opposition members commenting on that report. I took the opportunity to read some parts of that report. On this matter, Opposition members were quite right; it is fascinating reading. I could not agree more.

If honourable members turn to page 79 of the report, they will see the heading "Government Involvement in the Bjelke-Petersen Dam Dispute". If they turn to page 80——

Mr FitzGerald: Volume 1 or volume 2?

Mr BEATTIE: It is in the first report. It is not my fault if the honourable member cannot count to two.

If the honourable member turns to page 80 and looks at item 16.12, this is what the commissioner said—

> "I am satisfied, however, that some members of the Government"—

this is the previous Government—

> "must have known, or at least have suspected that, money had changed hands to induce the strikers to return to work."

What a disgraceful performance! That is Commissioner Cooke. I am so delighted that Opposition members find him entertaining and that they spent so much time referring to him in this Chamber. Perhaps tomorrow Opposition members might ask the Minister, Mr Warburton, a question as to why they behaved that way when they were in Government and why they were involved in this area in which Mr Cooke said—

> "I am satisfied, however, that some members of the Government . . . must have known, or at least have suspected that, money had changed hands to induce the strikers to return to work."

It is absolutely disgraceful! As the days go on, I hope that we will hear much more from Commissioner Cooke.

I turn to the question of where we are in industrial relations in this nation. Tonight, we have heard a great deal of diatribe from Opposition members, most of whom seem to have spent a great deal of time in a prehistoric cave. The last 10 years in industrial relations in this country have seen significant changes. The trade union movement, particularly at an ACTU level, has been significant in making those changes. People such as Bill Kelty and Simon Crean have played a significant role in those changes.

The ACTU took the step of trying to rationalise the number of unions. It said that amalgamation is a very important mechanisim that will enable industrial relations in this country to achieve a reasonable level which of acceptance in the community. It was

the ACTU that said that there were too many unions and that we needed bigger unions so that the employers and unions could negotiate more effectively. That was the role that the ACTU took.

We do not hear that sort of positive attitude from the other side of the House tonight. Here is a constructive attitude by the ACTU, which says, "Let us reduce the number of unions. Let us reduce the number of demarcation problems." However, what happens? In some cases we find that employers——

Mr Veivers: Constructive? Did you go and listen to Bill Kelty today? The rest of your hair would fall out.

Mr BEATTIE: They are some of the white-shoe brigade, which Mick Veivers knows a great deal about. I am happy to take the honourable member's interjection.

Mr DEPUTY SPEAKER (Mr Campbell): Order! It is customary to refer to members by their electorate.

Mr BEATTIE: I was about to get to that, Mr Deputy Speaker. I am happy to refer to the honourable member by his electorate.

The point simply is that those on the other side of the House who were supporters of the white-shoe brigade would be happy to support the small number of employers who would be happy to oppose union amalgamations, because they would use that as a divisive means of trying to reduce wages. That is the sort of approach that Opposition members have taken.

As Bill Kelty said today at a dinner at the Castlemaine Club, if there had been a community acceptance across-the-board of wage increases or increases in returns that went to people at the same level as the average Australian employee or worker, inflation would have been at 4.9 per cent.

The reality is that the workers of this country have been the ones who have exercised restraint. They have been the ones who have been prepared to take a cut in real pay so that this nation could get back on its feet. But what do we get from the Opposition tonight? We do not have any constructive acknowledgment of the sacrifices that those workers have made. We do not have any constructive acknowledgment of the role played by the ACTU in award restructuring and in the important role of pursuing superannuation, which is important for the future of this country. We have no acknowledgment of its role in second tier negotiations. All we get is the typical bleating line of trying to get to a stage at which workers wages are kept as low as they possibly can be.

If workers are paid low wages, they will achieve low skill levels. That is what Opposition members want, but that is not in the interests of this country. Australia needs to have high levels of growth. I do not disagree with Mr Borbidge when he says that. But to achieve and maintain high levels of growth we must have reasonable wages and reasonable conditions.

I turn to another area in which constructive approaches have been adopted by the trade union movement. I am glad to see the honourable member for Southport listening so intently. I am sure that he will learn something which will help him to prepare his speeches later.

With new technology, the ACTU has gone through a sensitive and delicate period of change.

Mr McGrady: They have led the way.

Mr BEATTIE: I take the interjection from the member for Mount Isa. The ACTU has led the way.

The ACTU led the way because it had the foresight to realise that the interests of this nation are more important than selfishness and greed, which is not a view that has been supported by members on the Opposition side tonight. The ACTU guided the

changes while that new technology was being implemented. In the final analysis, the ACTU and the trade union movement in this country have reached the position in which those changes have been achieved with a minimum amount of disruption.

The honourable member for Nerang talked about industrial activity. He made a comparison between Queensland's industrial record and that of Australia. How anybody could possibly compare one State with the rest of Australia is absolutely beyond me. Nevertheless, he sought to make that ridiculous comparison. He cannot read statistics. He cannot read. That is his problem. He can tell jokes, but he cannot read. The honourable member is a joke, but he cannot read.

Mr McGrady: He's a very good after-dinner speaker, though.

Mr BEATTIE: Yes, the honourable member is a very good after-dinner speaker. I would just hate to get indigestion listening to him.

Mr CONNOR: I rise to a point of order. I find the remarks by the honourable member for Brisbane Central offensive and I ask that they be withdrawn.

Mr DEPUTY SPEAKER (Mr Campbell): Order! The honourable member has asked the member for Brisbane Central to withdraw those remarks.

Mr BEATTIE: I am happy to withdrawn whatever the honourable member found offensive.

I return to the point that the Accord has been one of the most constructive agreements that this nation has ever seen. It brought about a reduction in the industrial activity which went back prior to 1970. The level of industrial disputation reached the stage of equalling that of 1969—back to the dark days when the Liberal Party was running this nation. That is the track record of the Accord.

The Accord has been able to bring about the restraint necessary to pave the way for economic recovery. However, do honourable members hear any acknowledgment of that from members of the National or Liberal Parties? No, they do not. That is what is wrong with industrial relations. That is what was wrong with the approach of the National Party when it was in Government. The National Party Government was confrontationist and divisive. It tried to use SEQEB workers—any workers—simply as political cannon fodder. It did not particularly care who they were.

In order to achieve economic recovery and to maintain decent industrial relations in this country, there needs to be leadership. There needs to be leadership from Government; from business, both big and small—and I include small business for the benefit of the honourable member for Surfers Paradise, who talked a great deal about it today—from unions; from union councils; and from all political parties. One cannot come into this place and have the luxury of scoring cheap political points and ignore the economic and industrial realities out in the marketplace.

If members of the Opposition are genuinely interested in the economic future of this State and this nation, they will support harmonious industrial relations. The way to achieve harmonious industrial relations is by removing the confrontation, removing the big stick and ceasing to use workers as cannon fodder for elections, which Sir Joh Bjelke-Petersen sought to do on every occasion. The power of ideas is the future, not only for this country but also for industrial relations. There needs to be a mature industrial framework within which unions and management have a real say. It is a shared vision for the future that will see this country through the next decade and beyond; it is not confrontation.

I will examine briefly what the National Party offered when it was in Government. It introduced the essential services legislation. That was a divisive, confrontationist piece of legislation designed to attack the workers of this State. Earlier in this debate, one of the members of the National Party had the audacity to say that this Labor Government has deserted its base—the workers. What utter nonsense! What the Government is seeking to do is to restore dignity, fairness and equity to industrial relations, to protect

the people that it represents—not to kick them to death on behalf of the white-shoe brigade, with whom the member for Southport is quite happy to associate.

Mr Veivers: I don't mind at all. Without private enterprise, there wouldn't be any jobs.

Mr BEATTIE: Yes, the white-shoe brigade and the brown paper bags. I am about to come to that.

There are no simple solutions to industrial relations in this State or in this nation. However, I do know one thing, and that is that setting out to attack workers and using them as cannon fodder is no way to deal with industrial relations.

Mr Veivers interjected.

Mr BEATTIE: I can understand the embarrassment of the member for Southport in relation to the National Party Government's track record in industrial relations. I can understand why he does not want to support the Industrial Relations Bill. I look forward to hearing his contribution, in which he will give honourable members a great recitation about brown paper bags, the white-shoe brigade and how the National Party was funded. What a joke!

During this debate members of the National Party have spoken about trade unions making legitimate contributions to the Labor Party in an open way so that all the members could see the ballot sheets. But what do we get from the Opposition side? We get brown paper bags left under doors. Sir Joh Bjelke-Petersen said that he would go outside, come back and find a brown paper bag. He would go outside again, come back and find another brown paper bag. That is the white-shoe brigade. I understand that the brown paper bag was even bigger than the member for Southport, so honourable members can imagine how much could be stuffed into it.

Mr Veivers: I tell you what, it's a lot better than peroxiding your hair like you do—the little bit you've got left.

Mr BEATTIE: I do not want to pursue the honourable member any further. I will move on.

One of the things that the National Party did when it was in office was attack the industrial conciliation and arbitration system in this State. Commissioners were intimidated by that Government in an attempt to prevent them from doing their work. They were intimidated because the National Party understood one thing, and that was the big stick. It understood confrontation. The National Party was not interested in the average worker. When the arbitration commissioners were reaching the stage of trying to make a rational decision, who were the bully-boys who moved in? Who came in with jack boots? It was the National Party Government. It endeavoured to intimidate people who were simply trying to do their job. That is the track record of the National Party. This Labor Government, through this legislation, is endeavouring to rectify those matters.

I remind honourable members about the scaremongering that went on under the National Party Government. Mr Harper spoke about trade unions refusing to move with the times. My goodness me, he should have heard the contributions made by honourable members opposite! Talk about living in the Stone Age! Members of the Opposition are talking about industrial relations of 20 years ago. It is about time that they caught up.

The honourable member referred, quite rightly, to Article 22 of the International Covenant on Civil and Political Rights, which guarantees basic human rights. The Labor Party fully supports that. Members of the Labor Party are proud supporters of civil liberties and the right of people to join trade unions. This legislation makes no mention of compulsory trade unionism. However, it does mention that people have the freedom and the right to join a trade union to protect themselves against Governments such as the former National Party Government and the employers whom it supported, namely, those members of the white-shoe brigade who drive around in limousines with brown paper bags on the back seats.

Mr Harper spoke about industrial turmoil hitting the streets as a result of this legislation. He spoke also about a determined bid to do away with the rights of Queenslanders who are being held to ransom. He also had the absolute audacity to say that SEQEB workers had self-inflicted wounds. All of those people suffered for one reason only, namely, that the National Party wanted to use them as cannon fodder for election purposes. Many of those people suffered in a way that members of the Opposition would neither appreciate nor understand.

The Premier at that time, the great Sir Joh Bjelke-Petersen, claimed to be a Christian man.

Mr Veivers interjected.

Mr BEATTIE: The honourable member obviously knows something about that, because he is smirking in an undesirable and unnecessary way.

When the SEQEB workers lost the dispute, Sir Joh Bjelke-Petersen was not satisfied. He took away their superannuation, kicked them out and did whatever he could to destroy them and their families. That is the legacy of the Bjelke-Petersen Government. Although the dispute was finished, he wanted to kick them to death. That Christian man did not care about their families. What a humbug! What an absolute fraud! What a great act of Christianity, to let children and wives suffer!

Mr Veivers: He lost $7m in one week, two weeks.

Mr BEATTIE: Obviously the honourable member is upset. If I had been part of that Government, I would be embarrassed, too. The honourable member is bleeding like a stuck pig. Obviously he is embarrassed. Sir Joh Bjelke-Petersen, who was supposedly a Christian man, was prepared to throw people onto the scrap heap.

I commend the Minister for Employment, Training and Industrial Relations for the agreement that has been reached to guarantee supply in the electricity industry. The honourable member for Nerang would neither appreciate nor understand that the agreement will guarantee supply in the electricity industry.

When Mr Cooper referred to unions running the Government and Mr Beanland spoke about black-outs, they were using cheap, political tricks to try and compensate for the fact that, during the past 32 years, industrial relations in this State were controlled by industrial anarchists who do not care about the workers of this State and simply use them for cannon fodder to try and win elections.

During this debate, National Party members were apologists for the past. They have not learned one thing. They want only to continue the confrontation of the past, to kick the workers to death and to ensure that those people who are legitimately entitled to make a reasonable income are screwed so that their mates in the white-shoe brigade can make more money.

The trade union movement in this country and the ACTU have played a very constructive role, particularly in the past 10 years, to ensure the economic recovery of this nation. The National Party should follow the lead and the example of the ACTU. This country would be much better off if the National Party had not been in Government in this State for 32 years.

Mr STEPHAN (Gympie) (10.42 p.m.): The member for Stafford said that he was pleased to support this Bill which protects the union movement. That is what the Labor Party is really after. It wants legislation to protect the union movement. It is not concerned about the workers, the productivity of the country or the wealth of this nation. Members of the Labor Party are interested only in the protection of the union movement. How can they justify that when they are seeking productivity; when they are attempting to build up this country, not to drag it down? Those members should be ashamed of such an attitude. How far will this country advance if this Government adopts that general approach? If the Government is pleased with that approach, I assure it that the people in the community are not, and they will say so at the right time.

The member for Brisbane Central mentioned a number of issues. He claimed that voluntary employment agreements are secret documents. However, if those agreements must be registered with the Minister, how can they be secret documents?

Mr Beattie: Tell me about Vince Lester's letter.

Mr STEPHAN: The honourable member can ask Vince Lester whether or not he wrote that letter. However, I have seen other letters that Vince Lester has written and they do not correlate with that letter.

The member for Brisbane Central spoke about brown paper bags. He mentioned also that the Cooke inquiry is investigating the disappearance of $2m. One would need a very large paper bag to hold such a large sum of money. It would have to be carried around in a wheelbarrow, not a brown paper bag.

The honourable member for Brisbane Central commented to a large extent on the former Premier Sir Joh Bjelke-Petersen and the white-shoe brigade. Let me examine his shoes after he has been behind the cowshed. Has he cleaned them? What happened behind the cowshed? He had a secret meeting behind the cowshed with the former Premier. Not even his colleagues knew about that. He did not want them to know about it. Is that why the honourable member keeps talking about the white-shoe brigade? Was he not wearing his white shoes at that time? Did he not clean them afterwards, or did he get lost behind the cowshed? That is a fairly degrading sort of an attitude, one that is not very convincing to the rest of the community.

Members opposite had a fair bit to say about the so-called Accord. According to a document published by the Institute of Public Affairs, increases in wages and costs have been less in OECD countries than in Australia. Honourable members would be aware that the OECD countries do not have an Accord, but Australia does. How can members opposite laud the Accord and what it has done? It has not been successful in Australia, whereas other countries that have a so-called Accord are doing far better than we in Australia are doing under Mr Hawke, the friend of the honourable member opposite.

Before businesses move into this State, they take into consideration its industrial environment. That has happened over the past 30-odd years. Despite the efforts of the unions and the Labor Party, Queensland has enjoyed an excellent industrial environment coupled with a strong economy. Although the Warburton Bill's sell-out to the unions makes a comfortable industrial relations climate for the Labor Party and the Labor Government, it creates an uncompetitive one for industry.

Labor's election policy was to make Queensland into a head-office State instead of a branch-office State. Obviously, the Minister for Employment, Training and Industrial Relations was away bowling when that policy was announced. This Bill will ensure that Queensland will remain a branch office and not become the head office of other States. With the New South Wales conservative Government introducing exactly the same legislation as this Labor Government is now withdrawing, New South Wales will in fact have the edge on Queensland. Because of this State's past industrial relations legislation, small businesses opened up in Queensland. Now they will go to New South Wales.

With the abolition of VEAs, productivity and restructuring in Queensland will receive a major set-back. I will deal with that later and cite some examples of their success rate. Honourable members opposite ought to get out into the workplace a little more than they do. This Bill is against the national needs. The Federal Labor Government has supported enterprise bargaining as urgent. According to Senator Peter Walsh, the Accord has been an impediment, not an asset, to the economy.

Mr Borbidge: Who said that?

Mr STEPHAN: Senator Peter Walsh said that. I think that in recent times Senator Walsh has also made a few other comments on the economy. Senator Button has, too. Both of them seem to have been at odds with the Prime Minister and the Treasurer.

Mr Borbidge: Both honourable men.

Mr STEPHAN: They are both honourable men.

Mr Beattie interjected.

Mr STEPHAN: Is the honourable member disclaiming these two men? Are they not his friends now? Apparently he does not want to know them now.

In other words, the ACTU involvement in economic policy is one reason why this nation's economy is in such a parlous state. This Bill provides the unions with considerable influence in ongoing policy-making through such vehicles as the consultative committee. Domestic productivity will not increase as a result of this Bill. It is impossible for small business to get justice and industrial democracy—it takes too much time and money. Small business will go broke before getting a change in the awards and in the agreements.

The past record for businesses to have disputes settled prior to the introduction of the Industrial (Commercial Practices) Act was inglorious. Many businesses have been desperate to have industrial disputes resolved to save their operations. This Bill takes away business confidence.

Until now, Queensland has been able to blame the Federal Government for the downturn in the economy. As the days roll by, this Warburton Bill will be a factor in this State's ongoing economic slide. The Bill does not inspire business confidence. Already it has shattered the Queensland Confederation of Industry's attitude, and small business has been left unprotected from union militancy. This Labor Government now cannot escape from being hooked into the economic problems confronting the nation.

Labor has been responsible for high interest rates, ineffective roles twice that of our trading partners, and a blow-out in the foreign debt.

Mr Beattie: Who wrote this?

Mr STEPHAN: Does the honourable member recall his friend Mr Hawke making the comment at one stage that the Federal Government had ploughed the fields, sown the seed and that it was now about to reap the harvest? He said that about interest rates and productivity. Now we are about to reap the harvest—the harvest of the downturn in the economy. As the honourable member would no doubt be aware, Mr Hawke has continued to make predictions that the interest rates will come down. He has said that they will come down "tomorrow". Tomorrow never comes.

With the introduction of the Industrial Relations Bill, this State Labor Government has added itself to the list. This Labor Government will not be able to blame Federal policies for any continuing downturn. Its industrial relations policy will be a factor.

With the exception of Queensland's low tax base, Queensland industry now has nothing going for it when competing with enterprises interstate. Under this Bill there will be a contraction of Queensland industry. Contrary to what the Minister says, employees like enterprise agreements as much as employers do, and it is generally the employees who benefit from enterprise bargaining. An industrial relations policy that provides for the creation of jobs is the policy that is preferred.

The industrial relations policy that is being thrown out is the one that will ensure productivity and more jobs. Before the end of this year, the Government will be looking for the production of more jobs and for the productivity that it is turning away at present. The Government is making it difficult for new businesses and industries to commence operations. It is also making it difficult for people to remain in jobs in this State.

By the introduction of this Bill, the Government is displaying its attitude by forcing so many small businesses and contractors to the wall. The Government does not like those who are working and producing. It wants to keep them under its thumb. In fact, it is very well known that, across Australia, union membership is declining, more particularly here in Queensland.

In Queensland, only 30 per cent of the work force is in a union. In September 1989, a significant poll was conducted by Roy Morgan Research on the subject of unions

and, in response to the question, "Should union membership be voluntary or compulsory?", 87 per cent of people indicated that it should be voluntary, whilst a mere 11 per cent said it should be compulsory.

However, of the union members themselves, 82 per cent stated that it should be voluntary and, furthermore, 81 per cent of ALP voters stated that union membership should be voluntary. This Labor Government is out of step with modern thinking. It is plunging this State back into the dark days of pre-1957. This Labor Government should remember that history and not head in that same direction.

Earlier, I referred to VEAs and what the VEA legislation has the ability to do for this country. Undoubtedly, the opponents of enterprise bargaining will denigrate VEAs, but I tend to think that the VEA legislation will rank alongside the SEQEB dispute, from which the VEA initiative grew, as one of the real watersheds of industrial relations in Australia.

The fundamental principle of VEAs is that where employers and employees agree then there is no reason why the subject of their agreement cannot be given the backing of the law. Implicit in this assumption is that both parties to the agreement are capable, in terms of skill and freedom from coercion, of making the agreement. The assumption was that those employees should be given reasonable protections and that they are perfectly capable of looking after themselves and their own interests.

The non-negotiable aspects of the award to be varied are written into the legislation.

Mr Beattie: Why didn't Vince Lester support it if it was so good? Tell us why?

Mr STEPHAN: Vince Lester did support it, although somewhere along the way he may not have supported it. The honourable member for Brisbane Central has picked up that piece of paper. I do not know whether he has made it up. I do not know where it came from.

Mr Beattie: It was his letter. He signed it. I am happy to table it if you want me to.

Mr STEPHAN: It could have been made up.

Mr Borbidge: The Minister wouldn't table it.

Mr STEPHAN: That is right. The Minister would not table it. He waved it around and said, "Here it is—look!", and then put it in his pocket. How can one justify that as a document that one wants to wave around the countryside?

Honourable members should remember the minimum conditions specified from time to time in an award such as the sick pay provisions—the annual holiday leave provisions, although half could be cashed in at any time—the redundancy and termination provisions, the penalty rates on public holidays, the long service leave provisions and the 19 per cent loading for casuals. Those are the minimum provisions that employees apply for.

The only matters that therefore could be varied effectively were overtime, penalty rates, working hours and working days, but they are significant because substantial improvements in productivity can be made for instance just by, increasing the hourly rate and eliminating double time. So, instead of rewarding people who happen to want to stretch their allocated work to include Saturday afternoon on double time, they could be paid more for every hour during which they work more efficiently during the ordinary working week.

The success of that approach in enterprises such as Metway has already been pointed out. The Metway management were not in any way anti-union. It is important to remember that Metway and its branches were nearly all located in suburban shopping centres, many offering late night and Saturday trading. Metway simply wanted to continue providing that same service to its existing customers.

The VEAs at Metway were prepared by two QCs, one from Melbourne representing the company and one from Brisbane representing the employees, and those VEAs were voted upon by the employees in a secret ballot conducted by the accountants.

Mr Beattie: Why are they secret?

Mr STEPHAN: The honourable member does not like secret ballots because the workers have the ability to have their say.

A secret ballot was held and 70 per cent of the employees were in agreement. Ray Dempsey did not like that result. He subsequently declared falsely that the ballot must have been rigged because the result did not agree with his thinking.

Power Brewing also decided to introduce its own VEAs. It decided to work from scratch, and formed a consultative committee of employees to see if new work arrangements could be drafted to reflect the employees' desire to be rewarded for skills attained and for increased productivity, and Powers' desire to gain maximum utilisation of its high-tech equipment.

A management structure was drafted with six levels of worker promotion. All employees are multiskilled and paid for ability. Their pay system is geared to productivity rather than the ability to work a particular machine, which is the core of the craft union employee classification system.

Ninety-seven per cent of the employees indicated in a secret ballot that they would also like to have a 40-hour week. A worker commencing with Power Brewery will, in 12 months' time, be $6,839 per annum better off than a worker doing similar work at Fourex.

It appeared that the workers' original perception was pretty good. Whilst the plan was to have an industrial agreement, not a VEA, it became clear that the federated liquor trades union was not interested in any agreement that was different from that which applied at Fourex. A VEA was put to the employees as a means of reaching the objectives. In spite of the usual FLTU threats to the employees such as "no worker here will work in the brewery industry ever again" and "no truck of malt will ever pass these gates", still 78 per cent of the workers gave the FLTU the Bronx cheer and the VEA was presented to the commission for ratification. That is what those workers thought of the ability of the VEAs to supply what they wanted.

Earlier this afternoon, the Deputy Leader of the Opposition, Mr Borbidge, commented about employment conditions at the Kin Kin sawmill, but I would also like to highlight the position at North Coast Ripeners, which has 20 employees at three different locations. Over the years, this firm has developed in-house working arrangements, particularly with regard to time off in lieu of overtime.

The Brisbane Markets adopted the almost market-wide approach——

Mr Veivers: It's all going to be lost.

Mr STEPHAN: My word it is all going to be lost. The wholesalers are all going to go down the drain because of this legislation, and productivity will also go down the drain because of this Government's approach.

At the Brisbane Markets, employees start before the award starting time and finish when the work is complete, often hours earlier than the finishing time prescribed by the award. Probably 95 per cent of employees working under the markets award voluntarily work that way. One would have thought that making the award more relevant to the employee would have been an important priority for the employer association, but apparently that is not the case. The VEA merely allowed what nearly all the market businesses had been doing previously.

I would like to make some comments on the Cooke report. Mr Beattie mentioned the Cooke inquiry and the Bjelke-Petersen Dam. Paragraphs 17.3.11 and 17.3.12 of the Cooke report read—

> "17.3.11 There were two further funds operated by the striking dam workers themselves. The first was an account with the Commonwealth Bank . . .

> 17.3.12 This account was opened by the strikers themselves to raise money by their own efforts because they were dissatisfied with the amount of strike pay being paid by the union . . . when Mr Goodhew discovered what they were doing he insisted that this money be used to pay the men's strike pay in lieu of the union's fund."

When Mr Goodhew put his nose in, according to this publication the workers opened another account.

Mr Borbidge: This Mr Goodhew was senior vice-president of the Labor Party.

Mr STEPHAN: I think that Mr Goodhew might be one of those fellows who put his hand in the till a few times. This is the same Mr Goodhew who had two accounts containing money that was misappropriated. Mr McAdam found that one of them contained amounts of $230,000 and $20,000 and thought that only $250,000 had gone astray. But he found out that there was another $250,000 that Mr Goodhew had misappropriated. So there is half a million dollars that the friend of Government members misappropriated out of some of the funds that had been collected for the striking workers.

The question has been asked whether this Bill promises a complete and accurate audit of union funds. There certainly has not been a complete and accurate audit of union funds according to Mr Cooke. The report reads—

> "Information presented to this Section demonstrates the failure of the Union to accurately account for and report on industrial dispute money collected by it. It indicates that money collected for industrial dispute purposes was not all used for such purposes. With reference to Section B of this report, it indicates that some industrial dispute money was deposited into a personal bank account."

Mr Harper: The accounting procedures in this Bill are the same as were used in the Federal Bill.

Mr STEPHAN: That is an interesting point. If the accounting procedures are exactly the same, will we get the same result? Will there be a Cooke inquiry every 12 months to determine where money has gone and whether a union has used it for other purposes? The other purposes vary considerably, too.

Mr Randell: There won't be another Cooke inquiry under this Government.

Mr STEPHAN: It will not be prepared to have another Cooke inquiry. It would not be interested. It is only interested in talking about paper bags.

Mr Booth interjected.

Mr STEPHAN: I think there could be a regular corrupt use of union money when there are suggestions such as those from Mr McAdam, who said that he stumbled upon it because he noticed a withdrawal of $250,000 and another of $230,000. It just happens that he stumbled upon it. The report also states—

> "Mr McAdam . . . admitted that it was the responsibility of an auditor to be familiar with any of the legislation applicable to the organization to be audited. He admitted that until about 1987 he wasn't familiar with the legislation, and in particular Regulation 19 which sets out in detail the requirements for the union's accounts . . . Mr McAdam admitted that at the time when he became aware of the existence of Regulation 19, the F.E.D.F.A.'s financial accounts did not completely satisfy the requirements set out in that regulation. Perhaps, more seriously, he admitted that following his discovery of Regulation 19, the accounts continued to fail to comply with that regulation."

It is brilliant stuff! It makes interesting reading and I certainly hope that Government members study it well.

Debate, on motion of Mr McGrady, adjourned.

ADJOURNMENT

Hon. T. M. MACKENROTH (Chatsworth—Leader of the House) (11.05 p.m.): I move—

"That the House do now adjourn."

Fire Service, Gold Coast

Mr VEIVERS (Southport) (11.05 p.m.): The Gold Coast is Queensland's second city. It contributes more than any other centre to the economic well-being of this State. It is the heart of this State's most exciting industry—tourism. But the Government is playing with the Gold Coast. It is playing with its infrastructure and its people. Already we have seen the needless destruction of the waterways authority, which served the area so well for so long. That was one of the first victims of Labor's love affair with centralism—throwing control of everything to public servants in George Street.

Now we have the uncalled for meddling that seeks to take control of the coast's vital fire protection to Beenleigh. The new fire service plan might look right on paper but it will never work properly. It is the sort of rubbish that a kid puts on paper when he has nothing better to do with his time.

Only an amateur would think that there was any sense in lumping the Gold Coast, Gatton and Ipswich together in one fire brigade region. Only someone who has never taken the trouble to take a close look at the three places would think there was any similarity. The Gold Coast has more high-rise buildings than Brisbane, and it does not take much up top to realise that they present unique problems.

Sure, a fire is a fire wherever it occurs, but do not try to kid me that the same sort of thinking applies to a grass fire in the Lockyer Valley as applies to a fire in a high-rise unit block on the Gold Coast. What the Gold Coast needs is a very specialised fire brigade, with concentrated training on the special equipment that it needs to fight high-rise fires. That does not apply only to the firemen; it must apply to the people who direct their work and the people who have to know the area, the buildings and the risks involved. That will not happen when the people are sitting in a building in Beenleigh. For all the use they will be, they might as well be in Cairns or Birdsville. No-one has yet come up with a decent reason for shifting the fire headquarters to Beenleigh. Even a Dorothy Dixer that was asked this morning from the Government side of the House was not enough to get the Minister to make sense on this issue at all, because there is no sense to it.

Because an egotistical new Minister wants to impose his will, the Gold Coast has to suffer. However, the Gold Coast will not forget. It will not forget that the security of its residents and its tourists are taking second place to the centralist policies of the Goss Government. It will not forget the management skills which stipulate that it makes sense to move the headquarters out of a building on the Gold Coast owned by the brigade and into a rented building that is situated half way to Brisbane.

Mr Borbidge: I wonder who owns the building?

Mr VEIVERS: Yes, one day we will find out who owns that building.

The Gold Coast will not forget that the Minister is prepared to dump a local fire board, which knows what the coast needs, and replace it with bureaucrats. It will not forget that its fire service will be determined by people who are not a part of the Gold Coast community and have no personal interest in it.

It is time that this new Goss Government realised the importance of locals making the important decisions that affect our communities. Fire brigades, ambulance centres and hospitals are all services which work best with locals applying their local knowledge to management decisions. Public servants who are remote from the problems simply do not know the local conditions, which, in a fire, might mean the difference between life and death. Even the unions think that the move is crazy. The clerks union is up in

arms over the fate of its members in the fire services. The headquarters staff now face the prospect of having to drive to Beenleigh every day to go to work. I am told that one staff member will have to drive 70 kilometres each way.

No-one will argue that the fire services on the Gold Coast could not be improved. There is no service in the world that could not benefit from a bit more money being spent on equipment and training. I am not arguing with that. However, I will argue about wasting money on big changes such as this. The money is being spent purely to make the Minister feel good in his new position. I believe that he should ask the present local board to spend the money on whatever it thinks best; the things that only the locals know need to be done. The Minister should quit fooling around and let the board and its very able fire chief, Kev Bayliss, get on with the job that they have been doing so well for years and years.

Erosion at Russell Heads

Mr PITT (Mulgrave) (11.11 p.m.): I rise tonight to acquaint members with the erosion occurring at Russell Heads, which is a coastal community in my electorate.

The township of Woolanmaroo South, also known as Russell Heads, is situated at the mouth of the Russell River about seven kilometres from Babinda. It is located on a narrow, sandy spit which is presently only 40 metres wide at its narrowest part. It is a popular beach and fishing resort area. There are no roads into the township and the only access is by boat. The settlement comprises four sections of allotments with a total of 58 allotments, most of which have dwellings constructed on them. The standard of dwellings ranges from fishing shacks and weekenders through to large suburban-type houses.

The land is located on a spit situated at the mouth of the Russell River and forms part of a large protruding delta. The spit is highly vulnerable to erosion by the sea and to flooding from the river. Major cyclonic and/or flood events could result in the whole spit being washed away, leaving only a submerged sandbank. The area in question lies wholly within coastal management control district No. 9 and the Beach Protection Authority's designated erosion prone area and, as such, comes under the control of the Beach Protection Act 1968-1989. It should be noted that on numerous occasions the authority has pointed out that the whole of the spit area on which the township of Russell Heads is located is vulnerable to erosion both from the sea itself and also from changes in the location geometry of the entrance to the Russell/Mulgrave River system, and is therefore totally unsuitable for the substantial residential development that has occurred.

In its advice to the Land Administration Commission regarding the tenure of land in this area, the authority had expressed its deep concern over the potentially serious erosion problem associated with the area and has consistently recommended against proposed conversion of various allotments to freehold tenure. This attitude has always been supported by the local authority, the Mulgrave Shire Council.

In July 1985, Cabinet decided that freeholding of existing leases should be permitted, provided that the lessee acknowledges in writing that he or she is aware of the possible erosion problems. Obviously, this condition was not applicable to any existing freehold allotments at the time. This decision by the previous National Party Government has come back to haunt the new Labor Government. If a stronger stand had been taken in 1985, residential development would have been limited. However, political considerations at the time saw the Government of the day grant freehold title at prices which were in keeping with the prevailing market value. The "out" was that, should erosion occur, land-owners were encouraged to sign away their basic rights, which was a reprehensible ploy, to say the least.

I put it to the members of this House that the Government of Queensland, irrespective of its political colour, has a moral responsibility to assist the people of Russell Heads. In recent years, the length of the spit has been shortened considerably

by erosion, and about 18 months ago a council toilet block in this area was lost to the sea—a grim reminder of the force of nature. Earlier this year, further erosion occurred along the seaward side of the spit, causing the loss of many trees and uncovering electricity and telephone cables.

In March 1990, engineers representing the Beach Protection Authority met with local residents and officers and councillors of the Mulgrave Shire Council to discuss the erosion and possible property protection works. This meeting was called at the request of the Mulgrave Shire Council through its representations to myself as the local member. In view of the authority's previous involvement with this area, a report on the matter, including a proposal to construct a single experimental groyne at the northern end of the spit, was placed on the agenda of the last meeting of the Beach Protection Authority for its consideration. I am pleased to announce that the authority has granted permission for the Mulgrave Shire Council to construct an experimental groyne at Russell Heads. I wish to record my appreciation for the compassion shown by the authority in this matter.

Comments by Federal Member for Hinkler on Levee Bank at Alpha

Mr JOHNSON (Gregory) (11.15 p.m.): It is with a great deal of sadness that I rise in this House tonight to refer to remarks that were made by the Federal member for Hinkler in the House of Representatives on 17 May concerning a levee bank which he insinuates was put in place on the orders of National Party members on the Jericho Shire Council. The construction of this levee bank had received the blessing of the Emerald office of the Main Roads Division. I wish to cite the minutes of a council meeting that refer to a letter from the Main Roads Division dated 8 December 1984.

Mr Fenlon: Tell us about the motel site.

Mr JOHNSON: I will come to that directly. The minutes state—

> "Advising that the Department is currently designing the new High Level Bridge over Alpha Creek on a deviation alignment south of the existing crossing near Alpha, and requesting that Council forward urgently, details of Council's proposal's regarding the ultimate height of the levy on the western bank of the creek opposite the extension of Gordon Street.
>
> Moved Cr E. Hoch seconded Cr Palmer That the letter be received, and that the Main Roads Department be advised that Council will adopt the level 352 AHD as being applicable to the levy bank at the proposed bridge site and that Council's Engineer's program to strengthen and extend the existing levy bank easterly to the adopted level of 352 AHD."

I point out that Councillor Hoch is a member of the National Party and Councillor Palmer is a member of the Labor Party.

I invite Mr Courtice to go to Alpha to see at first hand the problems that have been caused by the recent floods. I believe that he has shot his mouth off and does not know what he is talking about. Overnight rainfall totalled 17 inches in the headwaters of Alpha Creek and resulted in the flooding of the towns of Alpha, Jericho and Charleville. Honourable members may know that those towns are in the same catchment area and that, even if 150 levee banks had been constructed, they would still have been flooded.

I invite the new member for Kennedy, Mr Hulls, to stand in the Federal Parliament and speak for himself instead of endorsing remarks made by Mr Courtice. I am not playing politics. I am sick and tired of people playing politics with an issue when people are being kicked in the guts. Mr Deputy Speaker, I can tell you that in those districts people are in trouble. At no time have I played politics with those problems, and at no time would I ever do that.

I have worked with the Government to try to repair the damage and resolve the problems. I hope that the problems can be resolved, but I can inform the House that

the new member for Kennedy is a Melbourne import. He came from Victoria to contest the seat.

Mr McGRADY: I rise to a point of order. Mr Deputy Speaker, surely you are not going to allow this rubbish to continue.

Mr DEPUTY SPEAKER (Mr Campbell): Order! There is no point of order.

Mr JOHNSON: Thank you, Mr Deputy Speaker.

I remind the House that Mr Hulls has lived in the electorate of Kennedy for approximately three or four years. Surely he can travel around the area and find out what the real problems are. As far as I am concerned, the people in the district do not have a Federal member for Kennedy, they have simply voted for another Federal member for Victoria. That is what it means to have Rob Hulls as the Federal member for Kennedy.

Mr Palaszczuk interjected.

Mr JOHNSON: Government members can yell as much as they want to, because I will yell louder.

I inform the House that Russell Cooper and Howard Hobbs have not played politics with this problem.

Government members interjected.

Mr JOHNSON: The member for Kennedy has said that a meeting was held in Alpha behind closed doors. I saw Rob Hulls in the hotel on the night of 2 May and he told me that he would not be in Alpha the next morning. My colleague Vince Lester, the member for Peak Downs, and I went to the meeting held at the hospital on the morning of Thursday, 3 May. I remind you, Mr Deputy Speaker, and fellow members that, if Rob Hulls had been there, he would have been invited to attend. The position was that, although he told me that he would not be there, apparently he was in Alpha on that day.

Mr McGrady interjected.

Mr JOHNSON: I remind the member for Mount Isa that the issue is all about trying to resolve the problems that exist in Alpha, Jericho, Charleville, Blackall and Augathella. I plead with you, Mr Deputy Speaker, to ensure that all honourable members work together in resolving this problem.

Time expired.

Townsville Land Swap; Mr and Mrs Srebniak

Mr DAVIES (Townsville) (11.20 p.m.): It is a matter of history that, in relation to the Townsville land swap, to their advantage the Srebniaks had been involved in a previous rezoning of land from public open space. At the time of a previous application, the Srebniaks had a contract for sale of the land to a company called Newbell Properties Pty Ltd, which intended to build 72 accommodation units on that land. The project was eventually completed.

The Srebniak family history suggests that they will want rezoning of the land that they have received in the recent land swap. What is more, they are entitled to ask for it and they will probably succeed in that application. They stand to make as much as $2m when it happens. That is the scam to which I have been referring.

In the wake of the Fitzgerald inquiry, the land swap brings into question the Ahern and Cooper administrations. If Mr Ahern and, latterly, Mr Cooper were serious, they would have asked for the resignations of Mr Burreket, Mr Glasson and Mr Katter. The fact that they did not proves once again that cronyism was alive and well during their administrations and that it was business as usual. The events relating to that land swap are interesting and unusual.

In November 1986, Mr Burreket was elected to Parliament. In December 1986, the Srebniaks contracted to purchase land at Black River from Norm and Noeline Ramsay. Settlement took effect on 4 February 1987, which was a couple of months later. In mid-1987, Norm and Noeline Ramsay proposed that a drug and alcohol rehabilitation centre be constructed on adjoining land at Black River. The Srebniaks organised a petition opposing that drying-out centre.

On 25 August 1987, the Ramsays were notified by the Thuringowa City Council of the rejection of their proposal. On 7 June 1988, Mrs Srebniak wrote to Mr Burreket and raised the possibility of a land exchange. On the same date, Mr Burreket wrote to Mr Katter supporting the land swap proposal. The next month—18 July 1988—Mrs Srebniak wrote to Mr Katter's adviser on Aboriginal Affairs, Mr Ken Dalton, regarding the proposed exchange of land. On 29 September 1988, newspaper reports featured the dumping of 300 truck loads of soil from the lakes project on parkland without council knowledge. The project manager alleged that Mrs Srebniak requested the fill be placed there and said, "They told me they owned it." On 28 September 1988, the Mayor of Townsville, Alderman Mike Reynolds, wrote to Mr Katter stating—

> "Council is not favourably disposed to the leasing of freeholding of Reserve and Crown land by the Srebniaks in the vicinity of their current freehold blocks off Kiery and Vernon Streets, Townsville. I understand that in these circumstances the swap proposal put together by Mr. Ken Dalton for land owned by the Srebniaks at Black River will not be pursued by your Department."

On 24 December 1988, Christmas Eve, the National Party Government advertised the proposed rehabilitation centre in the *Townsville Bulletin*. Among other options, it canvassed a land-exchange option. Again, surprise, surprise!

On 28 February 1989, in a letter from the Townsville City Council to the Department of Community Services the council expressed grave reservations about moves to make the establishment of a rehabilitation centre contingent on a land swap and detailed the approach in the latter half of 1988 by an officer of the department, Mr Ken Dalton, with a proposal to swap 40 hectares of land owned by Mr and Mrs Srebniak at Black River, north of Townsville in the Thuringowa City area, for 4.2 hectares of Crown and reserve lands in the vicinity of Old Common Road, Townsville City.

It is interesting to examine the history and chronology of these events. I seek leave to table and have incorporated in *Hansard* that chronology.

Leave granted.

- March 21 1989—Townsville Bulletin article quoting the Community Services Minister saying that work would begin almost immediately on a diversionary facility near Townsville.
- April 4, 1989—Matter raised in State Parliament by Ken McElligott, Member for Thuringowa.
- June 5, 1989—Townsville Bulletin editorial "Secret Land Deals Smack of Privilege"—questioning the deal and Mr Ahern's new, open, accountable Government.
- June 22 1989—Twin Cities Advertiser "Land Swap 'rort' claim in Parliament."
- June 29, 1989—Twin Cities Advertiser—"Secret deals", nonsense!
- July 15, 1989—Townsville Bulletin reports Community Services Minister as blaming lack of diversionary facility on death in custody.
- July 1989—Townsville Bulletin stories—"Davies Acts at Land Swap"; "No Secret Deals about Land Deal: Katter".
- July 20 1989—"Press Statement by Minister for Land Management". Cabinet agrees to exchange, buy or resume land for diversionary facility at Townsville.
- July 21, 1989—Townsville Bulletin story "Two-faced deal—row breaks out over plan for rehabilitation centre."
- July 22 1989—Townsville Bulletin Editorial "Time for explanations on land-swap plan".
- August 3 1989—Twin Cities Advertiser Story—"Land Swap files should be public."
- August 29 1989—Meeting at State Government Conference Room deciding Black River too far from hospital and watchhouse.

- September 14, 1989—Twin Cities Advertiser story "Second land swap on for 'drying out' centre."
- September 21, 1989—Twin Cities Advertiser story "Land Swap Nonsense".
- November 4, 1989—"Drying Out Centre Plans Action Again".
- January 5, 1990—Townsville Bulletin story "Land May be Resumed for Park Use—ALP".

Mr DAVIES: I could go on, but I do not have the time. That is the scam to which I have been referring. One wonders why it was rushed through in the death throes of the National Party Government. I suggest that, despite claims to the contrary, there was a secret deal between Mr Burreket and his close National Party associate, Mrs Srebniak.

Mrs Srebniak said that she was just trying to secure her surroundings. The history of development, which I tabled in the House this morning, from 1964 through to 1989—25 years—shows just that. But it did not finish there. In April this year, Mrs Srebniak lodged an application for rezoning of the land with the Townsville City Council. So it has all come true.

Time expired.

Bond University

Mr QUINN (South Coast) (11.25 p.m.): I refer to the article concerning Bond University published in last Saturday's edition of the *Australian* newspaper and subsequent sections of that article which were reproduced in yesterday's *Gold Coast Bulletin* newspaper. The article highlights alleged wastage of money and resources in both the construction of the buildings at Bond University and its ongoing operations.

However, the article does not highlight the fact that Bond University is a private-enterprise initiative and, as such, those who have a direct stake in the future of the university are the financing partners in the project, namely, EIE and Bond Corporation, the university staff and the students at the university. All the people involved in those groups came to that private university fully aware of the commercial reality into which they were entering.

The article made no attempt to document the opinions of those major stake-holders in the university, to give an alternative viewpoint, thus ensuring a balanced and reasonable discussion on the university's performance to this date. Instead, much of the article rests on unsourced gossip, rumours and innuendo. Sadly, for the majority of the article, the author concentrates on tearing down the university. In subsequent comments he has even speculated about the future of the university site.

At no stage does the article mention the very considerable achievements of Bond University or express support for or confidence in its future. There is no mention of the academic and public scepticism that had to be overcome to make private tertiary education acceptable to the public and the educational community in Australia for the first time. There is no mention of the enormous building program that was undertaken to establish the physical facilities on the campus. There is no mention of the international efforts by the university to recruit well-credentialled staff to offer world-class academic courses which are clearly acceptable to students, employers and professional associations alike throughout Australia and around the Pacific rim.

Anyone who has been to the Bond campus cannot help being impressed by the facilities, the spirit of the students and staff and the very high academic standards evident there. Yet nowhere are those very real achievements documented in that article.

It must be remembered that Bond University is a private-enterprise activity and, therefore, no public money is at risk. Although those claims make sensational reading for the general public, the reality is that investigation of those claims is a matter for the companies financing the project.

Unfortunately, new enterprises occasionally encounter rough times, and it is those times that bring out the prophets of doom. But the fact is that both financing partners

have made public statements confirming their continued support for the university, and there is no reason to believe otherwise.

Bond University has brought a much-needed injection of educational rationalism into the Australian tertiary scene. Choice and market pressures have swept away long-held notions of equality of outcomes and have contributed significantly to an improved quality in tertiary education in Australia.

Following in the trail blazed by Bond, more private universities are being proposed in other States—a move that will force our public institutions to be more responsive and competitive in the educational marketplace.

Overall, the establishment of Bond University has been a landmark in the history of education in this nation, by venturing to do something better in a different way at no cost to the public. It deserves our ongoing support, not our most vehement criticism.

Neurofibromatosis

Mr WELFORD (Stafford) (11.29 p.m.): I draw to the attention of members of the House and the Queensland public a disorder or disease known as neurofibromatosis. I know that Opposition members will have a great deal of difficulty getting their tongues around that name. However, neurofibromatosis, which is otherwise known as NF, is a non-contagious disorder which is caused by an abnormal gene which affects a foetus in its development.

Recently, between 5 and 12 May, the Neurofibromatosis Association of Australia held a public awareness week. During that week, it attempted to draw attention to the public throughout Queensland and the rest of Australia to the plight of sufferers of this disease.

In my electorate, I have a number of constituents who suffer from this disease. It is a reasonably common genetic disorder which occurs in 1 in 3 000 people.

The disease was first discovered in 1882 by a German pathologist by the name of Friedrich Daniel Von Rechlinghausen. The common features of this disorder are that the sufferer develops a number of growths or lumps in the nature of tumours just under the skin. At first this can appear to be just another case of chickenpox or a leprosy-type disease in the form of flat pigmented spots. However, in time it can become fairly serious. Large tumours can form under the skin and cause a good deal of discomfort to the sufferer. Tumours can develop near the spine or in the neck, for example. People who suffer from these tumours have to have them excised. Understandably, if the tumour occurs near the spinal chord, that can necessitate a very difficult and risky operation. However, it must be done, otherwise people can be severely physically disabled by the pressure of the tumours on their nervous system.

Approximately 1 in 3 000 people suffer from this disease. However, medical authorities do not know which chromosome is affected by the abnormal gene, nor do they know how the gene causes the physical consequences and disabilities which flow from it. There is no way of predicting how NF will affect the sufferer during his or her life-time. However, it is known that it is not a latent disorder in the sense that the disability is not obvious when it first occurs. Indeed, if people do not have obvious symptoms of the disease by the time they are five years old, then generally they will not have it at all.

The question people often ask about disorders of a genetic nature is whether they are hereditary. As is the case in regard to many genetic disorders, medical authorities have been unable to establish a direct link between abnormal genes of this kind in parents and the prospects of their being contracted by their children. It seems that there can be a hereditary link or, alternatively, what is known as a spontaneous mutation can occur some time after the formation of the foetus, even in the absence of any family history of this disorder.

Intensive research is being carried out in both the United States and the United Kingdom and, understandably, the Neurofibromatosis Association in Australia is seeking

public support to provide funding for further medical research in this country. One of the important and obvious consequences, which honourable members would well understand, is the psychological and social detriment suffered by people who have such disorders. Although the appearance of the disorder in the skin of sufferers may be merely cosmetic, understandably it causes considerable psychological distress and strain over a period of time. In addition, if it occurs in the children of a sufferer, the parents can never really know with any certainty how far the disorder will develop and to what extent the disability will affect their children's development or maturity.

There is significant variability and unpredictability in the physical disfigurement and in the extent of intellectual disability that might occur in sufferers of this disease. Understandably, that is a cause of significant anxiety and strain. I urge honourable members and the public of Queensland generally to draw this matter to the attention of the community so that, in due course, steps can be taken to support sufferers of this disease.

Time expired.

The House adjourned at 11.34 p.m.