TUESDAY, 17 MARCH 1992

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

STANDING ORDERS COMMITTEE

Resignation of Members

Mr SPEAKER: Order! I have to report that vacancies exist on the Standing Orders Committee consequent upon the resignations of Mr Terence Michael Mackenroth, MLA, and Mr Theo Russell Cooper, MLA, from that committee.

Appointment of Members

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.03 a.m.), by leave, without notice: I move—

> "That Mr Paul Joseph Braddy, MLA, and Mr Brian George Littleproud, MLA, be appointed to the Standing Orders Committee to fill the vacancies caused by the resignations of Mr Terence Michael Mackenroth, MLA, and Mr Theo Russell Cooper, MLA."

Motion agreed to.

PETITIONS

The Clerk announced the receipt of the following petitions—

Corporal Punishment

From **Mr Elder** (16 signatories) praying for urgent action to amend legislation to ensure that corporal punishment is not inflicted on any pupil attending any school or institution.

Pornographic Material

From **Mrs Bird** (40 signatories) praying that Parliament enact laws which set standards for the presentation, exhibition, promotion and sale of "soft" pornographic magazines in newsagencies and other retail outlets.

Petitions received.

PAPERS

The following papers were laid on the table—

Orders in Council under—

Auctioneers and Agents Act 1971
Superannuation (State Public Sector) Act 1990
Superannuation (Government and Other Employees) Act 1988
Statutory Bodies Financial Arrangements Act 1982-1990
Statutory Bodies Financial Arrangements Act 1982
State Service Superannuation Act 1972
Brisbane Cricket Ground Act 1958
Jupiters Casino Agreement Act 1983
Associations (Natural Disaster Relief) Act 1976
Queensland Industry Development Corporation Act 1985-1991
Indy Car Grand Prix Act 1990
South East Queensland Water Board Act 1979

Regulations under—

Gaming Machine Act 1991
Pay-roll Tax Act 1971
Stamp Act 1894 and the Land Tax Act 1915
Casino Control Act 1982
Land Tax Act 1915

Rules under the Casino Control Act 1982.

MINISTERIAL STATEMENT

Absence of Minister for Employment, Training and Industrial Relations during Question-time

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.04 a.m.): I have to inform the House that Mr Vaughan, the Minister for Employment, Training and Industrial Relations, will be the one Minister absent from question-time today as he is attending a funeral.

LEAVE TO MOVE MOTION WITHOUT NOTICE

Mrs SHELDON (Landsborough—Leader of the Liberal Party) (10.05 a.m.): I seek leave to move a motion without notice that this House confirms——

Mr SPEAKER: Order!

Question—That leave be granted—put; and the House divided—

AYES, 34		NOES, 50	
Beanland	Springborg	Ardill	Mackenroth
Booth	Stephan	Barber	McElligott
Borbidge	Stoneman	Beattie	McGrady
Connor	Turner	Braddy	McLean
Coomber	Veivers	Bredhauer	Milliner
Cooper	Watson	Briskey	Nunn
Dunworth		Burns	Palaszczuk
Elliott		Casey	Pearce
FitzGerald		Clark	Power
Gilmore		Comben	Robson
Goss J. N.		D'Arcy	Schwarten
Gunn		Davies	Smith
Harper		De Lacy	Smyth
Hobbs		Dollin	Spence
Horan		Eaton	Sullivan J. H.
Johnson		Edmond	Sullivan T. B.
Lester		Elder	Szczerbanik
Lingard		Fenlon	Warburton
Littleproud		Flynn	Warner
McCauley		Foley	Welford
Perrett		Gibbs	Wells
Randell		Goss W. K.	Woodgate
Rowell		Hamill	
Santoro	*Tellers:*	Hayward	*Tellers:*
Sheldon	Neal	Hollis	Prest
Slack	Quinn	Livingstone	Pitt

Resolved in the negative.

PERSONAL EXPLANATION

Mr MACKENROTH (Chatsworth) (10.12 a.m.), by leave: Last Thursday, many things were said in the media and reported in the media following the release of a report by the Criminal Justice Commission. Although I have fairly broad shoulders and I can withstand most criticism, I think that one particular reference in the *Courier-Mail* should

be corrected. In the *Courier-Mail*, it is reported that my nickname is "Skull". I would like it to go on record that it is "The Fox".

QUESTIONS UPON NOTICE

Mr SPEAKER: I reiterate that Ministers may, if they wish, seek leave to table their answers for incorporation in *Hansard*.

1. Government Aircraft

Mr COOMBER asked the Minister for Police and Emergency Services—

"Will he table details of all flights on the Westwind II jet and King Air turbo-prop aircraft by Government Ministers since 2 December 1989 including (a) the destination of the flights, (b) the passengers on these flights and (c) the cost to the taxpayer of these flights?"

Mr WARBURTON: Details about the operation of the Government air wing are included in each annual report. However, for the member's information, I point out that, in the 26 months from the beginning of December 1989 to the end of December 1991, Ministers used the Westwind jet 115 times and the Kingair 182 times, for a total of 297 times. This compares with the use of the aircraft by National Party Ministers over a 26-month period from 1987 to 1989 of 460 times. The aircraft have also been used on a number of occasions for other tasks, such as the transport of organs for transplant and medical evacuations. A detailed list of the tasks is provided in Attachment 1. The member will note that the Governor also has used the aircraft. For the member's additional information, I have provided a schedule of ministerial use of the two aircraft for the period 1 July 1991 to 31 December 1991. This includes the names of the Ministers who used the aircraft and the number of times they used them in that six-month period.

As to the member's request for the names of passengers—because of the extreme detail involved and time required to prepare such a list, it is not possible to provide that information. However, the responsibility lies with the Minister using the aircraft to ensure that all passengers are on legitimate travel. All matters pertaining to ministerial air travel, including passengers, are subject to the final authorisation by the Minister in charge of the air wing. The total direct operating cost of using the two aircraft for the period 2 December 1989 to 31 December 1991 was $1,317,720. However, those costs covered all uses of the aircraft, including, for example, transport of organs for transplant and medical evacuations. The total direct operating cost for ministerial use for the period was $471,780 for the Kingair and $433,080 for the Westwind—a combined total of $904,860.

2. Police Overtime

Mr TURNER asked the Minister for Police and Emergency Services—

"(1) Were massive overtime cuts implemented progressively throughout 1991 and imposed so that he could give to police officers with one hand and take away with the other?

(2) Were overtime cuts put in place to cut police pay packets and bring the wage and salary outcome in line with the Government's limited budget increase for police, whatever the impact on public safety?

(3) Did this strategy leave many police with less money in their pay packets?

(4) Have drastic overtime cuts further dramatically reduced the effective size of the force?"

Mr WARBURTON: (1) No overtime cuts were made in the 1991-92 financial year compared to the previous year. In 1991-92, the overtime budget was allocated to regions as part of their overall global budget. The allocation from this global budget of

expenditure items such as overtime was at the discretion of the assistant commissioners based on the needs of their individual regions. An analysis of the regional funds allowed for overtime for 1991-92 indicates that an amount equivalent to that provided last year was allocated.

(2) As I stated before, no overtime cuts were made during the 1991-92 year. The increase in the police award was fully funded by additional resources allocated to the Police Service by Treasury. These additional resources were included in the regions' budgets, so there was no reduction in the level of service provided to the public.

(3) A comparison of the average gross pay of a police officer for 1990-91 and 1991-92 to date shows an increase in this year over last year of 6 per cent. Gross pay includes allowances, overtime and weekend work.

(4) The size of the force has increased from 5 282 sworn officers in December 1989 to an expected 6 226 at the end of this financial year. This is an increase in strength of approximately 18 per cent. In the past 12 months, the hours available for operation policing, which includes normal hours, overtime and weekend work, have increased by more than 6 per cent.

3. Domestic Violence

Mr LIVINGSTONE asked the Minister for Family Services and Aboriginal and Islander Affairs—

> "(1) What is planned by her department to address the needs of domestic violence in South-west Queensland?
>
> (2) What is her response to the recent comments in The Queensland Times on 13 February which stated 'that a proposed single domestic violence unit should service a region spreading from Graceville in Brisbane to the Northern Territory border'?"

Ms WARNER: (1 and 2) I am pleased that the member has asked me this question, and I am happy to inform the House of my department's plans in relation to addressing the service needs of people affected by domestic violence in Queensland. I believe that I can answer the second part of the member's question first. I state very clearly that at no point has my department proposed that a single domestic violence unit will service a region spreading from Graceville in Brisbane to the Northern Territory border. I can only think that this statement refers to the proposed new Statewide 008, 24-hour domestic violence telephone service which has received funding in this financial year. Crisis Care already provides this service in conjunction with other services, and has done as part of its role since it was set up. The domestic violence telephone service will be a separate and specific service.

This year's domestic violence budget allocation allowed for the setting up of five regional services across the State, as outlined in the Domestic Violence Initiatives Program State plan for 1991-92. It is intended that the funding allocation of $168,000 per regional service should be adequately resourced to provide referral, information and support services to victims, perpetrators, children, service-providers and associated community members. It is considered neither viable nor safe to employ lone domestic violence workers in rural areas with little support or protection. Departmental officers—and I refer to all regions, but particularly the south-west in this instance—through wide community consultation and liaison have identified specific areas of need across regional areas.

The Domestic Violence Initiatives Program will fund the central 24-hour domestic violence telephone service, regional services and non-Government organisations to an amount of some $1.7m to provide a Statewide coordinated response to domestic violence. It is expected that the new 008 service and regional services will bridge some of the gaps that have been identified in service provision. These services are a start in the overall Statewide strategy to address the service needs of people affected by domestic violence. It is hoped that additional funds will be made available to finance

further regional services and increase the spread of available domestic violence service provision across the State. There is no scaling-down of domestic violence services in south-west Queensland, or anywhere in Queensland. My department is committed to addressing the problem of domestic violence in this State through a planned, consultative and coordinated approach.

4. Red Light Cameras

Mr LIVINGSTONE asked the Minister for Transport, Minister Assisting the Premier on Economic and Trade Development—

"With reference to the operation of red light cameras in Queensland—

(1) Is he aware of an article in the City News in which it was claimed that public servants were responsible for thousands of dollars of unpaid fines?

(2) If so, what is being done to recoup those fines?

(3) What plans exist to expand the operation of red light cameras to centres outside of Brisbane?"

Mr HAMILL: (1 and 2): I did indeed see the article in the *City News* of 5 March 1992 in the column by Mr Haydn Sargent called The Talk Around Town. I also read the follow-up column on 12 March. In both cases, the columnist was utterly wrong. On several occasions between 5 and 12 March, my office attempted to advise Mr Sargent of the error, but he was unavailable. The columnist claimed that public servants owe thousands of dollars in unpaid fines as a result of driving Government cars through red lights. It was claimed that no action had been taken because it was too hard to identify who was driving the vehicles at the time of the offences. In fact, 53 tickets have been issued to drivers of cars with Queensland Government—QG—plates, and all but eight of those tickets have been paid by those drivers. A further 17 tickets have been issued to drivers of other Government vehicles. The eight outstanding fines, which total $1,040, are within the time limit permitted for payment of the fines.

(3) There are now six cameras in Brisbane covering 17 intersections, one camera in Toowoomba covering three sites and one camera on the Gold Coast covering three sites, making a total of eight cameras covering 23 sites.

Between the end of March and 30 June there will be an expansion of the program with the introduction of cameras at Rockhampton, Townsville and Cairns, and an expansion of the Brisbane camera network to include sites at Logan, Ipswich and Redcliffe. There will be a total of 11 cameras covering 44 potential accident sites in our major urban areas, resulting in a stronger deterrent for those irresponsible drivers who would otherwise risk their lives and the lives of their passengers and other road-users through running red lights.

QUESTIONS WITHOUT NOTICE

Former Police Minister Mackenroth; Police Commissioner Newnham

Mr BORBIDGE: In directing a question to the Premier, I refer to his comments last week in this place and again on last night's *7.30 Report* that the former Police Minister, Mr Mackenroth, was the best Police Minister in 30 years and that he wants him back in Cabinet——

Mr Mackenroth: Thirty or 40.

Mr BORBIDGE: I am sorry. Last week it was 40 years and last night it was 30 years. I refer also to the former Minister's allegations that the Police Commissioner hampered the reform agenda, lacked integrity, loyalty and competence, misused public funds, undermined the Government and should be removed from office. I ask: whom does the Premier support—Mr Mackenroth or Commissioner Newnham?

Mr W. K. GOSS: I digress momentarily in this most green of chambers to wish all members a very happy St Patrick's Day and to appeal to the Opposition to be sympathetic to the Minister for Primary Industries who last night was a very loyal Irishman, which is showing today.

As to the principle that the Leader of the Opposition seems to be putting forward that the member for Chatsworth should never be allowed back into Cabinet—I presume he is advocating a principle that would ban Russell Cooper from ever holding a position in a National Party Government, should that ever come about. Mr Borbidge needs to be very careful about the principle that he is advocating. It is typical of the Leader of the Opposition that he has a comment on everything and a policy on nothing. He has a complaint about everything but a policy on nothing. He wants to criticise the Government for such a principle, but has no such principle himself. An interesting background to this matter is that, last week, friends of Mr Cooper were taking on the member for Southport in the National Party party room over his buffoonish behaviour and the Leader of the Opposition had to step in and support the member for Southport. I do not know whether the Leader of the Opposition is pleased to have the support of someone such as the member for Southport. I would have thought that it was like being supported by the Three Stooges. At least there were three of them.

Mr Veivers interjected.

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

Mr W. K. GOSS: The Leader of the Opposition has problems, of which the member for Southport is the biggest, and the member for Roma is not far behind. As to the member for Chatsworth—nothing that I said last night or last week is one bit different from what I said last December, that is, that the composition of the Ministry is a matter entirely for the parliamentary party. Mr Mackenroth has a track record as a Minister and as a long-standing, hard-working and loyal member of the Australian Labor Party that entitles him, if he so wishes after the next election and if he does not give the game away, to stand for that position. If the parliamentary party decides to support him, that is a matter for it. But the underlying assumption behind the question is fascinating. In his question, the Leader of the Opposition is assuming that we will win the next election and that Mr Mackenroth will stand for the Ministry.

Former Police Minister Mackenroth; Police Commissioner Newnham

Mr BORBIDGE: I note the Premier's refusal to support the Police Commissioner. In directing a second question to the Premier, I refer to his admission that for a period of over 12 months he was aware of a serious break-down in the working relationship between his Police Minister and the commissioner. I refer also to a document presented by him to the people of Queensland in 1989 titled "Law and Order, Goss Government Initiatives to Make Queensland Safe . . . Again". In particular, I refer to the last paragraph of that document, which states that it calls for tough decisions and above all it calls for leadership. I ask: why did the Premier fail to make the tough decisions? Why did he fail to show leadership? Why did he not do something about a major break-down at the top of the Police Service, a break-down which both the former Minister and the commissioner agree has severely hampered the reform process?

Mr W. K. GOSS: As to the Police Commissioner—it is clear that, in the two years or more that this Government has been in office, it has supported the commissioner and the reform process. Under this Government, the great majority of the Fitzgerald report recommendations on the Police Service have been implemented. Our record on the Fitzgerald report recommendations is clear. I have discussed with the Minister for Police, Mr Warburton, the need to update the record and to give a status report in that regard. This week in Parliament he will endeavour to do so. The Government's record on Fitzgerald report recommendations is very good.

Mr Littleproud interjected.

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

Mr W. K. GOSS: Had it not been for the election of a Labor Government in 1989, that record would not have been achieved. In addition to funding, supporting and initiating sweeping reforms throughout the Police Service, this Government has moved in a quite dramatic way to address the appalling staffing ratios that existed under the National Party Government. The Government's promise of 1 200 extra operational police is being delivered to the people. We are on target.

Mr Borbidge interjected.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr W. K. GOSS: We are now two-thirds of the way through our term and also two-thirds of the way towards reaching that target. Under this Government, the pay and conditions of members of the Police Service have been increased and the reform of the Police Service is going very well. The former Minister and the current Minister are the people who can claim most credit for that.

In relation to the difficulties that arose between the Police Commissioner and the Police Minister—there were personality and policy clashes over a number of issues. A year ago, this was drawn to my attention by the Minister for Police. I asked him what he wanted to do about it and he answered that rather than have a public brawl or disputation about it—which he thought would be damaging to the Police Service—he would try to work through the problems. At that time, I believed that that was a proper approach to the problem. Later in the year, it was quite clear that differences of opinion were continuing. I discussed with the Minister and Sir Max Bingham how some of these problems might be overcome. Members should appreciate that when these sorts of problems arise it is a two-way street. The Police Commissioner has said that he did not want to be a puppet and that, from the point of view of the Police Minister, he was not going to be a rubber stamp. Anybody who has been in that position will appreciate the importance of the Minister having an important role to play and having a duty to the Parliament and the public to carry it out.

The differences of opinion concerned matters that were significant within the context of the Police Service such as the purchase of booze buses and cuts in police overtime about which the Minister was concerned. Different positions were adopted in regard to those issues and a range of similarly important issues. Sir Max Bingham was very helpful in terms of endeavouring to overcome some of these problems and, in fact, we had agreed to have a number of meetings with the Police Minister to try to overcome this problem. Various meetings were held which Sir Max Bingham attended and, furthermore, a lunch was held in my dining room at which these matters were discussed. I believe that the situation was starting to improve prior to the Minister's resignation. We did what we believed was appropriate in a difficult situation. It would not have been helpful to engage in a dispute with the Police Commissioner in the public arena. Let me conclude by quoting former Police Commissioner Whitrod, who was hounded out of office by a coalition of corrupt police officers——

Mr Stoneman interjected.

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

Mr W. K. GOSS: The difference between this case and the Whitrod case is that Whitrod was hounded out of office by a coalition of corrupt police officers and a corrupt National Party Government.

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A.

Mr W. K. GOSS: In relation to the current situation, I will quote Mr Whitrod, who draws the distinction between what the National Party did to him and what is happening under this Government. Last week, on the *Rod Henshaw Program*, Mr Whitrod said—

> ". . . I think the political environment is quite different now to what it was in my day. In my day we had God in charge of the State and nobody could speak against him.

> I think the situation now in Queensland is much more open and for instance, I think Nev Warburton as the present Police Minister has always seemed to me to be a very approachable man. Max Hodges was in my day and I think Wayne Goss as a State Premier is a tremendous improvement."

He was then asked by the commentator—

> "If you had your time over again, would you have taken a different course of action than you did in 1976, in today's climate?"

Whitrod answered—

> "Oh, if I had Wayne Goss as Premier, yes I certainly would have."

Public Housing

Mr PREST: In directing a question to the Deputy Premier and Minister for Housing and Local Government, I refer to recent statements by a number of Liberal Party candidates and members critical of the State Government's public housing policy, and I ask: can the Minister outline the facts in relation to the Government's major achievement in housing? Can he also outline the facts in relation to the Opposition's housing policies?

Mr BURNS: I thank the honourable member for Port Curtis for the question. He has shown a considerable interest in public housing. As most members in the Chamber would know, yesterday the Government tabled a half-yearly report on what it has achieved in housing in this State. Public housing programs have helped more than 15 000 families in the first half of the current financial year and provided work for about 5 000 people in the building industry and related sectors. The key results in the first six months were—

4 268 new public rental tenancies;

lending to 4 050 households through the State Government's Home Ownership Made Easy programs, which makes the total more than 9 100 since August 1990;

mortgage relief for 268 families;

provision of 6 661 bond loans to people in private rental accommodation; and

provision of 266 private rental accommodation subsidies.

The Liberal Party lacks leadership; its members are knockers and whingers; and most of the time it is without a policy. Everyone in the Liberal Party has a different policy. The Liberals pretend to love public housing when someone wants rental accommodation, but when someone in the Opposition's area wants to whinge about rental accommodation, the Opposition stirs up trouble.

The Liberal candidate for Redcliffe has said that public housing is a tragic mistake. He says that the danger is that people from other areas will be allocated housing in Redcliffe, making it harder for existing residents to find jobs. Under the Liberal policy, public housing would not be able to be obtained in Redcliffe. Under his policy, one must live in Redcliffe. The Liberal candidate for Redcliffe has gone on to say that there would be an increase in the crime rate because of those tenants. He went on to say, "I do not care what the bleeding hearts say, there is a definite link." The Liberal candidate said that these people are all unemployed. He said that people are worried that business would be disadvantaged and that there would be a rise in unemployment. The Government has spent millions of dollars in Redcliffe building houses and the Liberal candidate for Redcliffe says that businesses will be disadvantaged! This year, the Government has created jobs for 5 000 people in the building industry and he says that business will be disadvantaged! That is one Liberal. The next Liberal is Mr Connor. He keeps saying that he wants integrated housing so that public housing is mixed in among everything else. Mr Connor organised a meeting at which it was agreed that there was no problem with Housing Commission homes, so long as they are integrated. It was agreed at the meeting that the residents would write to me with their demands, which included that Housing Commission homes not be built on blocks which back onto

existing homes. A moat will have to be built around them for Mr Connor, and we will have to go back to the old-fashioned, English, conservative, tory idea.

Mr W. K. Goss: Put a canal estate around it.

Mr BURNS: Yes, a canal estate. As far as Mr Connor is concerned, those dwellings cannot back onto someone else's home. He does not want ordinary Australians who live in public housing in his electorate, but he should remember that people who rent private accommodation today are the people who will be renting public accommodation tomorrow. He does not want public housing tenants mixing with his voters because in his view, in common with that of the Liberal candidate for Redcliffe, they are in some way second-rate citizens. Let me turn now to the Liberal candidate for Greenslopes, who has described public housing as a "gross waste of money".

Mr Connor interjected.

Mr SPEAKER: Order!

Mr BURNS: A newspaper report states—

> "The 'cluster of palaces' built as welfare houses at Tarragindi have been branded a 'gross waste of money'."

That was the description given by the Liberal candidate for Greenslopes, whose name I do not know. He also stated that the houses cost in "excess of $140,000 each". I can inform the House that 15 houses were constructed under the integrated scheme that Mr Connor wants.

Mr Connor interjected.

Mr BURNS: We built 15 houses, at an average cost of $62,585, that were integrated into residential areas. The Liberal Party's policy is not to let the truth interfere with a good story in any way. The way in which the Liberals looked after public housing tenants when there was a Liberal Housing Minister in this State is illustrated in a letter from a person who was a tenant at that time. The letter states—

> "All the joints in our home are parting company needing such things as doors to be removed and the likes of hinges to be regularly repacked and the doors reshaped to ensure alighment of locks. The faulty front door has recently been rectified after eleven years of buckpassing by the Commission."

In the Liberal Party's day, it took 11 years to fix a front door. The letter also states—

> "Our bathroom has been down for a re-enamelled bath for the past three years, this item to this date has been ignored dispite numerous phone calls . . ."

The Liberals did not buy a new bath; they put it down for re-enamelling, and three years later nothing had been done. The letter also states—

> "On a previous accaision we were without a toilet cistern for a period of three weeks during which time we were forced to use a bucket to flush the toilet all because of a two cent part that had broken. We also had a hot water system that rusted out with age and started leaking . . . virtually no hot water for four months untill the Commission got around to replacing it, and that was only after it exploded from loss of water."

What more needs to be said to describe the policies of the Liberals? I can illustrate the policies of members of the Liberal Party this way: if they are talking to a tenant, they support public housing and say that what the Government is doing is not good enough. If they are at a Liberal Party branch meeting, they say that the tenants are all crooks, are unemployed and are unmarried. Other types of attack are also directed at the tenants. When they are talking to constituents who come into their electorate office seeking accommodation, they say that they are in favour of public housing and that the Government is not doing enough. In fact, members of the Liberal Party write to me and say that the Government is not doing enough, but then they stir up opposition to any plans and call public meetings to oppose any public housing subdivisions on the coast.

Mr Connor: There are 239 homes in one spot.

Mr BURNS: I am sure that sooner or later I will get a Dorothy Dixer from the member for Nerang on this issue. The Government is having to buy land throughout the State, subdivide it and then sell some of the blocks because the only way the Government can get the land it wants is to become involved in the subdivision game. That is the policy that is being followed by the Government. The estates are being broken up, with 20 per cent being used for public housing and rental and the remainder sold. This Government has a policy that will look after the battler.

Mr Connor interjected.

Mr BURNS: Every member of the Liberal Party has a different policy, and the Liberal Party does not know where it is going.

Opposition Economic Policies

Mr PREST: In directing a question to the Treasurer, I refer to the economic management initiatives of the State Government. I ask: has the Opposition put forward any policies that may be worthy of being adopted?

Mr De LACY: I thank the member for Port Curtis for the question. Earlier today, the Premier said that the Leader of the Opposition has a comment on everything and a policy on nothing, and that is nowhere more obvious than in financial management policy. This question provides me with an opportunity of comparing the Opposition to the Government.

Mr Borbidge: You've got an answer for everything except jobs for young people.

Mr De LACY: I can tell the Leader of the Opposition that the Government has a better answer than he has. He will create employment in this State by erecting billboards. I do not know how many billboards he will have to erect to get to the people of Queensland——

Mr FitzGerald: You've noticed them, have you?

Mr De LACY: Just let me say that I have noticed them because it is my job to notice such things.

Mr SLACK: I rise to a point of order. This is just an opinion. The question directed to the Treasurer asked for an opinion, not a direct answer on any particular topic.

Mr SPEAKER: Order! There is no point of order. I suggest to the Treasurer that he get on to the question.

Mr De LACY: Mr Speaker, I was just elaborating on a point.

Mr BORBIDGE: I rise to a point of order. My understanding of Standing Orders is that questions must relate to an area of administration for which the Minister is responsible. Thank heavens, the Treasurer will never be responsible for National Party economic policy.

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

Mr De LACY: In response to that comment, I can only say that financial management is very much within my sphere of responsibility.

Mr Burns: The difference between us and them is that they have no policy.

Mr De LACY: I take the interjection made by the Deputy Premier. The difference between the Government and the Opposition is the difference between policy on behalf of the Government and no policy on the part of the Opposition. The Government has a carefully thought out financial management strategy which has led to Queensland being easily the best placed State in Australia. Queensland has the lowest taxes, the lowest

debt and it is the only State that is reducing its debt. Queensland has an unchallenged AAA rating and its borrowings are achieved at the cheapest rates of any State in Australia. Queensland is the only State in Australia that is creating jobs. Whatever measure is used, the end result is that the financial management performance of this Government is first-class. On the other side of the coin, there is no policy. The Opposition offers just a jumble of statements and confused comments about everything, but there is no consistency, no strategy and no credibility. There is just a jumble of unfunded promises which amounts to a fire sale of assets and support for Mr Hewson's food and clothing tax. That is all that is being heard from the Opposition, and I think that members of the public in Queensland can make up their own minds between proper policies and no policy at all.

Former Police Minister Mackenroth

Mrs SHELDON: In directing a question to the Premier, I refer to his repeated statements of support for the now disgraced former Police Minister and member for Chatsworth. I point out that the Police Commissioner stated in his annual report last year that there was almost a 10 per cent increase in offences against the person, an increase in rape by 13 per cent, an increase in robberies of 30.6 per cent, that assault statistics show that Queensland has the highest rate of assault per capita in Australia and that changes in work practices have resulted in an effective 5 per cent decrease in police strength across Australia. As the member for Chatsworth has been disgraced by not just one but by two CJC reports, in the light of this appalling record, I ask: does he still expect the people of Queensland to believe his claims that Mr Mackenroth was the best Police Minister for the last 30 to 40 years?

Mr SPEAKER: Order! Before the Premier speaks, may I suggest to members of the House that the Speaker must ensure that there is relevance in questions. When questions are multipronged and long answers are required, I believe that a Minister should be allowed to answer each part of the question. Short answers cannot be given to questions that have 10 parts to them.

Mr Lingard interjected.

Mr W. K. GOSS: I can take the hint. I can finish in 14 minutes.

Mr SPEAKER: Order! I warn the member for Fassifern. I ask him to withdraw that statement. It was disrespectful to the Chair, and I ask him to withdraw unreservedly.

Mr Lingard: I withdraw.

Mr W. K. GOSS: The member for Landsborough quoted a range of statistics, and that can be done by anybody to present just about any picture a person likes. She could have quoted the statistic that showed that, under the Mackenroth administration, the number of murders decreased by one-third. It would be equally absurd in terms of the proposition that the member for Landsborough has put. With respect, the task of the Minister is to do the things that he did in relation to fighting for record increases in the police budget, record increases in police pay, record increases in police numbers and a range of other legislative and administrative measures to put the police on a good footing to do the job that they have to do.

In terms of the types of offences to which the member for Landsborough referred and in terms of murders, the number of which decreased—the facts of life are that the responsibility for the day-to-day operational matters and the day-to-day fight against crime is one for the Police Commissioner and his officers. In terms of the job that the Minister did at the ministerial level—people can make their own judgment on that. I have made my position clear. It is an unfortunate fact of life that the number of crimes of violence is increasing in communities throughout the Western World. A range of measures is being undertaken within the Queensland Police Service to combat such crimes in Queensland, and I think that we are doing as well as, if not better than, any other jurisdiction. However, that task is made difficult because in Queensland we are trying to combat that rising surge in crimes of violence that is occurring in our

community—as it is in other jurisdictions—with a Police Service that is badly damaged. What is responsible for that damage? It is 10 to 15 years of corrupt and incompetent administration under the National Party. When the Labor Party came to Government and when Terry Mackenroth became the Minister for Police, the Police Service was racked by mismanagement and corruption. The task of rebuilding the Police Service will take years. We have made a good start. In particular, I refer again to the implementation of the great majority of the Fitzgerald report recommendations in respect of the Police Service, a dramatic increase in police numbers over the very low levels that we inherited from the previous Government—now an extra 800—and the increase in pay and conditions for police officers. The process will continue. As a Government, we are committed to the reform process. We are committed to rebuilding and reforming the Police Service to the stage at which it again has the trust and confidence of the public—something that it lost under our predecessors.

Former Police Minister Mackenroth; Police Commissioner Newnham

Mrs SHELDON: I ask the Premier: is he aware that the disgraced former Police Minister and member for Chatsworth has been alerting the media today that he will make a statement to Parliament and hold a press conference to comment on the Police Commissioner, Mr Newnham? As it is widely speculated in media and political circles that Mr Mackenroth is about to drop a new bucket on Mr Newnham, is Mr Mackenroth acting with the Premier's blessing? Has the Premier discussed that matter with Mr Mackenroth; or is he prepared to take action to prevent the member for Chatsworth from further undermining the position of the Police Commissioner?

Mr SPEAKER: Order! I will consult with the Clerk. I am not sure that the member can ask a question that pre-empts debate in this House.

Order! The question is not out of order. I call the Premier.

Mr W. K. GOSS: What a ridiculous and outrageous proposition that the member puts forward—that I as Premier should prevent any member of this Parliament from exercising his privilege as a member of Parliament; that is, when he wishes to stand up and speak on a matter of public interest, I should tell him what he should say and how he should say it, or tell him that he should not say it.

Mr Santoro interjected.

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

Mr W. K. GOSS: It is a fundamentally objectionable proposition that she puts, and it is something that only a member as inexperienced as the member for Landsborough would put in this place. I would think that all members from all sides of the Parliament would reject that notion. In relation to a speech that I understand the member for Chatsworth will make in this place today—it is his own speech. He speaks for himself and members can judge it——

Mr Borbidge: As chairman of caucus.

Mr W. K. GOSS: He makes the speech as the member for Chatsworth, and that is all he makes the speech as. In relation to the comments that have been circulating in the press about a smear and lie campaign going back for two years—I would simply ask the honourable member, or anybody else who is interested, to produce for me one centimetre column of comment containing what could be construed as a smear or lie in respect of the Police Commissioner attributed in any reasonable way to this Government. I believe that she cannot do so. However, the member for Chatsworth, in common with any other member in this House who is criticised publicly, is entitled to put his side of the case. I do not care whether it is somebody as worthy as the member for Chatsworth or somebody as unworthy as the colleagues of the member for Landsborough, I will defend his or her right to speak in this House.

Comments by Member for Barambah on Government's Environment Policy

Mr PITT: I refer the Minister for Environment and Heritage to the column Speaking Personally written by the member for Barambah, Mr Trevor Perrett, for his local newspaper, the *South Burnett Times*. In his column in that newspaper on 10 March , Mr Perrett referred to Government policies to protect endangered species, control pollution and increase national parks as extremist. I ask the Minister: can he describe what his policies will achieve for all Queenslanders?

Mr COMBEN: I thank the honourable member for his question. Last week, as I was reading the *South Burnett Times*, I was indeed fascinated to find that that newspaper still contains a column entitled Speaking Personally written in the same style as it used to be written by a former Premier of this State, Sir Joh Bjelke-Petersen. That column discusses a range of issues but, as we have seen already today, it contains no policies whatsoever. That article states—

> "Mr Goss could not keep the grin off his face when he rammed daylight saving down our throats early in 1990."

I wonder whether the honourable member for Barambah ran that past his leader. It is quite interesting to note that it shows what his leader is like.

In terms of the environment, Mr Perrett speaks in his column about the "dark green" extremism of Mr Comben "who is set to be the star of the coming session of parliament, with more environmental legislation aimed at making things as hard as possible for farmers and others trying to make a living using land". I inform members opposite that in the two and a half years that I have been on this side of the House, I have never seen a positive policy come forward from the Opposition spokesperson. We on this side have seen——

Mr ELLIOTT: I rise to a point of order. The Minister has just told a complete untruth. He has taken the whole of our policy—lock, stock and barrel—yet he says that nothing has come from this side.

Mr COMBEN: At this time three years ago, there was already a string of written environmental policies up and running in this State from the then Opposition. But what do we see from the group opposite? All criticism, no policies, no plans and no support for environmental protection in this State. Quite clearly, we on this side of the House have established new national parks, stopped logging on Fraser Island and introduced heritage legislation which will be debated today in this Parliament. Shortly, legislation in relation to coastal protection will be introduced. This Government has spent $26m on managing the Wet Tropics. It is introducing the State's first effective pollution control laws. Over five years, it will be allocating many millions of dollars for recycling. What have we seen from the other side? We have seen criticism, no policies, no plans, and environmental degradation. Nothing has changed from the way things were three years ago.

Education

Mr PITT: I refer the Minister for Education to recent comments made by the Opposition regarding the standard of education in Queensland, and I ask: can he inform the House what difference this Government has made to education?

Mr Lingard interjected.

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

Mr BRADDY: Under the Nationals, this State's teachers were about the lowest paid in Australia. In fact, morale was so bad——

Mr Borbidge interjected.

Mr SPEAKER: Order! I warn the Leader of the Opposition under Standing Order 123A. I issue my final warning.

Mr BRADDY: Morale was so bad that resignation rates of 10 per cent a year were common. Since the Labor Party has come to Government, the resignation rate of

teachers in this State has fallen to 2 per cent—a 500 per cent improvement. Did the Nationals have any policies for doing something about that? This morning, there was a pious platitude from Mr Lingard when he gave notice of a motion that he wishes to move. What nonsense! When we came to Government, one of the first things that I had to do was go to the Cabinet and restore the National Party's policy to increase teacher numbers by 700—a policy that it had rejected in its dying days. This Government restored the increase in teacher numbers. But what are the Nationals saying about it now? They are talking nonsense.

Mr Stephan interjected.

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

Mr BRADDY: What about the Language Other Than English program? Under the Government of our predecessors, there was a bit of this here, a bit of German there and a bit of Japanese over here. There was no positive policy and no coordinated program. There still is no coordinated program. Under this Government, for the first time in Australia, languages other than English form part of the core curriculum in primary schools. Some 70 per cent of upper primary students are now studying a language other than English—an improvement that is matched nowhere else in Australia and an improvement that could never be matched by the National Party. Where is the Nationals' policy on languages other than English? They have none—no planning, no policy and no performance.

What about school grants? For the benefit of the grinning Leader of the Opposition, I will cite an example in relation to school grants. In 1989, the Broadbeach State School—which is in his electorate—had 475 pupils. This year, that number has fallen to 408. Despite a falling school enrolment, this Government has raised that school's grant from $10,000 a year to $17,000 a year—an increase of 64 per cent. What is the National Party's policy on school grants? Silence! It has no performance and no policy. All the Nationals do is whinge, knock and carry on. I refer also to the Remote Area Incentive Scheme. In 1970, the Nationals received a report on which they could have based a remote area incentive scheme. They were in power for another 19 years, but they did nothing. They still have no policy on it, and they have no performance and no planning. In its administration of education, the National Party had no performance and no policies.

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

MATTERS OF PUBLIC INTEREST

Debate of Notices of Motion; Implementation of Fitzgerald Report

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (11 a.m.): The first point that I want to make this morning to honourable members opposite is that if they want to debate the Opposition's education policy or its economic development policy, we will debate it in this Chamber. I challenge the Leader of the House to bring on for debate some of the Opposition's notices of motion on the business paper and not abuse question-time when Opposition members cannot reply to his statements. If the Leader of the House is so confident of the Government's policies, he should bring on one of those notices of motion for debate, unlike last Thursday when the Government ran out of business.

The Fitzgerald process is the bedrock of reform in this State. When the Goss Government was elected in December 1989, Queenslanders had every right to believe that that process would remain so. That proposition is now under attack from the Premier's fit of unfettered arrogance, so I signal clearly today that members of the Opposition will defend the reform process which it started, and will see it safely through to the end. It is clear from the Premier's dangerous comments at the weekend that the Government needs a timely history lesson, and a warning.

When the National Party legislated to establish the Criminal Justice Commission and the Electoral and Administrative Review Commission as the major post-Fitzgerald bodies to oversee the continuation of the Fitzgerald process, the independence of those bodies was universally regarded as crucial. Any ability for that independence to be limited by political interference was specifically guarded against by members the Opposition and by acclamation in the enabling legislation. That was the clear and obvious central requirement of Commissioner Fitzgerald. That was what it was all about. If anything was learned from Commissioner Fitzgerald—and it was, at great political cost—it must have been that political interference in investigatory processes had to be eliminated. Parliamentary involvement, as opposed to political involvement, was encouraged, for the equally obvious and proper reasons. That is what the previous Government delivered, and Opposition members are not going to stand by today or any other day and watch the Labor Party try to destroy that achievement. The stark danger today is that the Labor Government—and more particularly an arrogant Premier—wants to vary the situation of parliamentary versus Executive control of reform. The Premier raised this spectre very clearly late last week. He declared that the Government had to play a greater role in deciding the issues that were to be investigated by the CJC. Honourable members should note the all important variation there: the Premier did not nominate the Parliament; the Government would have the role. Warning bells should ring loud and clear in the ears of every Queenslander.

The Labor Party has learnt nothing. No wonder the Queensland Watchdog Committee as recently as last Friday warned that only six of EARC's 14 completed reviews had been enacted by the Government—a pace which has twice attracted criticism from the outgoing EARC Chairman, Tom Sherman. The committee warned that prostitution remains under the control of criminals in Queensland; it warned of the significance of Commissioner Newnham's statement that people would be appalled at the importance of some matters that had been neglected; it warned against Executive domination of Government; and it warned of the imbalance in resource allocation. It also warned of strong-arm tactics being employed against non-compliant Labor members of parliamentary committees. It is no wonder that acting EARC Chairman, Colin Hughes, shot back a clear indication to the Premier that he would fight to protect the independence of EARC with the suggestion that he might proceed with an inquiry into allegations of cronyism, whatever the Government thinks. It is no wonder that civil libertarian Terry O'Gorman also gave warnings as late as yesterday evening on the Government's record in this crucial area of Fitzgerald reform.

Criticism—expressions of concern—about the commissions and their roles, are reasonable. There was a time when to even suggest they were anything but immaculate was regarded as anti-reform. Queensland is a better place, and more mature, now that time has passed. There is very broad agreement on the fact that the requirement on the Criminal Justice Commission to investigate every complaint it receives, however vexatious or insignificant, is worthy of review. The Opposition will support such a move. However, that is not what the Premier was signalling in his press interviews late last week. He was trying to play us off a break again. To state, as he did, that Queensland is suffering from "inquiry overkill", is to state the obvious in terms of public reaction to some of the events of the past two years. I would suggest that the inquiry overkill Queensland is suffering from has much less to do with the exacting requirements of the Fitzgerald process, and much more to do with this Government's chronic indecisiveness—its paralysis by analysis!

People must not confuse the Goss Government's own inquiry overkill with the work of the Fitzgerald reform bodies. The Opposition has previously detailed over 100 inquiries authorised not by EARC, not by the CJC, but by the Premier. The Premier knows from party research that he has a well-earned reputation for paralysis by analysis. The public have judged badly his extraordinary propensity to duck decision-making in favour of another committee or another inquiry, while nothing happens in this State. The Premier must not be allowed to combat that view of his own weaknesses by using it as an excuse to gut the Fitzgerald process. There were clear warning signals on that score in some of the Premier's statements reported on Saturday morning. He said that the

Government would look at problems and be instrumental in deciding whether an inquiry was needed at all. He also said that the community could not afford the financial cost, and the cost in terms of disruption to prominent officials such as the Police Commissioner and the Police Service. He said that sometimes those sorts of issues would have to be dealt with in expeditious and informal ways. Those dangerous terms "expeditious" and "informal" have to be viewed in the light of the Premier's reaction to, and his role in, the Newnham/Mackenroth debacle.

The Premier knows that the CJC report into the Mackenroth allegations is a damning indictment of his Government's handling of the reform process. Honourable members should witness the trials of the Queensland Police Service from December 1989 until last Thursday. It was the Premier, and the Premier alone, who had the opportunity to avoid the double inquiry into the Police Commissioner, which he now laments so vigorously. Late last week and again this morning, the Premier admitted in this place that he not only knew of the bad relationship between the then Police Minister and the Police Commissioner, but that he also knew the problem was serious and getting worse. All he had to do was to apply some leadership. Instead he chose to ignore the problem. He hoped it would go away. The Premier cannot have it both ways. The Premier cannot ignore his responsibilities and then criticise the body which was duty bound to investigate the matter the minute the commissioner raised the allegations against him—allegations which the Premier ignored, yet, with deep irony and great anger, now claims are just the sort of thing that should have been dealt with expeditiously and informally. The Premier wants the people in this State, against the background of all too recent history, to accept allegations that the Police Commissioner of Queensland was an active enemy of reform, was disloyal, lacked integrity, lacked leadership, misused public funds, was grossly incompetent and was seeking to undermine the Minister.

The Minister wants allegations of this gravity dealt with expeditiously and informally. I could not imagine a more anti-Fitzgerald, a more anti-reform and a more dangerous proposition. Clearly, this Government has not yet even begun to understand the central elements, the central messages of the Fitzgerald experience. The Newnham affair is, we all know, just the latest effort from this Government at shooting the messenger when it comes to reaction to the work of the CJC, in particular. The Premier's behaviour in relation to the travel entitlements affair, where he had to be dragged to accountability every step of the way by the Opposition, is as instructive on the danger of his current proposition as is his inability to deal with the Mackenroth/Newnham impasse. The Premier has been demonstrably weak and ineffective in his leadership and demonstrably predisposed to party considerations when it comes to inquiries by the Fitzgerald-related bodies. If the Fitzgerald process is to be worth a crumpet to this State, the Premier should not and must not now claim for himself the right to determine what should be dealt with expeditiously and informally. The Premier has shown that he has not got what it takes, and very few people out there, I will wager—as sick as they may be of his inquiries—will be prepared to accept any proposition that the reform process has been adequately addressed over two years into one parliamentary term, by what the *Australian* termed this morning—very, very accurately—his "bumbling" Government.

Explanation of Resignation as Minister for Police

Mr MACKENROTH (Chatsworth) (11.10 a.m.): There have been attempts over recent weeks to portray me as someone who was against reform in the Police Service and who attempted to meddle in police affairs. The record shows that I was totally committed to the Fitzgerald reforms. More than 110 of the 125 major reforms in the Police Service were fully implemented while I was Minister for Police. Over the past three months, much has been said about my resignation as Minister for Police and Emergency Services. Other than the media interviews that I gave in the day after my resignation, I have not spoken publicly about that issue or the issues that arose following the release by the Commissioner of Police of a letter I forwarded to him when I resigned. However, I feel that it is necessary to place on record some facts in relation

to my term as Minister, as I believe in recent times it has been my credibility which has been questioned.

Last week, the Premier mentioned that he was aware of differences between the commissioner and me. Those differences were not any great secret. On more than one occasion, I met with CJC Chairman, Sir Max Bingham—whose role it is to oversee the Fitzgerald reform process—to discuss the problems that I was experiencing. In late 1990, I spoke confidentially to the then Leader of the Opposition and outlined those problems. I respect the fact that he did not break that confidentiality. A fortnight ago, a report in the *Sunday Mail* stated that the commissioner was not prepared to be a puppet. It needs to be stated that I was not prepared to be a lame duck Minister.

In relation to administrative and policy matters, I questioned, probed and acted decisively when it was necessary. The Police Service Administration Act clearly provides this authority. Above that, Queensland's Westminster system of Government clearly is built upon the tradition of ministerial responsibility. At no time did I interfere or attempt to direct police in operational matters. My problems with the commissioner stemmed mainly from two sources: firstly, I would not rubber-stamp every proposal he put to me for approval; and, secondly, my senior policy adviser, Mr Garry Hannigan, was a former policeman.

The first problem I mentioned of not rubber-stamping every proposal would take some time to explain and, therefore, I will outline only a few examples. In February 1990, problems arose when the commissioner sought approval to purchase 80 computer printers without going to tender. Instead of agreeing to the commissioner's request, I asked some questions, such as why tenders were not being called. The commissioner advised me that police initially were not aware that tenders were needed and the company that the police had nominated had already supplied the Police Service with more than 160 printers. I instructed my staff to check, through State stores, with different suppliers. My staff received a price of $1,653 each, which was a saving of $197 over the $1,850 the Police Department has asked me to approve. In total, $15,760 was saved on that one order. I do not believe that there was any corruption involved in that case only, as I was to find over and over again in the next two years that police are very reluctant to change anything, even the company that had supplied the Police Department with printers.

A major problem that I had with the commissioner was his proposal to close a number of one-man stations in the country and approximately one-third of the stations in Brisbane. I rejected this proposal on a number of occasions with the belief that one cannot convince the public that community policing could be implemented by closing down their local police station. I also informed the commissioner that he did not understand how vast a State Queensland was and how police were needed in small towns even if reported crime in that town was negligible. Even after issuing this advice to the commissioner, police continued to make plans to close stations.

In late 1990, I was forced to issue a policy direction under the Police Service Administration Act that no station was to close without my approval. Not to be outdone, police then made plans to drastically alter the staffing and hours of operation of police stations which forced me to issue a second police direction that the operating hours of stations were not to be altered without my approval. It was the commissioner's belief that I was interfering by not allowing stations to close. This was not the case, as the Act gives the Minister power to make these types of decisions. I am certain that the majority of Queenslanders would agree with my decision, as I received plenty of letters and deputations asking for more police and new police stations. I did not once receive a letter from the public asking for their police station to close.

Another ongoing battle through 1990 was what to do with police officers named at the Fitzgerald inquiry. The commissioner constantly lobbied me to amend the Police Superannuation Act to enable him to pay out officers suspected of being corrupt. I refused to do this. On more than one occasion, I advised him that police suspected of being corrupt should be urgently investigated, charged and, if found guilty, dismissed from the service. It was my view that, besides being morally wrong to give someone

suspected of being corrupt a golden handshake of $150,000 to $200,000, it would have signalled a very poor message to all the honest police in the service.

Last Sunday, the Premier stated that there had been a difference of opinion over the awarding of a contract for the supply of two booze buses. On Rod Henshaw's program last Friday—and this was subsequently broadcast on all television stations—the commissioner stated that I held up approval on projects. What the commissioner did not state was the reasons that approvals were delayed. The booze buses were a typical example of such a case. I withheld approval from 13 May 1991 until 3 June 1991. The commissioner's original recommendation to me was to purchase the two booze buses from a Victorian company for $300,366. In that original request for approval, there was no mention of any other tenders. As I had previously had problems with not being provided with all the information, I requested further details and was informed that two Queensland companies had tendered with prices 40 per cent lower than those of the Victorian company. As a result, I told the commissioner that I would not accept his recommendation. On 17 May 1991, the commissioner asked for approval to purchase a Queensland bus as well as a Victorian bus that would be used as a quality assurance benchmark for the Queensland bus. I rejected this proposal and, on 3 June 1991, I advised the commissioner that the tender was to be awarded to the most suitable Queensland company.

Some other matters which caused problems between the commissioner and me were: priorities on fighting crime; awarding of a $5m computer contract; providing recruits to assist in the Charleville flood clean-up; special duties work for police; provision of $1.15m for a police concert/military brass band; Accelerated Capital Works Program; publishing of the official history of the Queensland police; computer technology update; overtime and penalty units cut-backs; sale of police information; and policing of prostitution.

In relation to my senior policy adviser, Garry Hannigan—the commissioner could not accept that a former sergeant of police was providing me with policy advice. On more than one occasion he told me that I should accept policy advice only from him. I refer to Mr Hannigan now because his name was mentioned in the *Sunday Mail* and, as a Government employee, he is unable to defend himself. Mr Hannigan is a barrister with four university degrees. As a police officer he spent years putting together information that became a source of material in the *Four Corners* program the *Moonlight State.* As we know, this program was the catalyst for the Fitzgerald inquiry. In his recently published book *Inside Story*, author Chris Masters has acknowledged that input, crediting Garry for his appearance in the *Moonlight State* program. I believe that Garry Hannigan deserves credit for his involvement in establishing the Fitzgerald inquiry. Garry stayed in the police force to ensure that corruption was stopped. He could have been out making much more money in the private sector. Garry continued that commitment by assisting me to put in place the Fitzgerald reform initiatives. Using Chris Masters' words, Garry is "well placed in the watchtower having won a job as secretary to the new Police Minister". Some people are now trying to paint him as someone who is against reform.

Much has also been made about the alleged unauthorised passing of information from the commissioner's office to my former office. I believe that this has become an issue as a result of the CJC report on the commissioner's travel which stated that information was sent to my office by an officer in the commissioner's office. That information was provided officially on a regular basis. Each week, the office of the commissioner and the two deputy commissioners provided my office with their daily itinerary. To my knowledge, the information is still faxed to the new Police Minister's office. The information was provided to facilitate my quick access to any of those three officers.

The final matter upon which I wish to touch is the letter that I wrote to the commissioner when I resigned—a letter that was private and confidential. It was the commissioner who chose to make it public, and the commissioner who referred himself to the CJC.

Time expired.

Mr MACKENROTH: I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

My reason for writing that letter was that the Commissioner had stated to the Chairman of the C.J.C Parliamentary Committee on Sunday December 8 that action should be taken against politicians referred to in the C.J.C. travel report, and that double standards should not apply.

Whilst the C.J.C report tabled in the Parliament last Thursday found that the Commissioner, in relation to the seven cases I outlined to them, was not guilty of any misconduct.

In six of the seven cases, the information I provided proved to be correct.

What people have failed to do is consider my original letter with the information in the report.

In my letter to the Commissioner, I said his travel should be looked at in the same way as politicians were.

I really would like someone to explain to me why it is alright to be involved in a community group such as scouts but not in a community group such as netball.

My arguments to the C.J.C were very similar to the ones put forward by the Commissioner.

I am not trying to convince anyone that I was right or wrong, but what I would ask any objective person to do is read the cases outlined in the Loewenthal Report and then read the conclusions and recommendations in the C.J.C. Travel Report.

Police Service Reform

Mr CONNOR (Nerang) (11.20 a.m.): In 1989, Wayne Goss made a promise to the people of Queensland. He said, "Just give me one term—just three years—to clean up the mess in Queensland." Last Friday, the Premier made an important admission of failure. On ABC radio, Mr Goss said that the clean-up of the force would take 5 to 10 years. So the Premier admits that crooked police are still in place in the Queensland Police Service. He offers no hope for the victims of the crime epidemic that is now sweeping Queensland—an epidemic fuelled by unemployment and poverty and largely unchecked by a police force that is lurching from crisis to crisis. The Premier admits that, after a term of Labor rule, the brothel business is the only growth industry in Queensland. He offers more of the same for the next 5 to 10 years. It did not take that long to clean out the Kelly gang! Five to 10 years! It seems now that Mr Goss wants three terms in which to complete what he promised to complete in one term. I repeat: what an admission of failure!

Why is there this delay in the clean-up of the Police Service? It is because the Premier's mate, the member for Chatsworth, Terry Mackenroth, decided that he could not get on with the Police Commissioner. While serious crime was rocketing up at a rate of 25 per cent and at a time when the Police Commissioner admitted that Queensland was the most dangerous place in Australia to live, the "best Police Minister for 30 years" had gone on strike because he had a personality clash with the Police Commissioner. Because of Mr Mackenroth's tantrums, vital reforms of the Police Service were put on hold. That is petty and tragic. I am sure that the ever-growing number of victims of crime in this State are not very impressed.

But it goes further than that. Mr Mackenroth was not content with stymying police reform. He set out to destroy the reputation and career of the Police Commissioner. For months Mr Mackenroth's private secretary, Mr Hannigan, had been collecting information from a mole in the commissioner's office. It sounds like something out of a Le Carre novel, but without the entertainment value. Hannigan had been storing that information in his private diary for future use. As late as last evening, the Premier expressed ignorance of this nasty little spy network run by the disgraced former Minister with the Police Commissioner as the target. Specific mention of the ministerial spy in the commissioner's office is made on page 13 of the CJC report, and the source of the extraordinary information is Mr Mackenroth himself. The report reads—

> "Mackenroth advised that this information was provided to his then private secretary by an officer in the commissioner's office, and the private secretary noted the information in his diary."

When asked about that last night on the ABC's *7.30 Report*, the Premier said that he could not remember, that he had not read that part of the report. How extraordinary! If the Premier does not read such vital reports, who does? Does Mr Mackenroth read them for him and pass on to the Premier only the good bits? What sort of puppet does Queensland have as a Premier? If he does not bother to apprise himself of documentary evidence of the seamier side of Mr Mackenroth's activities, how can he judge the past record of his Ministry? More frightening, perhaps, is that the Premier would contemplate reappointing Mr Mackenroth to the Ministry when the heat is off. Just imagine Mr Mackenroth using his position as a born-again Minister to pay back his now expanded list of targets and enemies.

The fact is that the former Police Minister kept at least one little dirt file. That is the one we know about. The mind boggles at what else he might have. That raises several very serious questions. If Mr Mackenroth had not been forced to resign, on whom would he have used that dirt file? Was the member for Chatsworth collecting what he considered to be some useful information on the Police Commissioner which at a later stage he would use to put improper pressure on him? In short, at some later stage could the Police Commissioner have faced blackmail? And who was the person leaking the information to the Police Minister's office on the Police Commissioner's travel? Clearly, at the very least, that person must have been opposed to the reform process. Or was that person leaking information at the behest of corrupt police? That raises even more interesting prospects. Did the agendas of some corrupt police and the agenda of the former Police Minister coincide? Was Mr Mackenroth's office colluding with corrupt police to destroy Mr Newnham? That is a political powder keg for this Government. No wonder Mr Goss has lost his bon appetit for inquiries. If the Government has formed a link with corrupt police to bring down an honest Police Commissioner, that would be a fatal blow to its already failing and ailing credibility.

But there also appears to be a wider police agenda here. That agenda was hinted at in the *Weekend Australian* by a former Police Commissioner, Ray Whitrod, a man much admired by Labor members in this House. Mr Whitrod wrote that Mr Mackenroth appeared to have achieved little in his time as Police Minister and that he was perplexed that Mr Goss had overlooked the stirling achievements of Max Hodges, who was Police Minister during the difficult Whitrod era. Mr Whitrod wrote—

> "Why would Mr Goss rush to the aid of Mr Mackenroth, a senior party member who had brought further dishonour to his Government?"

He went on—

> "Was Mr Goss fed some misinformation deliberately, or was he manipulated in another way?"

He then asked—

> "Why should the Premier make a public statement which was clearly wrong? I have no answers."

I would suggest that, if Mr Whitrod studied current Queensland politics more closely, the scenario would become very clear. The fact is that Mr Goss is grooming Mackenroth for higher office. This is an extraordinary turn of events considering that Mr Mackenroth's credibility has been destroyed not just by one CJC inquiry but by two. Yet, despite the fact that Mr Mackenroth's political career has come to a smouldering end, the Premier is desperately trying to breathe new life into this political corpse. Last week, Mr Goss had Mr Mackenroth elected chairman of caucus. That allows Mr Mackenroth to call the shots in caucus. Indeed, we can already hear the murmurings of complaint about the member for Chatsworth's strong-arm tactics. For instance, honourable members saw the member for Rockhampton North rise to the chairmanship of the Public Works Committee—a reward for loyal and sycophantic service to the Premier.

Government members interjected.

Mr CONNOR: And I am heartened to see that members on the other side of the House agree. But the real prize that Mr Goss is reserving for Mr Mackenroth is the Deputy Premiership of Queensland. If Mr Goss is re-elected, we will see promoted to the No. 2 spot in this State a man who rorted the public purse, a man who has colluded with corrupt police to plunge the Police Service into chaos just because he could not get his way. The thoroughly discredited Terry Mackenroth will be one step away from the Labor leadership—just one step away! Mr Goss' ambitions for Mr Mackenroth go a long way towards explaining his behaviour in the last few days. At no time has Mr Goss condemned the actions of Mr Mackenroth. Indeed, at all times he has supported Mr Mackenroth, knowing full well that every time he supports the member for Chatsworth he undermines the Police Commissioner's position.

As for Mr Mackenroth—there has been no public apology, no attempt to clear the air and end the uncertainty about the Police Commissioner's position. One can only assume that Mr Mackenroth stands by his allegations. That is a disgraceful state of affairs. A few minutes ago in the House, he did that. As the Premier is already concerned about the almost zilch credibility of his favoured right-hand man, he is hardly going to force Mr Mackenroth to come out publicly and say, "I was wrong." So Mr Mackenroth has been let off the hook. He has not had the courage to face the media and explain his actions. He might now. Let us look again at Mr Mackenroth's record. The Police Commissioner's report states—

> "Queensland has the highest rate of crime against the person of any Australian state . . . Robberies increased 30% . . . There have been increased reports of crimes against women and children."

Mr Mackenroth's response to this growing crime menace has added to his record of failure. According to the Police Commissioners's report, there has been, effectively, a 5 per cent decrease in police strength across the State due to the introduction of a 38-hour week and the awarding of higher wages. In short, there are no more police out on the streets than there ever were. Because of that, massive overtime cuts have been put in place, which resulted in more money being taken out of policemen's pockets than they received in wage rises. It has also turned the police service into a 9 to 5 operation fighting a 24-hour crime menace.

Time expired.

Mr P. Everingham; Liberal Party

Mr WELFORD (Stafford) (11.30 a.m.): The speech just given by the member for Nerang was passed like a relay baton through the lines of the Liberals. The Leader of the Liberal Party walked out of the Chamber and left them to it. It was her speech and she was not game to give it. It went right through all the Liberals down to the end of the line, and it was then handed across to the member for Cook, but he would not take it. So the ugly duckling of the Liberal Party——

Mr SPEAKER: Order! I ask the member for Stafford to withdraw that phrase.

Mr WELFORD: I withdraw.

Mr CONNOR: I rise to a point of order. I found the rest of his statements in relation to me offensive.

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

Mr WELFORD: Corruption in Queensland's conservative parties is like a malignant cancer. As the Fitzgerald inquiry recognised, the cancer can be cut out, but there is no guarantee that it will not come back. There is no guarantee that the people who slipped through the Fitzgerald net will not start corrupting again. The Liberals, as they scurry out of this Chamber in shame, know that corruption is back in Queensland's conservative parties. It is back because a person who slipped through the Fitzgerald net has hijacked the Liberal Party. The former Chief Minister of the Northern Territory, Mr Everingham—Sheldon's puppeteer—runs the Liberal Party in this House and runs the

Liberal Party in this State. It is a frightening concept when one considers the track record of Mr Everingham in the Northern Territory: a record of dirty deals, shonky business practices, brown paper bag donations and the pursuit of blatant self-interest. It is a history of malignant corruption. But Mr Everingham, like any cancer, has now moved to greener pastures where most of those who would be his competitors are either in gaol or blackened in the eyes of the electorate. He has moved on to take over the Queensland Liberals, and, for many Territorians, it could not have come soon enough.

Mr Connor interjected.

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

Mr Schwarten interjected.

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

Mr WELFORD: Mr Everingham has already started in Queensland and in the Queensland Liberal Party the same plan as he used to corrupt and bankrupt the Northern Territory. I will look at the Northern Territory record shortly. It is the Everingham three-point corruption plan that will be looked at today. In three simple steps he first corrupts the Liberal Party—not too difficult a task—then corrupts the Parliament through the Liberal Party and finally corrupts the system for his own benefit. I warn this House and the people of Queensland that Stage 1 in the three-point plan is already complete. Mr Everingham has already hijacked the Liberal Party in this State and the Liberal Party does not know what has hit it. The Queensland Liberals wish that the Northern Territory dingo fence was a Paul Everingham fence—and he has only just started. He has already installed his puppet leader through a process of back room deals, blatant disloyalty to the incumbent and sacrifice of the party's best interests for personal gain. The member for Toowong, who is not in the Chamber, knows exactly what I mean. While he was pulling knives out of his back last year, on Remembrance Day, he said to the AAP—

> "In 26 years of membership of the Liberal Party I have never seen it before."

That is because the member for Toowong, poor old Denver Beanland, has never lived in the Northern Territory; he has never come across Mr Everingham before. He has never come across anyone who would sell his own party, sell his mates and sell his colleagues for his own blatant self-interest. That is the key to the Everingham three-point plan—the consistent sacrifice of the party, the Parliament and the system for blatant self-interest. The first step is complete in Queensland.

Let me take the Liberal preselection for the Federal seat of Moreton. The courts found that Mr Everingham had torn up the Liberal Party's constitution in his attempts to bring home his bacon. He knifed the local candidate so that his mate on the State executive, Margaret Steem, got the nod. It was to be no surprise that Liberal members opposite learned that the former Northern Territory Chief Minister has now repaid no fewer than six of his mates—six of those who helped him in his three-point plan—with endorsements for plum seats at the State election. State executive members Kym James, Don Cameron, Margaret Steem, Neville Stewart, Alan Sherlock and Gary Hargrave have all been given the nod over the dead bodies of good local candidates.

Mr SANTORO: I rise to a point of order. At least one of those people was not a candidate, and the honourable member again has displayed his flawed knowledge.

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

Mr WELFORD: The member for Currumbin has also felt the brunt of the first stage of the three-point plan. Going public was the only thing that saved the member for Currumbin in his preselection after he dared to come out and support the member for Toowong last year. The Liberal Party preselection bloodbath is just the tip of the iceberg. Since he hijacked the Liberal Party, Everingham has been blundering his way through the party structure like a cowboy, shooting from his hip with both barrels aimed at anybody who gets in the way. He has dragged the Queensland Liberals screaming into their coalition bed with the Nationals. He has undermined the credibility of the Liberal Party to such an extent that a vote for the Liberals is, once again, a vote for

another National Party Government. No wonder Paul Everingham said, as quoted in the *Townsville Bulletin* on 16 December 1991—

"I've never seen the Nationals as an opponent."

Stage 2 of the Everingham three-point plan is of particular concern to members of this House, because that stage 2 is to corrupt the Parliament. In 1983, Mr Everingham engineered in the Northern Territory a gerrymander of which Sir Robert Sparkes would have been proud. He outsparked Sir Robert Sparkes in no uncertain terms—the man who would not let the ink dry on Queensland's electoral maps for decades. In 1983, the Northern Territory despot increased the number of seats in the Northern Territory from 19 to 25. The Northern Territory was already vastly overrepresented, but, to create additional seats, Everingham dropped the average number of constituents to 2 500. He was not satisfied with the old Parliament House, so he built a new one by using $150m of public money, which amounted to $6m for each member of that Parliament.

Mr FitzGerald interjected.

Mr SPEAKER: Order!

Mr WELFORD: What I am saying sets out the process. Stage 2 is the complete contempt for the integrity of Parliament and for the parliamentary process. Nothing shows better that the Sir Robert Sparkes of the Liberal Party has contempt for Parliament than the way he manipulated the Northern Territory Parliament when, as Chief Minister, he called for early elections. In 1984, when the Federal Government properly gave back control of Ayers Rock to the Aboriginal people, Everingham squealed that it was disgusting and horrible. He claimed that the arrangements would destroy the Yulara tourist resort. To justify calling the election on that issue, he produced a telex from an alleged official of one of the resort's financial brokers. He told the public that the telex spelt doom and gloom for the future of the resort, and he manipulated the Parliament. It was later disclosed that the statement had come from one of Mr Everingham's own partners in corruption. The very next day after the statement was issued, the company disowned it and said that the Federal Government's decision had no effect on the resort at all. This is an example of the type of honesty that this House can expect from the puppets of Mr Everingham who sit on the opposition side of the Chamber.

Mr SANTORO: I rise to a point of order. I find the comments made by the honourable member for Stafford offensive. I ask him to withdraw them.

Mr Schwarten: With no strings attached.

Mr WELFORD: They were not personally directed, Mr Speaker.

Mr SPEAKER: Order! I ask the member to withdraw the remarks.

Mr WELFORD: I withdraw the comments. They are not puppets; they are just doing Everingham's bidding.

Mr SANTORO: I rise to a further point of order.

Mr SPEAKER: Order! I warn the member for Merthyr that his point of order ought not be frivolous in any way.

Mr SANTORO: Mr Speaker, I will let you judge that.

Mr SPEAKER: And I will, too.

Mr SANTORO: Mr Speaker, as a member of this Parliament, I find the suggestion that my strings are being pulled, or that I am a puppet, or that I am doing somebody else's bidding offensive.

Mr SPEAKER: Order! I have already ruled on that point of order. I warn the member for Merthyr that I will not take frivolous points of order again. The member for Merthyr is wasting the time of the member for Stafford.

Mr CONNOR: I rise to a point of order. Mr Speaker, he put the comments back on the record after you told him to apologise.

Mr SPEAKER: Order! I make the point that collective statements about members on the opposite side of the Chamber are not points of order. The member has to be personally affected.

Mr WELFORD: Mr Speaker, I can understand their sensitivity because that is the type of comment on corruption they do not like. It is no wonder Mr Everingham criticises the CJC and does not like what it is doing because he wants to bring back corruption in which members opposite will happily engage as his instruments in this Parliament, thereby corrupting both the Parliament and the system.

Appointment of Magistrates Court Registrars

Mr FITZGERALD (Lockyer) (11.40 a.m.): I join in the debate to address an issue that is relevant to Queensland and to this Parliament rather than deliver a speech on the history of the Northern Territory. I refer to the plight of clerks of the court who have been made redundant—virtually sacked—by the Queensland Government. A number of questions must be answered by the Government, and I believe that those questions should be put so that the people of Queensland and this Parliament can be given some answers. Last Thursday, I asked the Minister for Justice and Corrective Services the following question—

> "What steps has he taken to clear up the bungle of the selection process for the position of Registrars, Magistrates Court, where there are over 650 appeals to 56 appointments . . ."

I received a very defensive answer from the Minister, which stated, in part—

> "Additionally, and for clarification, there were 66 appointments, and not 56, as was stated."

The question stated "650 appeals to 56 appointments", and the correction made by the Minister suggested that there were 66 appointments, not 56 as stated. I accept that a large number of appeals were lodged by a proportionately small number of people, but I draw to the Minister's attention the decision of the appeal tribunal of the Public Sector Management Commission, which states in paragraph 12 as follows—

> "Over 650 appeals have been lodged in relation to 56 appointments . . ."

The point I make is that although there were 66 appointments, appeals were lodged in relation to 56 of them. I wish that the Minister and his advisers could be a little more precise in the way they treat the whole issue. If they want to make excuses, they should make damned good excuses, and not come up with matters that are quite irrelevant.

I also draw the attention of the House to the findings of the appeal tribunal, which were substantial. While the tribunal found that a number of grounds of appeal were not substantiated, it found that the grounds in one particular area definitely were substantiated, namely, the refusal to check references that applicants had lodged with their applications. I refer to the statement made in paragraph 57 of the appeal tribunal's findings, which is as follows—

> "Given the background to the appointments and appeals, three out of four is not good enough. These are not ordinary appointments; these appointments affect the interests of long-serving officers, some of whom are acknowledged to suffer disadvantages in competing on merit. This is not to say that those who were Clerks of Court will win the positions on merit . . . We therefore uphold the appeals on the ground of substantial deficiency in the selection process."

Those words, "We therefore uphold the appeals on the ground of substantial deficiency in the selection process", whether taken in isolation or in the context of whatever else was said, stand alone. The paragraph goes on to state—

> "We revoke the appointments of the appointees and direct the Department to continue with the process from the reference checking . . ."

I cannot read the last word, but I believe it is "situation".

I ask: why has the Government set about re-creating those positions and calling for registrars and deputy registrars of the court? Why did the Government abolish the

position of clerk of the court? What was the Government's agenda? The Opposition has not heard about that. What was the game plan of the Government in taking this action? The Opposition has not heard about that. We know that the vast majority of clerks of the court have been found to be redundant and have not been offered positions as registrars of the court. Obviously, a change has been made to what the position of clerk of the court will entail and what his duties will be. How does that affect local communities? Does that mean that a vote of no confidence has been taken in a local clerk of the court who held that position in his home town for a long period, was seen by the local community to be doing his job responsibly and well and was well respected in the local community? Does this mean that, because he has been offered a redundancy package, he has failed his local community? What did the department mean when it said that it wanted manager-trained people? We note that a large number of those clerks of the court did not receive positions. They were overlooked because they had not done a particular TAFE course or a course in management skills. Those people have been running their offices very, very well for a long period. Were complaints made about those officers not performing their tasks and their duties? If so, I would like the Minister to please explain. What about those years of experience? Was that factor adequately taken into consideration?

There is nothing like a clerk of the court who is a responsible person and who has served on the bench of the court in a local community for a number of years. Such people are respected and responsible. Suddenly, they have been made redundant. In other words, they have been sacked. How will that change improve the service to Queensland? That is what this House wants to know. How will the changes that have been made in the department improve the service? We have not been given one inkling of what is in the mind of the Minister or the department. I also want to know how the unsuccessful applicants failed to deliver service in their community. Did they fail to deliver it or did they deliver the service to the best of their ability? In addition, what will the wholesale sackings do to the public service? Does that engender confidence in the public service? Does it indicate that, if people give loyal service to the Government of the day, they will eventually be redesignated and the Government will re-create their positions? What the Government has done is abominable.

If a Government wants to make changes to its structure, it has every right to do so. However, the Government must explain to the people whose lives have been upset and who have given loyal service to the Government and to the State why the changes are being made and what the Government hopes to achieve. The Government has done nothing. It has closed down courthouses. In the area from Dalby to St George and further west, virtually all of the courthouses have been closed down. Only one of the clerks of the court has retained a position in the department. I think that is the clerk of the court at Dalby. Wholesale sackings have occurred. The Government closed down the Laidley Court House. It closed down the Boonah Court House. The Government has advised that the service at the Gatton Court House will be cut back from five days a week to four days a week. The Government's rural task force—some of the members of which are in the Chamber today—travelled around the State and asked what people wanted. I foreshadowed what would happen and I asked a local shire council to tell the task force that the first thing to do was to put to the Government the proposition that we did not want the Gatton Court House closed. What did the Government do? It decided to cut down the service from five days a week to four days a week. At the same time, the Government closed down the adjoining courthouse at Laidley. The Government took no notice of that rural task force. Members of that task force were utter failures in conveying to the Government the local views. They failed to convince the Government of the points that were raised with them.

I want to raise a number of other issues. What has happened in regard to the transfers of those people whose positions have again been declared vacant because of an appeal? Have they stopped being transferred? Are any more of them being transferred? I want to talk also about the bungle over the letter from the manager of the human resources branch of the department to an unsuccessful applicant. A letter dated

20 December 1991 was written to that officer, saying, "please respond". The officer was advised that he had failed, and the letter further stated—

> "To facilitate this procedure and to allow the Directors to have a greater understanding of his skills and abilities as well as your career aims, would you please complete the attached"—

redundancy—

> "Redeployment Data Sheet and forward it to the Co-ordinator, Recruitment, Selection and Deployment no later than"—

note the date—

> "15 December 1991."

The letter was written on 20 December. The Minister gave an answer in the House that the department had written to someone previously and the same word processor had been used. That officer had been downgraded because he lacked management skills. He received a letter from the damned department asking him to reply to the letter before he even received it! It is a joke, and the Government is seen as a joke. It is very embarrassing for the Minister to have that on his plate. It is a joke.

I pay tribute to those clerks of the court. I pay tribute to Terry O'Sullivan from Gatton and to all of those people who did not retain positions in the department. Those people have served the Government as returning officers and clerks of the court. They have served their local community. Despite that, some of them have been offered redundancy packages. I ask: how many of those redundancy packages have been accepted? If people accept the redundancy packages very quickly, they will receive 13 weeks' bonus pay. Some of them will take the redundancy package because they know that they have no future serving the people of Queensland under this Government. They have been thrown on the scrap heap. I have a list of names of all those officers who have given loyal service to the Government and the State. They have been cast aside. Many of them are men in their forties and early fifties. What chance do they have of getting a job? They know that, if they cannot be redeployed, they will be sacked. This Government has sacked public servants.

Time expired.

Fightback Package

Ms ROBSON (Springwood) (11.50 a.m.): Since the introduction of the Federal Opposition's blueprint for economic reform, known as the Fightback package, public debate has centred principally on the proposed introduction of a controversial goods and services tax—the GST. That is probably a predictable and understandable reaction, given that we all sit up and pay attention when our personal financial resources are in any way threatened. However, in my view, the GST smokescreen has narrowed the review of the proposed package and its contents. Most especially, it veils the impact of other policy statements in the document—issues which my analysis indicates will have disastrous long-term impacts on the national economy and on our society.

Most of us are familiar with the general thrust, if not the finite detail, of that particular package and its proposed reforms of the national economy, as proposed by Hewson in the Federal Parliament. I imagine many of us had a similar reaction to the proposal to tax us an additional 15 per cent on goods and services, although we were interested in the tempting offer of a 30 per cent reduction in our personal income tax levels. Of course, one has to be earning an income within a given bracket as a result of having a job to sample those benefits; otherwise, one gets the 15 per cent increase and no tax relief. Women have reacted cautiously to the Hewson proposals, principally because they understand the significant impact that the introduction of a GST will have on expendable family income. Essentially, it is difficult to translate just how this added tax will be offset by the proposed dropping of payroll tax and other taxes which are currently in place, because this has not been explored in great detail.

However, even more significant than this insidious GST as proposed is the stated intention of Hewson and company to abolish the Affirmative Action Agency and departmental equity units. Couple this with the moves towards by-passing the centralised wage-fixing system and introducing workplace bargaining, and there is a very frightening scenario ahead, particularly for women and disadvantaged groups. The Affirmative Action Agency was set up by the Hawke Government to ensure that equal opportunity is a practical and achievable goal. It advises business on how to implement "best practice" affirmative action policies and reports to Parliament on equal opportunity performances of all workplaces in the private sector with more than 100 employees, as well as all higher educational institutions.

Abolition of the Department of Industrial Relations Equal Pay and Work and Family Units, which conduct research of pay and equity issues and advise the Government accordingly, will mean that, if enterprise or workplace bargaining became a reality, there would be no expert departmental advice or recommendations on the significant potential damage to women's earnings. This is the proposal that Hewson and company have before us. Let me illustrate what has been experienced in New Zealand in relation to women workers. The conservative Bolger Government already operates policies affecting women, youth and other disadvantaged groups in the workplace. Those policies are similar to those proposed in the Hewson package. My understanding is that that package has been modelled largely on the New Zealand experience. Deregulation of the labour market and a return to workplace bargaining practices has meant that New Zealand women, especially those in the services sector, are suffering pay cuts of up to 30 per cent. They work longer hours and longer weeks and have little or no paid overtime, penalty rates or other forms of compensation.

Women epitomise employees in weak bargaining positions who could easily be coerced out of the protection of the award system to be exploited by the private contracts for labour as proposed by Hewson and company. They cannot resist comfortably because the system which protected them has been abolished and the ability of their unions to help has been reduced by law in New Zealand. They cannot quit because, in New Zealand, anybody who voluntarily leaves a job does not get the dole for six months. This is the system that Hewson proposes as a model for Australians. Hewson believes that by dismantling the centralised wage-fixing system, abolishing national wage cases and setting an absurdly low minimum wage he will restore economic stability to the nation's economy. But at what price to women in the workplace?

What he is proposing, in effect, is to reverse the excellent reforms which have been achieved through award-restructuring processes and thereby dismantle the gains that women have made towards social and wage equity. With this move comes a gigantic and significant step backwards for women, particularly those in the lower socioeconomic groups. A fundamental tenet of the 1983 Accord between the Government, unions and the private sector was the maintenance of a strong award system, with minimum wages and conditions reviewed and adjusted in national wage cases. This is absolutely necessary to ensure justice for women and other disadvantaged working groups. Hewson's proposals are harsh and extreme and clearly demonstrate the frightening partiality to the Darwinist philosophy of the survival of the fittest, and the rest can just go under. Women will find themselves on lower wages and not only working longer hours to make up the difference but also having to cope with a GST which elevates their living cost. Of course, Hewson's proposals will work brilliantly for single, male millionaires who drive imported vehicles, so all is not lost.

Mr Gunn: You are talking about Bill D'Arcy now.

Ms ROBSON: Bill D'Arcy is not a woman, so he can be exempted. In summary, the proposed reforms outlined in the Fightback package indicate clearly that the conservatives under Hewson intend to dismantle the centralised wage-fixing system and revert to the good, old post-industrial revolution days when workers had to negotiate individually with the bosses for every condition apart from the most basic wage or rate of pay. This will be an absolute disaster, not only for the women and other disadvantaged groups in the labour force but also for all workers at the mid to lower end

of the income scale. The comment must be made that the critiques that I have studied in the last few weeks of the advantages of the GST are falling shorter and shorter of the mark of achieving national economic balance. In fact, in my view they will actually create a whole series of problems that are not being explored. The smokescreen that is being generated of the Fightback package being singularly and primarily represented by the GST in its implications is just that—a smokescreen. If the Fightback package is read in detail, one will see that it is covering up a whole series of draconian measures which will dismantle the labour force and which will give the prime bargaining power to a small sector. In other words, we will go backwards. The package has no brief to create employment; rather, it will serve to generate more profits to line the pockets of share-holders and business tycoons. There is absolutely no guarantee of or planning for constructive job creation.

Further, it deals with the planned selling-off of Government-owned assets to private enterprise. That is a joke in itself. The questions can be asked: what happens when everything has been sold off? What happens when every profitable enterprise owned by the Australian people has been sold to private enterprise? Will revenue be created by again raising personal income tax? Will we be back at the stage at which people are given tax relief of up to 30 per cent, if they are lucky, and then five years down the track, when the Government has sold everything, income tax will be raised, resulting in high levels of income tax and high levels of goods and services tax? It is not a long-term plan for economic survival.

This whole package appears to be based on outdated and unworkable models of financial and social reform which ignore, among other things, women's relationship to and impact on the national economy. It is going back to models which I studied when I was at university and which were put up as case histories of what does not work for an economy, most especially for a national economy. That is what will be distilled out of the package, as I have distilled out of it, if one reads the Fightback package in detail and does not allow the smokescreen of the GST to cloud one's vision. Women's participation in the work force will continue to increase dramatically. That has been the case since World War II, and it will increase. It is a well-documented fact that their unpaid work still contributes about 60 per cent to the gross domestic product. This particular package proposed by the national coalition that would be in Government after the next Federal election is a disaster. It is not only a disaster for women; it would be a disaster for the national economy. Anyone with any sense of simply balancing a budget or forward planning will understand this. It is a disaster which should not be allowed to happen.

Time expired.

PERSONAL EXPLANATION

Mr COOPER (Roma) (12.01 p.m.), by leave: This morning in the Matters of Public Interest debate, the member for Chatsworth stated that he had had confidential discussions with me as the then Leader of the Opposition. Any inferences that statements by the member for Chatsworth or, more particularly, the Premier, that I had been formally briefed, are utterly erroneous, and rejected by me. Informal chats, or informal corridor or veranda discussions, do not constitute formal briefings. If I had been briefed formally, there would have been evidence or documentation of that. There is none. There was no formal briefing. The allegation of a briefing is nothing but a red herring designed to shift the emphasis away from the Premier's knowledge that problems between the former Police Minister, the member for Chatsworth, and the Police Commissioner had existed for an extended period. It was nothing but an attempt by the Premier to cover up his subsequent failure to act.

PERSONAL EXPLANATION

Mr WELFORD (Stafford) (12.02 p.m.), by leave: This morning, in the Matters of Public Interest debate, I said that the President of the Liberal Party insidiously was

corrupting the Liberal Party in Queensland, and in particular that he had interfered in the preselection of the member for Currumbin. Since I made that speech, members of the Liberal Party have rushed to assure me that it was not the member for Currumbin; it was my colleague the member for South Coast.

QUEENSLAND HERITAGE BILL

Second Reading

Debate resumed from 10 March (see p. 3973).

Mr ELLIOTT (Cunningham) (12.03 p.m.): In rising to put the Opposition's point of view on this Queensland Heritage Bill 1992, the first thing I have to say is that it is amazing what one learns from really getting into the nitty-gritty of a Bill. At first glance, although there are obviously areas of concern about the present legislation which we have indicated in the past, Opposition members were concerned particularly about the lack of compensation. An analysis of this Bill reveals that it is a product of the factions of the ALP. I suggest to the Minister that he has been railroaded into agreeing to certain sections; that he has had to give in regarding other sections; and that other sections have been left in as trade-offs.

Because we believe in heritage preservation, Opposition members support the Bill as a whole. We will most definitely be objecting to certain parts of the Bill, and we will move some amendments. One has to go back in history and understand where the Labor Party was coming from before the last election. As all parties do prior to an election, the Labor Party went out into the marketplace and made promises as to what would be done, and how the whole thrust in areas of conservation and heritage would be changed. Undertakings were given to various groups in the community such as the National Trust and other bodies concerned about our heritage—whether one is talking about buildings, relics, sites, historical shipwrecks, or whatever—that under the ALP there would be no need to worry; there would be no more demolitions in the night.

The Minister was hardly in the job five minutes when he went screaming and squealing to the media saying, "Oh, I cannot do anything about the bank building. It is not our fault. It is the previous Government's fault." It was indicated that those things would never happen again. What utter hypocrisy! What absolute trash! I am afraid I have to use that phrase advisedly. It is not language I usually use here, but it suits, because there is a very interesting point to be made about clause 38 of the Bill. The Government's use of the term "the Crown" is utterly hypocritical. This Government has done a Claytons job on the clause which binds the Crown in an attempt to indicate to the public at large that through this legislation the ALP will protect all these marvellous buildings. What is the fact of the matter? It is the old story. When we are talking about private property rights and people's own personal belongings, this Government does not give a tuppenny curse for the private rights of individuals. When it comes to putting buildings on the register, the only grounds which can be argued are that it is not a suitable building to go on the register. It cannot be argued that listing will break an individual; that some poor old lady living in a house out in the suburbs who cannot afford to touch the building in any way, shape or form is going to lose a massive amount of money as far as the valuation of that property is concerned.

Mr Welford: It will go up.

Mr ELLIOTT: That cannot be argued. It is no use the loud-mouthed member up the back going on, because he will be proven wrong. He does not know a thing about it. It will be interesting to see whether he speaks in this debate. If the Crown wants to do something about a property, it can do what it likes, because it can fly in the face of its own legislation. It is not bound at all. It is a Claytons provision. Quite frankly, the Crown can knock down the building, alter it in any way, paint it any colour, do as it wishes, and it cannot be touched, because the penal provisions in this Bill do not apply to the Crown. The Minister is a hypocrite. The Government is hypocritical. I would like to think that perhaps it was the Right Wing element within the ALP, which is pandering for

support at the next election, that did that. It will be interesting to hear what the Minister has to say about that subject. If a developer mate of the Government wants to do something and puts a few dollars into Government coffers, then never mind about the poor old lady, or some poor unfortunate, broken-down farmer out west who has a property that is almost bankrupt. He cannot stop the Government from listing his property. All he can say is that it is not a suitable building to be placed on the register. If the developer gets hold of the building that belongs to the little old lady, or the farmer out west who wants to do something with his building, all he has to do is apply under clause 38 for development on economic grounds. The whole ball game changes. There is no even-handedness. This was the open, accountable ALP Government that came to office in Queensland as the saviour of everyone. What does the Government do? When the Government is asked the question, it is found wanting. The principles of the Government are an absolute disgrace. Quite frankly, the Government does not have any principles, and that fact will be proved time and time again. I will be interested to read what the people who write in columns of various periodicals and newspapers and who comment in the media have to say about this Bill. I wonder whether those people have really read it. Until I really read it and went over it—and I spent the whole weekend working on it, and I was working on it until 4 o'clock this morning—the more I realised what an obnoxious piece of legislation it really is, and that is praising it!

As I said, the Opposition has a commitment to heritage. As members of this House will know, since the early eighties I have had such a commitment, and I will support the legislation. Let there be no doubt in anyone's mind just what has been going on in this House. It is really very interesting when one reads the clause about land that is under the control of the Aboriginal community. Aboriginals are also not being treated the same as other people are. I wonder whether there was a trade-off in Cabinet within the factional deals in respect of this Bill. I wonder whether the Right Wing faction said, "We will cop it if you have a clause that says nothing can be touched in an Aboriginal community. They can do what they like. The elders have to be consulted." I cannot touch my place and do what I want to do; I have to adhere to this Bill, but Aboriginal communities will be able to do what they like. Surely anyone who is just, fair and reasonable cannot support any legislation that makes fish of one and fowl of another. It is not on. I do not care whether the Government is talking about the Aboriginal community or the Calathumpian community. It does not matter in the least. Quite frankly, it is an absolute nonsense. As such, I am saying that there has been a trade-off within Cabinet in that they said, "We will move this in on the condition that we let you put clause 38 in which refers to the financial aspects of the Bill." It is not in the original provisions.

As to the actual listing of buildings on that register—average persons do not even get a look in. They were not considered. Why not? Because the Government has said, "Most of those people probably vote for the National Party or for the Liberal Party. They are all a mob of tories and we do not want to support them or do anything for them. We are interested only in our people."

Mr Comben: Clause 38 is in there. There were very good and highly commendable reasons given to me by a former member of your party in this House to convince me of the need for it, and it was never discussed by Cabinet except in terms of this entire Bill.

Mr ELLIOTT: I find that interesting. If that is the case, is the Minister going to give this House an assurance that following the election, if the Government is so fortunate to win the election—should such an eventuality come to pass, which, of course, it will not—clause 38 will be retained in the Bill?

Mr Comben: Yes. I think that it is an acceptable part of the Bill now. It is a clause of the Bill.

Mr ELLIOTT: Right. Very good.

Mr Comben: It was your mates who argued for it.

Mr ELLIOTT: Yes. What I have said all along and what I am saying to the Minister is that in the initial provisions of the Bill reference is made to listings, and those same provisions should be in place. Why are they not in there?

Mr Comben: What same provisions?

Mr ELLIOTT: The same provisions of looking at the financial hardships and the practicalities. The Minister is prepared to list anything on the register. No-one can argue that it should not be placed on the register, except on the grounds of heritage. That is total rubbish.

Mr Comben: No, by adding that piece in about the futility, there are grounds for clause 38 at the beginning.

Mr ELLIOTT: Whereabouts is that in the legislation? I have been trying not to debate the clauses, but it has been very difficult.

Mr Comben: Let us have a discussion on it.

Mr ELLIOTT: We will indeed. The Minister will be surprised how much discussion we will have.

Mr Comben: You get three goes.

Mr ELLIOTT: We will have plenty of discussion. We will find other ways. There are many and varied ways of doing these things. As to clause 38—I find it particularly interesting that the Minister would listen to people talking about the requirements in relation to financial problems, yet he does not accept that in the initial stages of the Bill—and I am not supposed to refer to the clauses—those clauses are obviously crucial. In many circumstances, the Minister is causing enormous detriment to an individual whose property is listed. I will be the first to admit that there are circumstances in which a listing could enhance the value of a property. No-one would deny that. The property could then be utilised for tourist purposes or some other use. As members would be well aware, I believe in heritage legislation. However, in its socialist way, the Government is annihilating private land-holders and denying their right to object to the heritage listing of their property other than on heritage grounds.

Mr Pearce: That's rubbish!

Mr ELLIOTT: The member should read the Bill. Government members obviously had a lovely weekend and did not read the Bill. They do not know what they are talking about.

Mr Barber interjected.

Mr ELLIOTT: I will explain this later to the aspiring member for Noosa. He gave up his former seat and ran away from the Tollbusters.

Mr FitzGerald: He is perspiring.

Mr ELLIOTT: That is right. He is perspiring because of the Tollbusters. The aspiring member for Noosa has indicated that he will tell the House all about this. At the Committee stage, I will explain to him very clearly what I am talking about. It is of great concern that the Government intends to impose the provisions of this legislation on private land-holders, yet those provisions will not apply to Crown land. As well, it appears that the legislation will not apply to persons seeking to develop that property. The Bill includes a nice little rider that seems to be specifically designed to exclude from the register a small CBD building. In some circumstances I would not necessarily argue against that. Depending on the architectural importance of a particular building, it may well be that it is significant enough to remain on the register. If not, I see some justification for removing it. I will mention that aspect later. There is another factor that I find absolutely obnoxious, although members should not be surprised by it. When they were being sworn in, many members of this Assembly were not prepared to place their hands on the Bible. Therefore, it is not really surprising that those members have little respect for religious organisations and their parent bodies.

Mr T. B. Sullivan: What a pathetic judgment!

Mr ELLIOTT: I caught that member well, did I not? I believe that I caught a 25-pounder. Government members have the temerity to talk about churches and exclude synagogues and mosques. Why are they not important? The Bill should include all places of worship. Accordingly, I foreshadow that I will be moving an amendment to that effect at the Committee stage.

Mr Comben: We will have a look at it.

Mr ELLIOTT: And so the Minister should. The Government is discriminating against particular places of worship. That is not good enough. Those custodians of moral virtue, who talk about anti-discrimination legislation which refers to race, creed and religion, are the first to introduce narrowly drafted legislation that excludes some places of worship. I find that absolutely obnoxious, and so should every other member of this House. I am amazed that the Government would do such a thing. It should be referred to the Federal anti-discrimination tribunal.

Mr Beattie: Your track record on heritage—where is it? You have destroyed half of it. That is the most amazing thing about you.

Mr ELLIOTT: The member for Brisbane Central used to be in charge of the operations of the Trades and Labor Council, but he knocked down the Trades Hall building. He is a hypocrite. It is absolutely incredible that the architect of making money from the Trades Hall site should talk about such a thing.

Mr FitzGerald: The Deen brothers of the Labor Party.

Mr ELLIOTT: That is right. The member for Brisbane Central is in league with the Deen brothers. They believe that he is the greatest bloke ever. As to the proposed 12-member council—it appears to have a cast of thousands, almost like the *Ben Hur* movie. I presume that because the wolves were attacking the Government, it thought, "We will throw a sop to this lot and a sop to that lot, and that will shut them up." I can understand that, because that is the way that this Government works. However, it took no notice of the poor old people in the rural community. Although those people are almost out the back door, the Government intends to include their homes and properties on the register, thereby causing them incredible detriment. The Government is telling them that they cannot do this and they cannot do that. Those people did not have a say in the drafting of the Bill, nor will they be represented on that 12-member council. Accordingly, I foreshadow an amendment—and I am prepared to accept the very same wording as is used in the Bill—to include from a list of three people a person nominated by the Queensland branch of the National Farmers Federation. I am sure that most reasonable country people would accept a representative from that body. After all, there are a multitude of producer bodies——

Mr Beattie: You just want to put another crony on it.

Mr ELLIOTT: There will not be much chance of that after the Minister has chosen the chairman and the council includes a representative of the Trades and Labor Council. You can bet your life that the member's Trades Hall mates will make sure that the poor old cockies do not get much of a say.

Mr Comben: We will look at it.

Mr ELLIOTT: That is good. We are getting somewhere. Perhaps the Minister will not like my amateur drafting in the amendment, but members of the Opposition are a practical lot. We might be bush lawyers, but what we do is very practical.

Mr Beattie: You are losing it.

Mr ELLIOTT: Does the member believe that? That is a pity. I am sorry about that. Obviously, the Government has listened to BOMA in some respects. Although there is only one appeal provision in the Bill——

Mr Comben: One appeal! There are appeals all the way through.

Mr ELLIOTT: I am referring to a real appeal, not a Claytons appeal. I refer to an appeal which is not limited, and only one such appeal is included towards the end of the Bill. That provision is quite fair, and I applaud it. The Bill does not contain much that can

be applauded, but I give credit where it is due. At least the inclusion of that provision is a step in the right direction. There are some other matters on which I wish to touch.

Mr Beattie: If you want us to do the speech, we are quite happy to.

Mr ELLIOTT: No, that will not be necessary. To sum up the matter, I point out that Opposition members believe in heritage. Everyone knows my stance on that subject over many years.

Mr Beattie: What about the National Party?

Mr ELLIOTT: I am the spokesman for the National Party and I am putting its position. If Government members listen to what I am saying, they will know where the National Party stands. As far as I am concerned, statements about the preservation of heritage buildings is motherhood stuff. People who do not believe in preserving worthwhile buildings do not have any interest in the cultural history of this place or its future. It is important that we realise that, if we want to list, for argument's sake, Bill Prest's house—I am not sure whether it is worthy of preservation, but it may well be——

Government members interjected.

Mr ELLIOTT: I am using this example as an analogy. Bill is not thin skinned like other Government members are. He understands the point that I am making. If his house were listed, that would place an economic detriment on him in respect of what he could or could not do with his house. It would affect a consideration of whether he would be able to develop it in the future when the business district merges with the residential district. Members of the National Party have serious misgivings about the philosophy of the Bill. We believe that we should preserve heritage but, as a society, we should be prepared to put our hands in our collective pockets to manage properties and to provide financial incentives through Federal taxation, through State land tax and through local authority rate remissions. As well, in instances in which it is suitable, we should allow the transfer of development rights from one site to another. I ask the Minister whether he has spoken at length with his Federal colleagues about tax concessions.

Mr Comben: Yes. I moved a motion that the Ministerial Heritage Council be approached by the New South Wales Government to keep on the pressure that has been there for 30 years.

Mr ELLIOTT: At this stage, are they prepared to do anything or are they still looking at it?

Mr Comben: I think they are looking at the question.

Mr ELLIOTT: So that is where we are now. If the Government wants people to preserve buildings, it has to assist them in every way possible. It is quite incredible that the Government can list a building in Queen Street and, because development rights have been shot to pieces, cause its value to decrease from $8.4m to $2.8m.

Mr Comben interjected.

Mr ELLIOTT: That may be so, but I am referring to a factual case. In a democracy, it is abhorrent and unacceptable that, in listing a particular building, by the stroke of a pen the Minister, playing God, can absolutely destroy the investments and birthright of people and place that massive detriment on them. At the Committee stage, I will deal in detail with particular clauses of the Bill. However, the Bill allows for a stopper to be put in place—that is not the right word.

Mr Comben: An interim conservation order.

Mr ELLIOTT: Not merely an interim conservation order. The Minister can decide that an area is worthy of protection. I am not talking merely about a building; I refer to land on a rural property. It is a debate similar to that which we had about shipwrecks. The Minister can place an order on that land to prevent people from entering the property. That is absolutely abhorrent. Not only does it smack of socialism by telling people what they can do with their own property; it is almost jack-boot stuff. The Minister can list private freehold land, place an order on it and then tell the

owner—never mind about the public—that he cannot trespass on his own land. That is the type of provision that is contained in the Bill. I notice our old civil libertarian listening with interest. Today will we see him for the first time stand up and be counted on his old values?

Mr Foley: Yes.

Mr ELLIOTT: He used to have those values. I used to listen to him with interest.

Mr Foley: Yes, certainly. This is a Bill which allows for the first time the public interest in heritage to be taken into account, despite the years of scandalous neglect by your Government.

Mr ELLIOTT: Like the Trades Hall?

Mr Foley: This is a Bill which redresses the improper balance between private and public in a scheme of law which fails to address the need for heritage.

Mr ELLIOTT: The Minister is saying that it does not matter about the rights of people—they do not have any rights as long as the community's interest is protected by this Bill. The public does not matter.

Mr Foley: Not so. There is a scheme of checks and balances on the exercise of power provided for in the Bill of which Queenslanders should be truly proud. You should be ashamed to allow the heritage legislation to be opposed by the Opposition.

Mr ELLIOTT: The Opposition is not opposing the legislation as such. It is opposing sections in it which are draconian and, as I have said previously, almost jack-boot stuff. For argument's sake, the Minister can authorise a person—it does not matter whether that person is qualified or not—to go into an historic home in Queensland and take photographs of the owner's private individual possessions. That is in the Bill. I am sure that the honourable member for Yeronga, as a good lawyer and someone who is interested in this area, would have read that provision in the Bill and understands what I am saying. What happened to the famous old saying that an Englishman's home—"man" meaning male or female—is his castle? What happened to that right? The authorities can march in without a warrant, or, if necessary, with a warrant, and start taking photos of priceless heritage possessions such as paintings of great value. What happens to those photos? The photos are spread around so that everyone knows that this particular person has very valuable objects of art in his home that are worthy of stealing. This provides an incentive for people to steal things out of these historic homes. I do not think that that is very smart. The best way to protect the priceless possessions in historic homes is to never mention them in public. Unfortunately, the minute the public is told the whereabouts of wonderful or valuable possessions, there always seems to be someone in society who will come along and steal, deface or put graffiti on them.

Mr Foley: What about clause 56? What about the requirement for a warrant from a magistrate under clause 56?

Mr ELLIOTT: In my opinion, no-one should enter into a private dwelling in any area——

Mr Foley: You've change your mind.

Mr ELLIOTT: No, without a warrant.

Mr Foley: You said it was without a warrant.

Mr ELLIOTT: I am saying that the Bill can authorise people to go into a home and only if they are not allowed to enter the home will they go back and get a warrant.

Mr Foley: The magistrate issues the warrant under clause 56 (5).

Mr ELLIOTT: The Minister authorises these people—gives them an identity card—so that they can go into a private residence, walk all over the carpets with muddy boots, and do what they like.

Mr Foley: Look at subclause (5) of clause 56. That's a Minister, not a magistrate.

Mr ELLIOTT: If the owner refuses to let the man in, then he will come back with a warrant.

Mr Foley: He has to go to a magistrate to get a warrant.

Mr ELLIOTT: We know that only too well.

Mr Foley: You don't know that. That's part of the difficulty you have in dealing with this Bill.

Mr ELLIOTT: Not at all. Where someone is entering a home with an identity card and doing anything at all under this Bill, it should be with a warrant. Unless there is prior written consent from the owner and the owner has no misgivings or bad feelings about it and says that it is fine for the officers to come into his home and do what they like, those officers should have a warrant.

Mr Foley: You misunderstand it. That's what it says. It says in clause 56 (3) (a)—

"With the consent of the occupier of the place."

Mr ELLIOTT: We are not discussing clauses now.

Mr Foley: You're misleading the House.

Mr ELLIOTT: No, I am not. When we get to the Committee stage I will be happy to debate the clauses in detail. This cuts right across the principle that a man's home is his castle.

Mr Beattie: Just cliches!

Mr ELLIOTT: That is because the member does not believe in the principle. The member believes that the State overrides all other things.

Mr Beattie: No, I don't.

Mr ELLIOTT: Yes, the honourable member does. He is a socialist. He believes that society's rights, privileges and interests override the individual. I do not believe that. This side of politics believes very strongly that it is important that people's private property and individual rights are protected at all costs. As I have said, we will debate that in detail when we come to the clauses. The Government is being hypocritical as far as this Bill is concerned and as far as local authorities are concerned. As it did with the swimming pools legislation, the Government is requiring the local authorities to do things that it would not want to do itself. The Government is going to require the local authorities to carry out its wishes. I believe that that is not a good practice at all. I think that, before the Government moves along these lines, it should be consulting with local authorities a lot more. I am surprised that there is not more of an outcry from local authorities when they realise the costs involved in maintaining the register and in ensuring that registered property is not destroyed. The local councils will have a very heavy burden placed upon them as a result of this legislation. I believe that it is the duty of the Opposition to draw attention to those matters in Parliament while this legislation is being debated.

It is also worth while noting that, in common with a lack of representation from rural communities, the mining company interests are not represented on the 12-member council. I know that some representatives of northern electorates appreciate the heritage value of districts such as the Mungana mine which are areas of incredible interest that should be preserved. The steps involved in preservation of chimneys and mine sites, etc., will impact to some extent on the mining operations that are so necessary to the economic well-being of this State. It is quite possible, of course, that the Minister will include mining industry representation on the committee, and I am not criticising the Minister in relation to this matter, but I believe it is important that representatives of the mining sector are at least consulted.

Most of the concerns felt by members of the National Party will be addressed at the Committee stage when the clauses will be examined piece by piece from one end of the Bill to the other. I believe that the Bill contains some obnoxious provisions, which will be opposed. No-one should doubt the position adopted by members of the National Party in relation to heritage matters. We support heritage legislation, but we are

concerned that insufficient recognition is given to the individual's rights to the ownership of private property and that there is a lack of incentive and assistance on the part of the Government. I have stated a hundred times that the Government will catch many more flies with honey than it will with vinegar, and that it is far better to dangle the carrot from the end of the stick than it is to take the stick and hit people with it. People do not take kindly to coercion. With those few remarks, I will leave it to other members of the National Party to express their thoughts, but I reiterate that the Opposition will definitely be debating the clauses at length.

Dr CLARK (Barron River) (12.39 p.m.): Last week, members of the Opposition were critical of the Minister for Environment and Heritage for the time taken to bring this Bill before the House. I have no doubt that, if the National Party ever introduced genuine heritage legislation, it would take only a matter of weeks. After all, how long would it take to call together a few of the mates of members of the National Party to thrash out legislation that will protect their interests? The Minister has made no apology for the time it has taken to bring to fruition this major reform which will protect Queensland's cultural heritage, and neither do I. Good legislation reflecting the desires of the broad community and seeking consensus among the stake-holders takes time, and it takes time to examine and carefully consider legislation from other jurisdictions and to draft legislation in plain English that will have the effect it is intended to have. The waiting period has been well worth while because the Queensland Heritage Bill balances competing interests in a way that ensures the protection of Queensland's cultural heritage while recognising the rights of property-owners. I refute the comments made consistently by the member for Cunningham that the Government has ignored the rights of property-owners, and I will demonstrate in some detail just how wrong he has been in many of the comments he made earlier. In fact, I suggest that the member for Cunningham really stayed up too long by being awake until 4 a.m. and that his comments about factional deals are nothing more than the product of an overheated imagination. I suggest that, in future, he go to bed at a more reasonable time so that he may contribute more factually and more eloquently to a debate.

At the outset, I wish to address the process whereby a building is included on the Heritage Register that is created by the Bill and the process whereby development proposals are considered. It is pleasing that there is one matter upon which I agree with the member for Cunningham, namely, that the biggest fear of some heritage property owners is that one morning they will wake up to find that their property has been listed on a heritage register, which will mean that they will be forced to restore it and/or maintain it at their own expense without having any freedom to determine its future or development in any way. Because a comprehensive set of safeguards has been built into the legislation, those people need no longer have that fear. The Bill will appropriately protect the interests of those property-owners, and I am afraid that if the member for Cunningham believes that farmers and little old ladies who live at Spring Hill will be required to spend lots of money because their properties have been listed on the Heritage Register, he has misunderstood the contents of the Bill.

Mr Elliott: I understand that. I am not under any misapprehension about that.

Dr CLARK: I am glad, because that certainly was not apparent from the remarks made earlier by the honourable member. The process of listing properties on the Heritage Register and granting approval for development is a very open and public one. Reasons for decisions will be required to be available for scrutiny at every stage. There is a two-step process of assessment or review, and then appeals can be lodged with the Planning and Environment Court when owners object to listing, or when a development proposal is rejected by the Heritage Council or a local authority. I wish to make the very important point that at no stage does the Minister have the final say. The decision is made either by people with professional expertise in heritage matters or by the courts.

Although the process of listing and of obtaining development approval is comprehensive, there are safeguards to prevent the process from being used as a delaying tactic. I am aware of criticism that has been made on certain occasions by the development industry. The legislation sets out very clearly the maximum time allowed at

any stage, except when an appeal has been lodged with the Planning and Environment Court. The Bill states that the maximum time allowed for deliberation and decision-making is a total of five and a half months from the time the Heritage Council proposes to list a property to the stage of outcome of review and assessment of objections. When important heritage matters are being considered properly and carefully, I honestly believe that that is not too lengthy a delay. The development industry should also gain comfort from clause 38, which we have heard about already from the member for Cunningham, because——

Mr Comben interjected.

Dr CLARK: That is right. As the Minister points out, the member's friends have lobbied very strongly for that, and indeed I can understand why there might be some disquiet from some members of the National Trust. However, the clause was put in the Bill in recognition of the economic reality that faces the development industry. So, even though a proposed development would substantially reduce the cultural heritage significance of a registered place, a decision to permit development could still be made on review or appeal if there is no prudent and feasible alternative to carrying out the development. In deciding whether such an alternative exists, clause 38 requires that regard must be paid to safety, health and economic considerations or any other relevant considerations at all.

What the industry desires—which I am sure the member for Cunningham was referring to, although he did not actually mention it—and what the industry has really wanted all along is compensation. The Government has not given compensation. No jurisdiction in Australia gives compensation. However, we have recognised that economic considerations must play a role in determining decisions with respect to heritage protection, and we have done it in a very responsible way. The legislation also provides in clause 40 and clause 71 for a review of valuations of a heritage-listed building in those cases in which they are subject to a heritage agreement. I will refer to that in more detail later. Furthermore, the Government has given developers a measure of certainty by the provision of certificates of immunity. That concept enables developers to forward plan and to know with certainty there is with respect to a building that they own. The Heritage Council can issue a certificate of immunity, which has the effect of preventing a building from being entered onto the Heritage Register for up to five years from the time of the certificate being issued.

I hoped that it would be clear by now that the Government has been very mindful of the rights of individual property-owners, that it will allow development of heritage buildings where there is no prudent and feasible alternative and that it will support owners by rate and land tax reductions for their property if they are entering into a heritage agreement with the Government. On the other hand, I hope that it will not be thought that this is a piece of Claytons legislation such as the sort we saw introduced by the previous Government, that is, legislation that is designed to appease the development industry. Far from it. For a start, property-owners cannot veto the listing process, as was the case under the National Party legislation. Again, reading between the lines, that was really what the member for Cunningham would like to see. He would like to see a property-owner having the right to say, "No, thank you very much. I do not want anything to do with a register that will recognise the heritage significance of my particular property." If the place fits one of the eight very broad and comprehensive criteria for the placement of a building on the heritage list, listing must proceed, the only exception being if there is a likelihood of its cultural heritage significance never being able to be preserved because it is so badly deteriorated. Again, I recognise that the National Trust is concerned about this, but I believe that we must exercise some common sense in that respect. It is no good listing something that is obviously far, far beyond ever being able to be restored and preserved.

The process of removing a place from the Heritage Register is also very public. I think that is important. We have not talked about that aspect of the Bill. As well as providing for places to be put on a register, the Bill provides for taking them off. Often, the public will be very interested in any moves to slide places off a register, which may

then mean that they are less protected. Any member of the public may object and the decision must be reviewed by an expert assessor. The public also has the ability to object to any development proposed for a listed building and those objections also must be considered by the Heritage Council or a delegated local authority.

There are a number of situations in which breaches of the Act can incur a maximum fine of 17 000 penalty units. That amount comes to just over $1m. I want to take some time to talk about that, because it demonstrates the bona fides of the Government. It shows that the Government is serious when it comes to protecting heritage buildings. We are sending a message to developers and property-owners that we are serious and that they will be expected to comply with the Act. We feel that, on the one hand, we are being very generous, very reasonable and very supportive but, on the other hand, if they do not play the game, they must know that there are some consequences. The first is when development is carried out without the approval of the Heritage Council. That is when the first million-dollar fine comes in. Further, if a person is convicted of an offence under the Act, the court may order the person to make good the damage and, if the order is not complied with, another million-dollar fine may be imposed.

The Minister can order the necessary work to be carried out and we can recover the cost incurred as a debt. Alternatively, the Minister can serve an order to prevent any further development of the place in question for up to 10 years, so that should stop people in their tracks. Once again, a fine of a million dollars could be imposed if the owner tries to breach such an order. We hope—no, we do not hope, we know—that the Bill will avoid a situation in which developers are prepared to destroy a property knowing that they only have to pay a fine and then they can get on with it, that they can go ahead and achieve their development goal. The legislation can make such developers restore the building and prevent them from attempting any other development for a long period. For any property-owner who still thinks that he or she might try to get away with bulldozing down a listed building in contravention of the Act, the Minister has the power to impose a stop order for 60 days. That is the order about which the member for Cunningham was not quite sure. Well, it was a stop order. That order has the effect of being in place for a maximum of 60 days until the situation is remedied and the work can proceed legally or cease altogether. Contravention of a stop order is also regarded with the utmost seriousness and, again, a $1m fine can be imposed.

Lesser fines apply to lesser offences in the Act, but I want to make it clear that the Government is not seeking unnecessary confrontation with developers and imposing harsh fines. I do not believe that in the legislation the Government is giving a greater balance to the stick as opposed to the carrot. As the member for Cunningham would know—if he had read the legislation properly—Part 6 of the Bill deals with heritage agreements, and that captures the preferred strategy of the Government when it comes to heritage protection. A heritage agreement is a vehicle for the owner of a listed building to enter into a voluntary agreement with the Government, which sets out the best way to manage the cultural heritage values of a listed place. The agreement also provides a vehicle for offsetting any expenses incurred by the owner of the building in its preservation.

Mr Elliott: To what degree are you suggesting that it will offset?

Dr CLARK: Clause 40 (2) (e) states that an agreement may—

> "provide for financial, technical, or other professional advice or assistance to the owner with respect to the maintenance or conservation of the registered place."

Mr Dunworth: What about financial assistance if they can't afford it?

Dr CLARK: I am surprised that the member for Sherwood does not know that, in that particular situation, there are actually grants in place to deal with that. Clause 40 (2) (f) provides for a review of the valuation of the registered place. As we all know, a review of valuations will lead to a reduction in land tax and rates.

Mr Dunworth interjected.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The member for Sherwood!

Mr Comben: The member for Sherwood's proposition, of course, is that you could have a major building being used for commercial purposes and he would give his mates total exemption from land tax.

Dr CLARK: Yes. From the Minister's comments, the real agenda becomes clear. Clause 40 (2) (g) is also a very important concession because as part of an agreement it may also allow for certain kinds of development to be exempted from the approval process described in the legislation. Again, the property-owner who enters into a heritage agreement with the Government can get a very favourable package of concessions. These provisions do recognise that protection of our heritage confers a benefit on the community as a whole, and it is appropriate that the whole community, rather than just the individual property-owner, meets the bill for its protection and preservation or in fact makes good lost opportunity that results from listing.

However, I think it is important to note that, once a property-owner enters a heritage agreement, the legislation provides for the enforcement of that agreement. I should point out that it is enforcement on both parties, not just on the property-owner. If necessary, either party to the agreement can go to the Planning and Environment Court to secure compliance with the agreement and remedy the default. Voluntary negotiated agreements between property-owners and the Government are thus seen as the best way of ensuring the protection of our cultural heritage. But we are not naive enough to think that agreements will always be possible, hence the real teeth in this legislation to make sure that important components of our cultural heritage are not lost to future generations, as regrettably occurred under the previous Government.

I will make mention of two of the more controversial parts of this Bill which I have no doubt will be picked up by other speakers. One of those is in clause 33, which refers to the exemption of the churches for development approvals if the work is in fact for genuine liturgical purposes. I actually support the comments of the member for Cunningham. I think that we are remiss in not indicating it should be places of worship, because obviously the buildings that other religions have are just as important for them for cultural and religious purposes as churches are for Christian religions. I think there has been a need for us to recognise the position of churches in this instance because great concern has been expressed by them in regard to the expense that could be incurred as a result of this legislation.

In fact, I have received representations from members of the Uniting Church in Mossman who were concerned about the implications of this legislation. When I explained to them that their 1950s brick church building was not really likely to be much under threat by this legislation, and when I showed them the actual draft of the legislation, they were most reassured. However, we do not believe it is appropriate for the Government to impose on churches financial hardship that could diminish their ability to provide service to the community and support those who are in need spiritually, emotionally and financially. I think that the churches will be judged by the community. If they do in fact vandalise Queensland's cultural heritage, there will be a very sharp backlash from the community, which I am sure they will not wish to experience.

I reject the claim of the Director of the National Trust, Leon Misfeld, that—

> "To grant exemption to any section"—

meaning any section of the community—

> "will begin a process whereby the application of the legislation will become ineffective as more and more sections find 'reasons' to claim that the legislation does not apply to them."

Clearly, there are no other groups identified in our legislation. The group that we have identified is the religious community, and that is very appropriate. However, I quite categorically reject that we are on some sort of a slippery slide that is going to result in the giving of concessions all over the place.

The other controversial aspect about which the member for Cunningham has berated us is how this legislation deals with the Crown itself and State Government buildings. It is not just that we can please ourselves about these things. Division 2 of the

Bill specifically addresses the issue and outlines very clearly the procedure that must be followed. Notice must be given of any proposed works and objections must be invited, and the Heritage Council, after careful examination of all of those, recommends to the Minister whether the development should be approved or not. I put it to the member for Cunningham that it is going to be——

Mr Elliott: The Minister will make the decision.

Dr CLARK: I do not deny that. But I say to the honourable member that it would be a very brave Government of any political complexion that would ignore a recommendation of the Heritage Council. I cannot imagine a situation in which that in fact will occur.

Mr Elliott: If that is so, why is it in there?

Dr CLARK: It is in there because it is a convention. Virtually all other jurisdictions have this provision. If the honourable member stopped and thought for a moment, which might be hard, he would know that there are many buildings owned by the Crown and, were the Government to be bound totally by this legislation, a very severe financial burden could end up being imposed on the taxpayers of this State. In conclusion, I just want to say that this legislation is a significant element of this Government's reform program and it is, I think, a most commendable piece of legislation because of the balance that it strikes between the need to preserve our cultural heritage and the recognition of the rights of property-owners.

Sitting suspended from 1 to 2.30 p.m.

Mr DUNWORTH (Sherwood) (2.30 p.m.): It is with pleasure that the Liberal Party supports the Queensland Heritage Bill being debated this afternoon. The reservations which my party has are exemplified by the fact that neither heritage groups such as the National Trust nor investor/development groups, superannuation funds, and organisations such as BOMA are satisfied; so the Minister has satisfied nobody. I realise that the Minister probably wanted legislation with much stronger teeth, but I also realise that he has been well and truly rolled in Cabinet. This Bill applies to those who want their properties to be registered, and also to those who do not want their properties registered but do not have the money to fight registration in the Planning and Environment Court. This Bill does not apply with any teeth to those major players who own properties that are to be registered and have the money to fight through the courts. It will apply to the small person who may have an interest in a building somewhere which has a heritage listing. If that person disagrees, an appeal can be made to the council. If that appeal is rejected, that person then has to come up with about $100,000 to go to the Planning and Environment Court. In reality, the big people will win through and the smaller people will have to wear it.

The greatest misnomer is that this Bill does not apply to the Government itself. The Heritage Bill is being debated in this Chamber, yet this building is not protected by this Bill. There are many exclusions which are Government properties, one of which is Parliament House. The Queensland Government offices are not protected either. The Brisbane and Area Water Board building and the Mansions, where millions of dollars have been spent in restoration, are not protected. There was talk of a car park being built underneath Queen's Gardens if the Treasury building were to be used as a casino, but Queen's Gardens is not protected. It seems incredible to the Liberal Party that although this legislation has been introduced the Minister still does not have the final say on the fate of any Government building. I know that the Minister for Environment and Heritage would do his utmost to protect any building owned by this Government, that is, by the people of Queensland, but it is not going to be him who makes the decision. It will be Ed Casey, or maybe Bob Gibbs, or Mr Vaughan. They are the people who will make the decisions in regard to these particular buildings. It will be the relevant departments and the Ministers responsible for those departments, not the Minister for Environment and Heritage, who will make the decisions. I notice that the Minister for Primary Industries just entered the Chamber, and I realise that he is absolutely snapping at the bit to knock over the DPI building, parts of which were constructed in 1866. Because it is a Government building, it obviously is not protected.

To show how ludicrous this legislation is, the building which contains the headquarters of the National Trust—Old Government House which adjoins Parliament House—is not covered by this heritage legislation. Other properties which are not covered include Government House, the old Exhibition building in Gregory Terrace, the Queen Alexandra Home at Coorparoo, the old Town Hall at South Brisbane and the Plough Inn on the former Expo site. Outside Brisbane, the courthouse in Abbott Street, Cairns, is not covered; nor is the old powder magazine at Cooktown. Probably the most important heritage buildings in Queensland, some of the most substantial, and in many cases buildings in very good condition, will not be covered by this legislation. This Government has bound local government, but it has not bound itself. Perhaps the Minister could explain that situation in a little more detail. Recently, the Prime Minister spoke about One Nation, and that has obviously now been labelled "one nation for one job—his". Aboriginal and Islander lands are excluded under this legislation, so the ludicrous situation could exist in which a national park, which has been the subject of a land claim, becomes Aboriginal and Islander land, is leased back to the National Parks and Wildlife Service, and would not be covered by this heritage legislation. That is an absolutely ludicrous situation.

Another exception under this legislation is churches. It has been pointed out that the definition of "churches" does not include synagogues and mosques, but does it include temples? Does it include Christian Science buildings, Jehovah's Witness buildings, or Christian Outreach buildings? Some of the most important heritage buildings in Brisbane and Queensland are church buildings, yet churches are excluded under this legislation. The definitions clause says that these buildings can be altered for liturgical purposes, but there is no definition of "liturgical". Perhaps the Minister could explain exactly what "liturgical" means.

Mr T. B. Sullivan: Buy a dictionary.

Mr DUNWORTH: There is no definition in the Bill. It is believed that the member for Nundah is such a short termer that his name has not even been put on the board outside the Chamber.

Mr DEPUTY SPEAKER (Mr Hollis): Order!

Mr DUNWORTH: This Bill leaves escape hatches everywhere. A smart developer or a smart investor will read this Bill and know immediately that it can be beaten. The reason it can be beaten is that under one clause a developer can escape if there is no prospect of the building being restored—no prospect for health, safety or economic reasons. How broad is that? Anybody with an adequate bank balance can get into the Planning and Environment Court, and I would say that developers would be queuing up now to get into that court. There will be a queue of between five and 50 people who will appeal against these heritage registrations.

How does one define "no prospect"? People would have said that there was no prospect for many buildings around Brisbane, but the Petrie Terrace buildings are magnificent examples of terrace architecture. If one looks along Coronation Drive, one will see the Coronation terraces which have been beautifully restored. In my electorate there is a famous house called Dunalister, which was built by one of the pioneering families of the Oxley area known as the Francis family. That residence was built by that family about 100 years ago. Up until four years ago, the place was going to be demolished and flats were going to be built on the land. A very well-meaning and well-credentialled man named John Davies and his wife bought the house. They spent an extraordinary amount of money on it, and now it is a classic example of Queensland colonial architecture. Under the definition of "no prospect", a judge could easily say that buildings have no prospect of being restored or being conserved. The great gates that are left open in this Bill will let many of the heritage properties race through and be destroyed. I know that the Minister is aware that these gates have been left open and that it has been pushed onto him by other Ministers who probably are not as sympathetic to environmental or heritage matters. But the reality is that if one has the money, one will beat this Bill.

I will now deal with the Heritage Council, which will have 12 members. One member will be from the National Trust, one member from local government, one member from the Trades and Labor Council—which destroyed its own building to pick up $3m from L. J. Hooker—and BOMA will also be represented. The council will have another eight members, but where those members will come from is not specified. Surely there is a place on the council for architects.

Mr Beattie: And one for you.

Mr DUNWORTH: Yes, that is a very good suggestion. I thank the honourable member. Surely there is a place on the council for planners and a place for historians. What about engineers? They have their own heritage group. The shadow Minister for Environment and Heritage has already mentioned farming groups and grazing groups. The council will comprise 12 members, four of whom are actually specified, and eight of whom will be chosen by the Minister. There is then going to be a quorum of six. Only 50 per cent of the council members are required to turn up for there to be a quorum. These people will make major decisions on the heritage value of buildings in Queensland. Out of that quorum, only four people are required to constitute a majority. Under this Bill, four people in Queensland—and those four people could be out of the eight people who are selected by the Minister—are going to make decisions on buildings to be preserved in Queensland. That is certainly not sufficient. There must be at least eight. From the development point of view——

Mr J. H. Sullivan: Explain yourself.

Mr DUNWORTH: A quorum of at least five is needed. Four people are going to make decisions for the rest of Queensland. I do not think that that is a sufficient number. From a development point of view——

Mr J. H. Sullivan: And you think five is better.

Mr DUNWORTH: At least it is one better. From a development point of view, the Government is usurping the rights of the individual. It is usurping the property rights of superannuation funds, which would include the QIC, and it is usurping the rights of building companies and private individuals. At no stage has there been any talk whatsoever of compensation. The deft hand of Government will sneak in, steal people's rights, and give them nothing in return. The Government will say that it is all for the public good, but what about the individual? There is no talk of incentives, no talk of rewards, no talk of transferable development rights and no talk of land tax exemptions. Admittedly, a property could receive a revaluation, but there is no talk of land tax exemptions. Obviously, there is no way that council rate reductions can be enforced. The Government has a million-dollar big stick with which to beat people, to force them to act within the legislation. At the same time it is taking value from their properties and giving them nothing in return.

I know that many members discussed this in the debate on the interim Bill. However, I ask honourable members to consider the situation in which a million-dollar property is bought on a 6 per cent income stream, which the purchaser is prepared to accept because the property has development potential, and 60 per cent of the purchase price has been borrowed. The circumstances now are such that if the property is listed, the owner will find that many financial institutions will immediately revalue the property because there will be a devolution in their security. If a person has a property worth $1m, of which that person has borrowed $600,000 and the development potential is taken away from it, the property could quite easily now be worth $700,000. Some people may have borrowed $600,000 against a property that was worth $1m and which is now worth $700,000. Those people will no longer have sufficient equity. The bank will say to those people, "You top up the equity." If those people do not top up the equity, the banks can force the sale of that property. Why does that happen? It happens because the Government is stealing equity in someone's property. It is taking equity from people. The Government says that this is for the general good, but there is no talk of any compensation whatsoever.

Mr Bredhauer interjected.

Mr DUNWORTH: No, I thought that it was excellent. Many other points need to be made. I will have ample opportunity to deal with those at the Committee stage. Some of the definitions are immensely broad. I cite the example of the expression, "An object is an object". Surely there are better definitions than that. Because of the width of these definitions, it is going to be extremely easy for litigation to be undertaken. Who is to say what is a strong or special association with a community or cultural group for social, cultural or spiritual reasons? Who is to define that? How broad is that? In this legislation the rights of the individual are being taken away. People are being given no compensation and no incentives. The definitions are left so broad and there are so many escape hatches that those people who have the money will avoid this legislation and those people who do not have the money will not avoid it. If people wish to appeal against registration, to whom do they appeal? A person appeals against registration to the Heritage Council. The Heritage Council has already registered the property. So under the legislation Caesar is judging Caesar. The legislation states that there could be a review committee. Perhaps the Minister could actually specify who would be on the review committee. I am sure that if I appeal to a council and it provides some very good and valid reasons why my property should be included on the register, and if I appeal to that council again, it is most unlikely that it would change its decision.

Another problem associated with this Bill is that although buildings can be classified as heritage buildings, if their owners do not have the money or the financial wherewithal to object to their listing, many of those heritage buildings will be left to decay and will enter the "no prospect" category. This Bill encourages people to do nothing with their property. The owner of a listed property could, if he so desired, leave it unpainted and do nothing about termites, rust in the roof or trees overgrowing it. That property would then deteriorate. The property-owner could then go to the court and say that, for economic reasons, there is absolutely no prospect of restoring that property, and the judge would probably have to agree with that logic.

The Department of Environment and Heritage undertook to write the citations for the almost 1 000 buildings on the Heritage Register. I believe that, in the past 12 months, some 80 or 90 citations have been completed. At that rate it will take about 8 to 10 years to finish the job, which seems to be an extraordinary length of time. I shall deal with other issues at the Committee stage. The major issue is that this legislation exempts the Government and does not apply to Aboriginal and Islander people. Because anybody with money can beat it, the legislation provides no incentive. People who do not wish their properties to be listed will allow them to decay.

Mr BEATTIE (Brisbane Central) (2.47 p.m.): It gives me a great deal of pleasure to support the Queensland Heritage Bill. At the outset, I congratulate the Minister and this Government on going through the process of introducing this piece of legislation. That process has certainly taken some time and consultation, and so it should have. This Bill safeguards Queensland's cultural heritage. It conserves for the future the highlights of our cultural past. A public register in which places with important cultural heritage will be entered is established by the Bill. The Queensland Heritage Council, which is being created by this legislation, will have the responsibility of maintaining the Heritage Register. As the Explanatory Notes point out—

> "Controls are imposed to regulate, but not preclude, specified forms of development to registered places that could result in the loss, or impairment, or their cultural heritage significance to the people of Queensland. Processes of review and appeal are included for the settlement of objections to the entry of places on the register, and for objections to decisions on applications for the development of registered places. Under each process the Bill provides for right of final appeal to the Planning and Environment Court."

Many members of this House would be aware that my electorate contains some of the most notable—if not the most notable—heritage buildings in Queensland. As I have previously pointed out in this House, my electorate contains the oldest and second-oldest heritage buildings in Queensland.

Mr Comben: Hear, hear!

Mr BEATTIE: I hear the acknowledgment from the Minister. Therefore, this legislation is fundamentally important not only to Queensland but also to my constituents. I know that some of my business constituents have been concerned about the process of this Bill. However, they have been satisfied by the consultative process. There are mechanisms in the Bill which cover their concerns, and with which I will deal. The real issue at the heart of this legislation is the sort of priorities that people believe are important. When we debate landmark pieces of legislation such as this, we should ask ourselves: what are our priorities as a society? What is important to us? It is not only our current quality of life; it is the quality of life of our children in the future. Of course, an important part of that is preserving the past. Because my electorate contains many heritage buildings, during my political life I have been devastated by what the National Party and the Liberal Party in Government have done. It is all very well for the honourable member for Cunningham and the honourable member for Sherwood to talk in a very pious way about the current position. I am delighted that the Liberal and National Parties support this legislation. However, their very dark, grim past saw the demolition of some of this State's most important pieces of cultural heritage. We must ensure that that never happens again. This legislation will make that possible.

I made an interjection in reply to some comments by the honourable member for Cunningham. He made a smart remark about the Trades Hall building. I state clearly that the demolition of the Trades Hall building was a disgrace. I did not support it then, and I do not support it now. Had this legislation been in place, that Trades and Labor Council building would still exist, as would Cloudland, the Bellevue Hotel and other buildings which I shall mention. Firstly, let me deal specifically with Cloudland. In researching this legislation, I considered the heritage history of this State. The *Courier-Mail* of 8 November 1982 contained an article headed "Cloudland Demolished at 4 a.m.". I was a little intrigued that Mr Elliott was awake until 4 a.m. today researching this Bill. Had the National Party still been in Government, he might have been able to look out his window and see another building being demolished. That is what went on at 4 o'clock in the morning. The article in the *Courier-Mail* stated—

> "Cloudland was erased from Brisbane's skyline in the early hours of yesterday morning in what was claimed to be an illegal demolition.
>
> 'It took 60 minutes from 4 a.m. to reduce the 43-year-old National Trust listed ballroom to a pile of rubble.' "

Mr FitzGerald: A 43-year-old building.

Mr BEATTIE: Yes, it was about the honourable member's age. The interjection was typical of his mentality, too. Is that not typical of a man who has no sophistication? He has spent too long with his head in an onion bag. I will return to dealing with Cloudland. The article continued—

> "It was an hour that outraged and shocked thousands of Brisbane residents who immediately drew parallels between it and the night-time demolition of the Belle Vue Hotel in George Street in 1979. Even the demolition contractors, Deen Brothers were the same."

Mrs Woodgate: The who brothers?

Mr BEATTIE: The Deen brothers, who were well-known supporters of the National Party. The article stated further—

> "The Brisbane City Council heritage committee chairman, Alderman St Ledger said the demolition was a 'criminal act' carried out without a demolition permit.
>
> 'No permit was issued and to my knowledge no permit was even applied for,' he said."

That is the way the National Party regarded heritage and the way it regarded local authorities and their powers. An editorial in the *Courier-Mail* of 8 November 1982—the year that we have this sudden awareness by Mr Elliott about the importance of heritage; he did nothing about it, but he had this sudden awareness—stated—

"There is something wrong with a society that goes about destroying its history in the middle of the night."

Mrs Woodgate: Midnight cowboys.

Mr BEATTIE: Indeed, midnight cowboys. And they were a bit on the wild side, to say the least. Another article in the *Sun* at that time stated—

"Deen Brothers, the firm which demolished the Belle Vue Hotel in 1979, carried out the job. The first blow was struck at 3.45 am and the job was finished by 5.30 am."

That is the legacy of the past. For the information of the House and those people interested in this debate in the future, I table newspaper cuttings and other cuttings that deal with the sad history and the sad legacy of "heritage protection" by the National Party.

Let me deal with why this legislation is so important. Let me deal with the history of the National Party and the Liberal Party in Queensland when it comes to heritage. Let us look at the losses to the National Estate of Queensland. Let us look at what we do not have, courtesy of the National and Liberal Parties. I will list the buildings that they destroyed. I will only go back to 1977. In 1977-78, the ESCA warehouse on the corner of George and Margaret Streets, Brisbane, was destroyed; the Robert Reid building on the corner of Charlotte and Edward Streets, Brisbane, was destroyed; and the Beenleigh Hotel on the corner of City Road and George Street, Beenleigh, was destroyed. In 1978-79, the Bellevue Hotel on the corner of George and Alice Streets, Brisbane, was destroyed. In 1979-80, Shepherd's Anvil Stores, Mackay, was destroyed; and the Holy Cross Convent kitchen, dormitory and covered way in Brisbane were destroyed. In 1980-81, the Masonic Hall at 134-148 Alice Street, Brisbane, was destroyed; Hoffnung's Buildings at 199-203 Charlotte Street, Brisbane, were destroyed; and the interior of the Regent Theatre, Brisbane, was destroyed.

In 1981-82, the Martin Wilson buildings in Mary Street, Brisbane, were destroyed; the Hollis Hopkins building in Townsville was destroyed; the weeping fig at the rear of 101 Wickham Terrace, Brisbane, was destroyed; the Sun Alliance Insurance building in Eagle Street, Brisbane, was destroyed; and the old harbour board building in Lake Street, Cairns, was destroyed. In 1982-83, Buchanans Hotel in Townsville was destroyed by fire—but I am sure that the National Party had something to do with it! In 1983-84, the Hertz rent-a-car cottage at 57 Charlotte Street, Brisbane, was destroyed; Her Majesty's Theatre in Brisbane was destroyed; and the Adelaide Steamship Company building in Brisbane was destroyed. In 1985-86, Chandler House at 118 Edward Street, Brisbane, was destroyed; the New York Hotel at 69 Queen Street, Brisbane, was virtually destroyed, with only the facade remaining; and the Mining Exchange Hotel at 9 Abbott Street, Cairns, was destroyed. In 1986-87, the Jireh Baptist Church at 11 Gipps Street, Fortitude Valley, was destroyed; the View World Hotel at 135 Stanley Street, South Brisbane, was destroyed; and the Mothers Memorial at Toowoomba was also removed. That is the legacy of National/Liberal Party Governments. That is why we need legislation such as this.

Mr FitzGerald interjected.

Mr BEATTIE: The onion-farmer can scream all he likes. The reality is that the legacy of the former Government is a disgrace. Members of the Opposition can scream all they like, but all they will achieve is to prove that they have a guilty conscience.

Heritage gives to the society in which we live an understanding. It gives something to people to show who we are, where we are from and where we are going. That is why it is so important. I remember when the initial heritage legislation came before the House some time ago that I discussed some of the cities around the world. One of the cities that always comes to mind is Dallas in Texas in the United States. That city looks marvellous. It is brand new, but it has no heart. It is all glass and steel.

Mrs Woodgate: And JR.

Mr BEATTIE: And JR, and he has no heart, either. The city has no heart. Dallas is an important city in the United States in terms of size, population and so on, but it has no heart because it has no past and it has no cultural buildings left.

Mr T. B. Sullivan: We don't want a town like Dallas.

Mr BEATTIE: I take that interjection. We do not want a town like Dallas. If the National Party had remained in office, that is what would have occurred in Brisbane. The Europeans have spent a great deal of time trying to preserve their heritage. They have gone to great lengths to restore their heritage. It is something about which we can learn a great deal. In 1987, I visited Warsaw to inspect its buildings and to attend to other matters. During World War II, the Jewish sector was absolutely destroyed by the Nazis. What did the Poles do? They went to the United States, obtained copies of the plans which had been sent there and painstakingly restored the Jewish sector of Warsaw. They have gone back and lovingly restored that sector of Warsaw. The Poles knew, as Europeans generally know, that a country's heart and soul can be measured by its heritage, not only in a cultural sense, but also in a physical sense. A number of my constituents have discussed this matter with me. I understand some of their initial reservations, but because of the consultative process that has been undertaken and because of the approach taken by this Minister, my constituents are satisfied that they are able, under this Act, to take appropriate measures to deal with heritage buildings.

When listening to the honourable member for Cunningham, who talked about the little old lady and the farmer, one really needs to bring a big towel into the Chamber to wipe up the tears that flow from one's eyes. One needs a violin when one listens to what he says. This legislation will not affect the little old lady or the farmer. Unless a building has real heritage value, it will not come within this legislation. I know what the honourable member says about the little old lady and the farmer is great tear-jerker stuff out in the electorate, but it does not accurately represent the legislation, either. When the House deals with Bills such as this one, there needs to be a significant element of truth in the debate, even if the Opposition finds some difficulty in putting any element of truth in its debate. The reality is that the little person will be better off under this legislation because this State's heritage will be preserved; any suggestions to the contrary are nonsense.

I was intrigued by what the honourable member for Cunningham said about the Government having no principles and the Right Wing element of the Labor Party wanting to destroy this and destroy that. It was an emotive argument that does not stand up to examination. The difference between the National Party and the Liberal Party, on the one side, and the Labor Party, on the other side, is very clear: the Labor Party is interested in preserving the heritage of this State. It does not matter how genuine the honourable member for Cunningham is—and I acknowledge that on this issue he is genuine—his party left a dreadful legacy. He was a Minister for a time in the Bjelke-Petersen Government. He may well have been outvoted and all the rest of it, but the reality is that the Opposition's track record speaks for itself. There are too many buildings missing now that should be there and which I would have liked my kids to see. As one honourable member pointed out to me, there is a guilt complex in the National Party about what happened to some of those buildings. The Bellevue, which was across the road from Parliament House, is gone. If one walks around this building, one sees in nearly every hall a painting or a sketch of the Bellevue Hotel. It is marvellous that they are there, but why is the building not in its former position? There is quietness when I discuss this, because the Opposition knows that it got it wrong. Once a building has gone, it cannot be rebuilt.

Mr Elliott: Tell me something: have you got a painting of the old Trades Hall at home?

Mr BEATTIE: Yes, I have. If the honourable member had been in the Chamber a little earlier, he would have heard me say that I never supported the demolition of the Trades Hall building and I think its demolition was a disgrace. That is a sad blot on the history of this State, as was the demolition of Cloudland, the Bellevue and all the other buildings that I have named. Quite frankly, I do not care who was responsible—whether

it was the Deen brothers, the Trades and Labor Council, or whoever—had this legislation been in place, those buildings would never have been demolished. The difference is, of course, that now this Government is doing something about it. The Opposition had legislation on the drawing-board for eight years and did nothing about it.

Mr FitzGerald: The Bellevue was Government property. You said this Act would save it. It will not. It does not cover Government property. Quite wrong!

Mr BEATTIE: It does cover Government property. What have I got to do? Have I got to read the whole legislation to the honourable member? Today, there have been contributions from two Opposition members, and neither of them has read the legislation. It is a shame that the honourable member for Lockyer sold his onion farm. I want to draw to the attention of the House a couple of other important points. Comments have been made about the composition of the Heritage Council. It will comprise 12 members appointed by the Governor in Council on the nomination of the Minister. Four of these nominees will be selected from panels of names submitted by particular organisations with an interest in heritage conservation. The remaining eight will be nominated after representations have been invited from other interested groups. I cannot think of a fairer way to do that, and I think the Minister has it right. I think that the criticisms in that regard are unfair. There is a provision in the legislation for a disclosure by members of the council of any pecuniary interests to avoid conflicts of interest, and I think that is important. Part 4 of the Bill deals with the registration of places and it sets out the criteria for entry of a place on the Heritage Register. It also sets out the procedure for objecting to the council's proposals, and so on. The mechanism is very clear. A penalty of about $1m is an appropriate one to ensure that the fly-by-night operators who disregard the law know the seriousness of the offences and how they will be dealt with.

It is very important that it is set on the record very clearly in this debate that under the legislation, those people who have concerns, those people who want to do work on their buildings and those people who want to do something with their heritage buildings will have an opportunity to do so. A range of mechanisms is available to them. Finally, in some cases, people will be able to go to the Planning and Environment Court. People are not being railroaded by this legislation, and anyone who tries to overstate the position in relation to the Aboriginal issue is lacking sensitivity. I will conclude by saying that this piece of legislation is indeed landmark legislation. The Minister has a great deal of satisfaction in introducing it and I have a great deal of satisfaction in participating in the debate on it. This legislation means that buildings will be around for my kids and their kids to see, and the proud traditions and heritage of this State will be preserved. I congratulate the Minister.

Mr SPRINGBORG (Carnarvon) (3.06 p.m.): It is great that, after two years of preparation, the Bill is finally before the Parliament.

Mr Comben: We had eight years with no result from your former Government.

Mr SPRINGBORG: I remind the Minister of the comments he made when he came into the Chamber in early 1990 and said that the Bill in its entirety would be before the House by the end of that year. That did not happen, but I suppose one should be grateful for the fact it is being debated today. I support the thrust of the Minister's intentions in presenting this legislation. No doubt in common with other members of this Parliament, I believe that heritage is very important to the community, in identifying the culture of the past and in preparing to preserve our culture for the future. It is also very important to endeavour to preserve Queensland's heritage in a form that reflects as closely as possible the eras of the past. Many other honourable members have alluded to the importance of preserving heritage properties for the enjoyment of our children in the future. Insofar as the Bill achieves that aim, I congratulate the Minister on the presentation of the Bill.

The interim legislation contained references to two heritage properties that are situated in my electorate. The one with which I am most familiar is the covered play area at the Leyburn State School. The township of Leyburn is of great historical significance

to Queensland, and the school's covered play area consists of a very old wooden floor and a shingle roof which was built more than 100 years ago and repaired as recently as 1970. One would have to travel great distances throughout Queensland to find a building of comparable standard, which reinforces the need for the preservation of this type of property. Even the mere consideration of demolishing such a building in a township as small as Leyburn would bring down on the proposal the wrath of the whole community because of the historical and cultural significance of the building to the area.

I believe that parts of the Bill go as far as abrogating some of the rights of members of the community who may own a heritage building. For a Government that is supposed to believe so much in the rights of the individual and the rights of people to own private property——

Mr Beattie: We do.

Mr SPRINGBORG: —some of the things that this Government and the member for Brisbane Central do fly in the face of the principles espoused by the so-called grand, egalitarian Labor Party. During my participation in this debate, I will refer to elements who seek to preclude people who own heritage-listed properties from the initial stages of discussion and provisional listing of the property. I believe that that type of exclusion is wrong. A person whose property is to be listed on the Heritage Register must be notified and must be given the opportunity to play a role right throughout the process. I do not believe it is appropriate to think that by excluding those property-owners at the outset, the proposal will have a better chance of success. If the Government adopts the attitude of excluding people, it will be a lot more difficult to deal with them in the future and the end result could be that they close their minds to any future proposal for listing properties. I believe that some parts of the Bill should be examined seriously with a view to preserving the rights of individuals who own properties which, because of their historical, heritage or cultural value, are the subject of proposals. By and large, I believe that people will recognise any attempts to exclude them from the process and simple notification of the provisional registration of the building as being an unsatisfactory solution to the problem. Moreover, the provisions relating to objection and the appeal process do not give sufficient scope to enable people to object, or to object successfully.

Mr Beattie: Why not?

Mr SPRINGBORG: I will come to that in a moment. It must be remembered that although the Heritage Council may have had two years to examine the proposal for listing a particular building, a person who wishes to object to the listing would have only 30 days to lodge an objection.

Mr Beattie: But they would be aware of what is going on.

Mr SPRINGBORG: The question is whether or not they would be. I cannot stand in this Parliament and say that they would because the Bill does not contain any provisions to ensure that that will happen. It may well be the case that the owners of the property receive a letter stating, "We've got your building listed provisionally."

Mr Beattie: That won't happen.

Mr SPRINGBORG: We know all about, "Trust me." As a politician, I cannot blame people in the community——

Mr Beattie: Don't you trust yourself?

Mr SPRINGBORG: I did not say that, but sometimes I do not blame people in the community for being a little apprehensive about trusting a politician or a bureaucrat. The people who own property that may be the subject of heritage listing must be notified up-front. Presently, there is only one ground upon which an appeal may be based, which is that the property is unsuitable for heritage listing. I believe that that ground is too restrictive. After all, the person involved may very well believe that he or she can look after the building and preserve it without the need for any of the restrictions that will be imposed by this legislation. How would a person fare if he or she wished to object by using the very restrictive mechanism that is provided for in the Bill? What type

of assistance would be given to such a person? I do not believe that the ordinary Mr or Mrs Average Australian would have the ability to put a case to the 12-member council or to lodge a comprehensive objection and convey their feelings in a forceful way. It may well be within the realm of possibility for a corporation to do so, but I urge the Minister to provide more avenues of appeal. After all, ordinary people do not have the say or the expertise of members of the Heritage Council, nor do they have the advantages enjoyed by people who assess their objection.

Mr Foley: What do you suggest?

Mr SPRINGBORG: I am suggesting that some type of professional assistance or guidance should be provided—perhaps something along the lines of legal aid—to help people assert their rights and prepare the best possible formal objection to the listing. I am not suggesting that properties of historical value should not be listed. All I am saying is that people should have their rights preserved.

I am also concerned that as soon as a property is listed, either with or without consultation, the building will fall into a state of great disrepair as a result of having the listing forced upon the owner of the property. The owner may think that because the listing has been forced upon him or her, absolutely no obligation to maintain the building and keep it in a good state of repair exists. This scenario may arise in the case of farm homesteads that, as a result of the listing, may fall into a state of disrepair, thereby resulting in an unfortunate loss of heritage to the State of Queensland. I am not advocating that people be forced to repair or maintain buildings to a certain standard because I do not believe a Government has a right to do that. I turn to the heritage agreement which the Minister can enter into with the owner of a property.

Mr Beattie: You would agree to that, surely?

Mr SPRINGBORG: It is probably not a bad way to go. In his reply, I would like the Minister to explain exactly what that means. Perhaps he could tell honourable members whether advantages that may be given to people who have entered into an agreement could be given also to those people who have heritage-registered buildings but who have not entered into a particular agreement. The Minister is discriminating against one group of people who may have a heritage-listed building. With what sort of financial assistance are we providing those people? I have heard mention of grants. I have heard mention of land tax relief and other such measures. I ask the Minister, in his reply, to please spell out what his involvement will be with the heritage agreement.

I would also like the Minister to explain how we will go about educating people who have a heritage-listed building in regard to their rights and obligations in relation to that building. It may be easy for people who are not absolutely sure of their requirements under the legislation or the regulations to effect a major replastering or repainting job on their building and not be aware of the provisions. Will the Minister or his officers prepare a circular for those people, which explains to them what they can and cannot do without consent from the Heritage Council or the local authority? That is very, very important. We need to make people aware of their rights and obligations under the legislation. Too many times in this place Governments of all political persuasions have passed legislation that is not adequately explained to people. People then contravene the Act and the regulations and end up in trouble. We often tell people that ignorance is no defence. We are dealing with a complex piece of legislation, which is ultimately looking at preserving the heritage of Queensland for future Queenslanders and future Australians.

Although I have a great deal of concern about some aspects of the Bill, I have a great deal of pleasure in supporting the general thrust of it. In conclusion, heritage protection in this State is not only essential but also must be provided in the right way and must be affordable for those people who wish to preserve that heritage for future generations.

Mr BARBER (Cooroora) (3.17 p.m.): This afternoon, once again, that tired old National Party rallying cry has been heard about the defence of private property. In an important debate such as this debate on heritage legislation, the member for

Cunningham may well wish to go back to first principles of property-ownership. However, the member for Cunningham is not allowed to go back to first principles of private property in this debate because he is captive to his constituency of the squattocracy on the downs. When one is not captive to a minority, one is free to canvass ideas that challenge the status quo, and I intend to do so.

Heritage legislation calls on us to take a community view of what is important in our built and natural environment. It calls on us to look at the whole and make policy decisions about what preservative action should be taken. It necessarily calls upon us to consider to what extent the good of the community should encroach upon the private rights of the individual. It is an entirely proper topic for conversation and consideration in this House. However, given that choice, the Liberals and Nationals find no choice at all. They run for the cover of individual property rights. They do not believe in individual civil liberties but they rail whenever property rights of themselves seem to be under attack. During the public debate on John Howard's 1988 election package, one commentator made the following useful comment—

"Whenever you hear the word 'incentive' "—

and members will remember that the word "incentivation" was the catchcry—

"read 'greed', because that is what is being talked about."

Unfortunately, the argument of the Liberals and Nationals can often be reduced to the base element in debates such as this. There is no clearer example of the clash between community aspirations and the greed of a few individuals than the Noosa north shore development, which the honourable member for Cunningham supports. He supports the development of the Noosa north shore at the expense of the many on behalf of the few.

Let us return to first principles. The National Party will tell us that private property rights are as old as the British legal system. I will turn to that argument in a moment. What about the classical tradition that we rely on? What did they think about community life? My reading suggests that, in Greek society, the most important social entity was a thing called the polis. It translates roughly as "the whole political, cultural and religious life of the community". The greatest insult to a Greek was to say that he took no interest in the polis. People did not have to spend their days tilling the soil or chasing wealth because their pleasant climate and terrain provided food and shelter with much less effort than the area of northern Europe. So they went about engaging in debate in the—I have forgotten the name of the town square——

Mr Comben: The agora.

Mr BARBER: The agora. I thank the Minister. They engaged in debate in the theatre and the gymnasium. Pitching in together was the emphasis of Greek life.

Mr Foley: Sort of a multifunction polis.

Mr BARBER: I think the member is correct. In Ancient Greece, taking an active interest in community affairs was the highest activity to which one could aspire. Then there is the Hebrew culture upon which our system of law is based.

Mr Comben: The polis was also the forerunner for the first national park. It was the first public area of which there was joint ownership. Some people say national parks go back to that time as well, not only heritage, so my entire department goes back to the time of Ancient Greece.

Mr BARBER: I am sure that some people wish they did. I thank the Minister for that observation. We are even told that ancient Hebrew culture gives us private rights of property but, even in that culture, there were clear traditions of justice for all, such as the Year of Jubilee when, every 50 years, all private debts were wiped and the slate was clean.

Mr Elliott: You talk about synagogues and so on and those people who represent them. Why did you leave them out of the Bill?

Mr BARBER: I think that is a valid point. I am sure that the Minister will respond to it in his summing-up.

Mr Smyth: Do you think that this legislation will protect the fossils in the National Party?

Mr BARBER: I see the legislation as operating across-the-board. Perhaps those fossils will be protected. There was an Old Testament injunction that square fields should be ploughed in a circular manner so that the impoverished could glean in their corners. Once again, private rights of property are in the Hebrew tradition, but there is also this communal tradition that can be found there, and it is a strong one. Even in our convoluted British evolution of property laws, it cannot be said that the private right to own property is paramount. For instance, all tenures were a tenure of the Crown. I am sure that the honourable member for Yeronga will concur—I hope he concurs—when I say that to this day the freehold tenure of property in Queensland is a tenure of the Crown. One holds freehold land from the Crown; it is not absolute ownership. Albeit, that freehold is a commercially well-understood tenure.

Mr Foley: We will see what the High Court says about that in Mabo's case.

Mr BARBER: I am sure we will. The gist of this legislation is of communities pitching in together. It is not about the adversarial property-owners against the rest scenario dished up by the Liberals and the Nationals. It is about cooperation, and about society deciding what is important to all of us. An example of that is to be found in clause 36 of the Bill, where a development application, being rejected by the board, leads then to a conference between the board and the developer, leading to a third review process and, finally, to a fourth provision of appeal to the Planning and Environment Court. Similarly, clause 39 deals with heritage agreements, whereby the Minister and a registered proprietor, lessee or licensee can enter into an agreement that they find mutually acceptable in the interests of the preservation of the heritage of that property or place. The agreement can do such things as restrict the use of the registered place or require specified work to be carried out. It can provide that public inspection of the place will be provided at various times, and so on. Clause 40 sets out the provisions that can, for example, be contained in such an agreement.

This Bill sets about celebrating those buildings and places in Queensland that make us a community. It is one of the warmest, people-uniting pieces of legislation that the House has seen during the term of this Parliament. It is unfortunate that today some members have sought to draw the battle lines between different groups in the community when this Bill really has a higher and more noble purpose. Let us not allow the Liberals and Nationals to turn the debate around to say that we, as Queenslanders, are not entitled to decide, on expert advice, what is important heritage to us all and to seek to preserve it. Let not the greedies who hold parts of the National Party captive deprive us of this entitlement. Their argument does not stand up in law, nor does history support their obeisance to the individual rights of private property. Australian law does have a strong tradition of property rights and their protection, but it is not sacrosanct. Australian democracy can properly be required to intersect other community interests with that private right.

Finally, I suggest that the Bill does not go far enough because it does not take account of the concept of national living treasure. It is a concept well known in Japan whereby living people can be registered as being important to the community. Should that register be introduced, this afternoon I will nominate the member for Warwick, Mr Booth, as an appropriate addition to it.

Mr Dunworth: And the member for Maryborough.

Mr BARBER: Yes, and the member for Maryborough.

Mr Comben: I think it would be more appropriately an endangered species, but we can look at it.

Mr BARBER: I thank the Minister. I trust that in future he will consider that concept of national living treasure. I support the Bill.

Mr STEPHAN (Gympie) (3.26 p.m.): After listening to the comments of Mr Barber and some other Government members, I could be excused for thinking that they are strongly opposed to people having ownership of any land at all. They tried to draw an

analogy between incentives and greed. I cannot understand that just because a person has an incentive of any description he is greedy. I do not know whether Mr Barber has any incentive to go any further or to even hold his seat. I am not too sure whether that is greed or self-preservation. I cannot understand his analogy between greed and incentives.

Mr Barber: We are talking about conservation.

Mr STEPHAN: I am talking about conservation and I am talking about the statement that the honourable member made.

Mr Beattie: We will preserve you.

Mr STEPHAN: The member for Brisbane Central tried to justify the reason for pulling down Trades Hall. He said that he was against it. I do not know if that is a reason for his saying that it should not have been pulled down. The fact is that, at that stage, he was a member of the Labor Party. Trades Hall did come down when he was secretary. He points the finger at the National Party for pulling down buildings, but he wears the same colours.

Mr BEATTIE: I rise to a point of order. I find those comments offensive. I have never been an official of the Trades and Labor Council. I ask that those comments be withdrawn. It was never a matter of my decision.

Mr DEPUTY SPEAKER (Mr Hollis): Order! Will the honourable member withdraw those remarks?

Mr STEPHAN: I will withdraw those comments and replace them with the statement that the honourable member was the secretary of the Labor Party, which certainly was associated with the operations of the Trades and Labor Council. He was there by association, if nothing else.

The member for Barron River said that the legislation should force an owner to restore a building. If under the legislation a private owner can be forced to restore a building but at the same time, under the same piece of legislation, if the Crown decides, for whatever reason, not to restore Government buildings, the Crown is not forced to do the same, her statement does not add up. In those circumstances, it is a Claytons Bill. I will say more about that later. I could not rationalise those two comments. If it is good enough for private owners, surely exactly the same terms and conditions should apply to the Crown. With those sorts of variations, one must be concerned as to just who does pay for the restoration of older buildings. That is a matter of very real concern to all Queenslanders. In many instances, older buildings are owned by people who do not have a great deal of money. They want to do the right thing, but financially they are just not able to do so. This Bill does not provide for any assistance under the conditions laid down. The Bill talks about incentives. In his second-reading speech, the Minister said—

> "The Minister will be empowered to enter into agreements with owners of registered places. The intention of such agreements is to encourage and assist in the conservation of such places for long-term community benefit."

I ask the Minister: what do the words "encourage" and "assist" mean? Is that just empty rhetoric? Is there anything of substance there? If the Minister is not going to give anything by way of financial assistance, then will there be anything by way of manual assistance?

Mr Comben: Have you not read the Schedule to the Bill?

Mr STEPHAN: Yes, I have read the Schedule to the Bill. I am questioning the comments the Minister made. Parts of the Bill seem a little vague as to what sort of assistance will be given.

Mr Comben: You have not read the Bill.

Mr STEPHAN: I have read the Bill. My Bill is here, and it certainly has a lot of marks on it. The Minister is not very keen to answer the questions I have asked other than to say that I have not read the Bill.

Mr Comben: No, because you have not read the Bill. You have not done your homework.

Mr STEPHAN: We will see how forthcoming the Minister is going to be with funding and assistance. Brisbane and other areas of the State have been referred to in the debate. My area of Gympie does have a lot of heritage value in its older buildings, one of which is Andrew Fisher House. It has been relocated and restored, and is held in very high regard as the residence of a former Prime Minister. It is a fine example of a dwelling of a previous era. The local mining museum committee carried out that work very well indeed, with some assistance from the Government. That was an incentive to a community organisation rather than to an individual. In the last 10 years the post office in Gympie has been bought for a very minimal figure by the city council. The Gympie City Council is now left with a building which has been listed, but is costing a considerable amount of money to restore and to maintain in a condition as close as possible to its original state. The council will need assistance to ensure that that building will be there for future use. In these sorts of situations the community needs assistance. Around the Brisbane area are slab houses which were constructed during the early days of settlement, and they should be preserved in a condition as close as possible to their original state. One has in fact been listed. Being built of slab, they have been built to last. They have been there for over 100 years, but an invasion of white ants could make a difference to their survival. These are the sorts of situations in which incentives and assistance are required.

The definition of "owner" includes—

> ". . . a person who has a mining interest in the land and, if the land is a State Forest or Timber Reserve under the Forestry Act 1959, the Conservator of Forests . . ."

Extra responsibilities could be placed on the Conservator of Forests as well as on a person who has such an interest. That could extend into a number of different areas.

Mr Comben: He asked for that.

Mr STEPHAN: Perhaps he did not realise exactly what he was letting himself in for. I certainly hope it is not as bad as it seems. I also question the delegation of powers by the Minister. He has a very wide scope in which to delegate. Under the legislation, delegation can be to a chairperson of the council, a local authority or another person. The legislation does not really set out the method of delegation or the powers that are to be delegated, although I do not believe that that delegation would be made very often. However, the power is there, and with that delegation also goes the power. Although it may be for only a short period, I question whether that is the correct procedure. Finally, I point out my concern about the Crown being able to be held responsible for a development which, under the legislation, it is empowered to carry out. Clause 37 states—

> "If the effect of carrying out a proposed development would be to destroy or substantially reduce the cultural heritage significance of a registered place, the Council may only recommend that the development should be carried out if there is no prudent and feasible alternative to carrying out the development."

This is what I was saying about the——

Mr Beattie: We have read the Bill. You do not have to read it to us.

Mr STEPHAN: I am pleased that the honourable member has read it. I certainly hope that he understands that it is a Claytons clause. If there is no prudent and feasible alternative, that clause gives an out to the Crown. They are some of the reasons why I have certain reservations about the Bill. The general thrust is there, and the Government is to be commended for following the initiatives of the Opposition spokesman on Environment and Heritage in developing this Bill. The Government has taken on board many of Mr Elliott's initiatives, and it is to be congratulated for doing that.

Mr BRISKEY (3.39 p.m.): Historians have written about Australia's history by obtaining information from the past and by sourcing old records. However, much of our European history can only be guessed at because of a lack of information and records.

Therefore, the protection of historically significant buildings in our environment is doubly important in order to know our European history and, therefore, to protect our heritage for our children and for all generations that come after them. It is a great honour to be part of this historic Labor Government in Queensland, because I know that future generations will look back and thank it for its foresight in introducing this Bill. I am sure that people will take a great deal of pleasure in looking at the places that have been protected as a result of this Bill and, as a result, they will learn about Queensland's history and, therefore, Australia's history. I am extremely pleased that after all this time the member for Cunningham is now supporting heritage legislation. On 5 June 1990, the interim Heritage Buildings Protection Act 1990 was passed by Parliament. This interim Act is still in force as a result of the Heritage Buildings Protection Amendment Bill 1992 and, as soon as this Queensland Heritage Bill is passed, all buildings listed in the Schedule of the Heritage Buildings Protection Act will be provisionally entered in the Heritage Register which will be maintained under Part 3 of this Bill.

The Heritage Buildings Protection Act 1990 was an historic piece of legislation. Queensland was the last State in Australia to introduce heritage legislation. It was, indeed, long overdue. I must agree with Mr Beanland, the member for Toowong, who stated in regard to Queensland being the last State to get heritage legislation—

"That is dreadful. It should have been introduced some time ago."

I note that the Liberals in this place now support heritage legislation. I am pleased to see it. However, when they were in Government with their coalition partner, the National Party, they had the opportunity to introduce heritage legislation. They did not do so. As the junior coalition partners, they simply did as they were told. The people of Queensland know that the Liberals can never be a Government in their own right, and further, can never be the senior partner in any future coalition Government. The people of Queensland know that the Liberals will always do as they are told by their senior coalition partner, the National Party. The people of Queensland know that the Liberals now support heritage legislation only because they are sitting alone on the cross benches. However, the people of Queensland know that the Liberals are truly de facto coalitionists. The former coalition Government did not care about protecting Queensland's heritage, and this is why the people of Queensland will not elect a future coalition Government. They know that any future coalition of the Liberals and Nationals will have the Nationals running the show and the Liberals doing as they are told.

As a result of the election of this Labor Government and the interim Heritage Buildings Protection Act, more than 1 000 places are now protected and still standing. These places will continue to be protected as a result of this Bill today. As a result of the interim Heritage Buildings Protection Act commencing on 10 March 1990, soon after this Government was elected, fortunately, the people of Queensland did not have to see any more midnight demolitions of important historic buildings. I wonder how many other important historic buildings, which are now protected, would have been demolished had Labor not won Government on 2 December 1989. I wonder how much more of Queensland's history would have been destroyed by the former National Party and coalition Governments. Queensland's heritage was being ignored by the former coalition and National Party Governments. Thankfully, this has now ceased and, with the passing of this Bill, we will truly have state of the art heritage legislation. The member for Cunningham stated that this Bill is the result of a deal between the factions within the ALP. What utter rubbish! The Bill is the result of full and open public consultation.

Mr Welford: They never had it before.

Mr BRISKEY: That is exactly right. It is new to this State, and I am very proud to say that this Labor Government introduced it.

This Bill has come about as part of that process. When the Minister introduced the Heritage Buildings Protection Bill on 17 May 1990, there was a need to provide urgent protection to Queensland's built heritage environment. At that time, the Minister stated that comprehensive built heritage environment legislation would be introduced after full, public consultation and comment. This public consultation and comment has indeed been a long process. That process is extremely important. We must ensure that the

general public and those involved with the listed buildings have every opportunity to provide their comments and suggestions with regard to legislation to protect them.

As I have stated, the Bill establishes a register of places of significance to Queensland's cultural heritage. This register will be maintained by the Queensland Heritage Council. That council, which will be established as a result of this Bill, will ensure that Queensland's cultural heritage will be conserved for the benefit of all Australians now and into the future. The council, which also has the task of encouraging the public to be interested in Queensland's cultural heritage, will also work to encourage and assist the proper management of places of cultural heritage significance. The council will consist of 12 members who will be drawn from the National Trust of Queensland, the Local Government Association of Queensland, the Trades and Labor Council of Queensland, an organisation representing the interests of property owners and managers in Queensland, and eight other persons from organisations with appropriate knowledge, expertise and interest in heritage conservation. Those council members have an extremely important role to ensure that Queensland's heritage is preserved. I am sure that they will undertake their duties to the best of their abilities and that the expertise which they will bring with them will ensure that they do an extremely good job. I wish them well.

As I have stated, one of the roles of the council will be to maintain the Heritage Register. Importantly, this Bill provides that the register will be made available for public inspection so that everyone will know what buildings are listed on that register. Just as important will be the opportunity for the owner of a property, or any other person, to object to a property being listed on the register. This objection must be in written form to the council and made only on the basis that the property is not of cultural heritage significance or does not satisfy the criteria to be included in the register. Any objection to entry on the register will be assessed by a panel of expert assessors. That panel will consist of at least 10 assessors who will be appointed on the basis of expertise in the field of conservation. After considering the assessors' report, if the council decides to list the property on the Heritage Register it must advise the owner and the local authority for the area in writing. Further, it must also advise the decision by public notice. The owner of the property still has the right of appeal against that decision to the Planning and Environment Court, which may then confirm, vary or reverse the decision. Hence, this Bill provides the owners of properties which may be listed in the Heritage Register with the ability to object to that listing. Therefore, owners' rights are protected by this legislation.

The legislation seeks to regulate development of heritage-listed properties. It does not preclude development. The legislation seeks to retain the cultural heritage significance of important places in Queensland. To ensure that this happens, any development which occurs in those places must be approved by the council. In order that legislation of this nature be enforced, it is important that appropriate penalties exist to stop important cultural heritage places being destroyed. Therefore, the maximum penalty for a person who carries out development without the approval of council is 17 000 penalty units. At the moment, this equates to a penalty in excess of $1m. However, the amount of the penalty is entirely up to the court's discretion with respect to how serious the matter is.

An important part of the public consultation process that was undertaken before this Bill came about was that which occurred with the churches. I am extremely pleased that any approval of development to church property is not required. If they wish to, churches may make changes to their properties after written notice of the proposed development is lodged with the council at least 30 days before the development starts. Churches and their congregations hold their properties to be extremely important. I know that they would not allow their heritage to be destroyed. They look on their buildings with reverence, and I am sure that their culturally significant buildings will be maintained and developed for the good of all.

Once applications for development of other significant buildings are made, they may be approved or refused subject to particular conditions. If an applicant is not happy

with the decision that the council has made, that applicant may apply to the council for a review of that decision. The council must then arrange for a conference between the applicant and the council or a review committee established by the council. After this, if the applicant is still not happy with the decision, the applicant may within 30 days appeal against the decision to the Planning and Environment Court. The right of appeal to that court ensures—as does the right of appeal with regard to the listing of properties—that owners' rights are preserved.

The member for Cunningham said that under this legislation the Crown can do what it likes. Obviously, he did not have a close enough look at the Bill. If the Crown wishes to undertake development on a culturally significant place, it must advise the council of its plans. The council must then by public notice advise details of the proposed development and invite objections to the proposed development. Importantly, the council may recommend that the development should be carried out only if there is no prudent and feasible alternative to carrying out the development and, in doing so, the council must have regard to safety, health and economic considerations and any other considerations that may be relevant.

The Bill also provides that heritage agreements may be entered into with the owners of culturally significant properties. Those agreements are binding on the owner and also on the occupier of the property. The agreements may restrict what the property is used for; they may require certain work to be undertaken to ensure that the standards of the property are maintained; they may restrict the type of work that can be carried out on the property; and they may require that the property is available for the public to view at certain times and that certain charges may be made for admission. The agreements may also provide for financial, technical and other professional advice for assistance to the owner on the maintenance or conservation of the property and, importantly, may provide for review of the valuation of the property. That, of course, is an extremely important aspect of a heritage agreement where the valuation of the property may be lowered so that local authority rates and land tax may be decreased on that property. If a person fails to comply with a heritage agreement, any party to the agreement may apply to the Planning and Environment Court for an order that that person comply with the agreement.

The Bill provides also that, if an owner is convicted of an offence against the Act involving the destruction of or damage to the registered place, the Minister may by order served on the owner prohibit development of the place for a period not longer than 10 years specified in the order. That clause will ensure that, even if a midnight raider decides to wear the $1m fine imposed, the owner of the property will not be able to proceed with the development of the site. That will further ensure that Queensland's heritage will be protected. As I stated earlier, places that will be on the first register will be those that were in the Schedule attached to the Heritage Buildings Protection Act. Those are places which are important to Queensland's history, which provide Queenslanders with information about their past and which may demonstrate achievements of a particular period in the past. In other words, those places are important to all of us.

In the Redlands, a number of places are listed: St Paul's Church of England in Cleveland, which was built in 1872; the old Court House, which is now a very fine restaurant in Cleveland; and the Grandview Hotel, which was first built in 1849 and was formerly named Brigg's Folly, where on a very hot afternoon one can enjoy a cooling ale and a beautiful view of Toondah Harbour, as the member for Mansfield no doubt remembers. Other places include the historic Dunwich cemetery on North Stradbroke Island; St Andrew's Anglican Church at Cleveland; Ormiston House; Whepstead Restaurant at Wellington Point; and the old lighthouse at Cleveland Point. For those honourable members who do not know, Cleveland has a remarkable history, and those places that I have just mentioned are indicative of some of that history. In fact, Cleveland was once touted as being the capital of Queensland. It was only due to an unfortunate landing at low tide by Governor Gipps and the fact that he had to walk 100 yards through mud that Cleveland was not chosen to be the capital of Queensland. This year, it is 150 years since that muddy encounter.

The European history of the Redlands goes further back than that. In 1770, Cook journeyed along the east coast and named Point Lookout on North Stradbroke Island. In 1799, Matthew Flinders, while he was exploring Moreton Bay, landed on Peel Island and Coochiemudlo Island; and in 1823, three timber-getters, Pamphlett, Finnegan and Parsons, were shipwrecked on Moreton Island. They made their way to North Stradbroke Island where they lived for some time and, after leaving that island in a dugout canoe, they paddled to Peel Island and on to Ormiston. They were later rescued by John Oxley, who found them on Bribie Island. It was Oxley who explored the islands at the southern end of Moreton Bay and found that North and South Stradbroke Islands were one island. It is almost 100 years since they became separated in 1898. In 1827, convict barracks were constructed at Dunwich under order from Governor Darwin, and in 1828, Dunwich was chosen for the purpose of receiving supplies intended for Brisbane. They were then sent on to the penal settlement as required. In the early 1830s, the first jetty was built at Cleveland Point, then known as Emu Point. That was the unofficial port for the penal settlement in Moreton Bay. In 1839, the penal settlement was closed and the area was opened for free settlers. Unfortunately, soon after that, Governor Gipps made his visit to Emu Point. In 1848, permission was granted for a village reserve at Cleveland Point and, in the same year, Captain Lewis Hope, the father of the Queensland sugar industry, arrived to settle at Ormiston. He built Ormiston House and also St Andrew's Anglican Church of England, which can be seen in Wellington Street on the way to Ormiston House. The buildings that I mentioned—St Paul's Church of England, the Grandview Hotel, St Andrew's Anglican Church, Ormiston House and others—are listed in the Schedule of the Heritage Buildings Protection Act and are therefore places which will be listed in the register provided by this historic Queensland Heritage Bill. I take this opportunity to congratulate the Minister and his department on their work in ensuring that there was full and open consultation on the Bill.

Time expired.

Mr BEANLAND (Toowong) (3.59 p.m.): I am pleased to speak in this debate. The Liberal Party has long advocated and supported in principle proper heritage legislation. I have done so on a number of occasions in this place. I am pleased also that the legislation contains a number of Liberal Party suggestions that were made by me two years ago. Although I support the legislation in principle, I am concerned about a number of aspects. I am sure that the Minister must also be concerned about some of the shortcomings in the legislation. Over the last two years, the Government has had in place a draconian piece of legislation called the Heritage Buildings Protection Act, which took away people's rights at that time.

Mr Comben: Who did it hurt?

Mr BEANLAND: I cannot hear the Minister. He is waffling.

Mr Comben: Who did it hurt?

Mr BEANLAND: I will come to that in a moment. I thank the Minister for the question. He is very hostile towards heritage legislation. I went back to his speech two years ago and noted his hostility—he must hate this heritage legislation—because throughout his speech he attacked people, he looked at how he might take away their rights and how he could go about presenting that legislation, which was a Claytons piece of legislation, and not get on with the real job. We have seen that again in this instance. Shame on him. When the interim legislation was introduced we were told that we would only have it for 12 months and then the new legislation would be introduced. We know now that the Labor Government failed to have the legislation introduced within that time—it took the two full years plus. Last week, the House had to extend the expiration date of the interim legislation, that is, the Heritage Buildings Protection Act. That shows a lack of ability. There can be no excuse for the failure to prepare this legislation. Honourable members will remember that last time round the Premier's Department took the interim legislation from the Minister. He had made such a foul-up of the legislation over a period of months that Mr Rudd, the chief cruncher in the Premier's Department, and the Premier himself, had to intervene and take the legislation away from the Minister and his department.

Mr Dunworth: This legislation takes away his power and gives it to the rest of the Ministers.

Mr BEANLAND: That is right. This legislation certainly takes away this Minister's power and gives it to the other Ministers in the Cabinet—all 17 of them. This Minister—the one who is supposedly responsible for this legislation—seems to have the least say of all. The previous legislation affected a large number of people, although the Minister makes light of it. Who did it really affect? I will give members a good example of what it affected. It affected some buildings which did not exist. One particular site is the old Crypt bordered by Gipps and Gotha Streets in Fortitude Valley. That site has been handed over to the developer by the church, which is finished with the site. Most people believed that the site would be redeveloped. Two years later, although it is owned by a prominent developer in this city, it still has not been touched. It is unfortunate that it seems to be a haven for the less fortunates in our society. It could easily have been developed had it not been on this list.

Mr Comben: Big deal!

Mr BEANLAND: I am talking about hundreds of jobs. Is that a "big deal" at a time when one in three of our young people is unemployed, and when there is record unemployment under this Government—a more than 50 per cent increase in the last two years? The Minister says, "Big deal!" about jobs. Under the interim legislation this Government fouled up in the listing. I notice that the same section will be included in this new legislation. The developer will have to set about getting that particular site off the listing. The Minister says, "Big deal!" I am talking about jobs—something about which neither the Minister nor the Government gives a damn. I, and those tens of thousands of people out there without a job, certainly do give a damn about it. The Goss Labor Government cannot get away from the fact that there has been a more than 50 per cent increase in unemployment over the two years since it came to office in this State. There has been more than a 50 per cent increase in unemployment, and one in three young people is now unemployed. The Minister says, "Big deal!" I do not think that that does enough for the parlous state of employment in this State. It is a shocking and shameful situation. With the attitude that the Minister has adopted in relation to that particular site, which ought not to have been listed in the first place, little wonder that it is getting worse.

I want to make a few points about this legislation. First of all, this legislation refers to an annual report to Parliament, but it does not mention what it will contain. It makes no mention of a ministerial directive to the Heritage Council, but I am sure that the Minister would have the power to issue directives from time to time.

Mr Comben: I would like to know where in the Act that power is.

Mr BEANLAND: The Minister will have his chance to speak shortly. A Minister who is as prickly and as hostile about the Government's legislation as he is must have some grave problems with it. The legislation does enable the Minister to delegate power. I am sure that he will be issuing some directives. The Opposition wants to see in the report to Parliament an indication of the number and type of directives issued to the Heritage Council by the Minister. I think it is only fair that they appear in the report to Parliament.

Mr Comben: None whatsoever.

Mr BEANLAND: We will wait and see. I have heard such famous statements before from other Ministers of the Crown. It is marvellous how often the situation changes when the circumstances change. The Minister should not say, "None whatsoever." If any directives are issued, they should appear in the report. I am not saying that there may not be sound reasons to issue directives, because there could very well be sound reasons for a whole range of directives to be issued without interfering with the Heritage Council's operations. Consideration must also be given to the possibility of the Minister ignoring recommendations made by the Heritage Council. In that event, the recommendations should be contained in a report to Parliament by the

council. Because I believe this is a very important matter, I look forward to having a provision to that effect included in the legislation.

Previous speakers in the debate have referred to the composition of the Heritage Council. The Bill provides that the Minister may appoint 8 out of the 12 members who will constitute the council and that the remaining four will be representatives of various sections of the community. It is worth while noting that a number of important organisations may not be represented on the council and may therefore not have a say in recommendations made by the council. The Minister may call for nominations from various organisations, but why does he not spell out the names of those organisations in the Bill? After all, he has specified the Local Government Association, which is a very worthy organisation and one which should have representation on the council, and also the National Trust, which should submit at least one name for nomination. I notice that the Trades and Labor Council received a guernsey, but input from very important organisations, such as the Royal Australian Institute of Architects, the Institution of Engineers, the Royal Australian Planning Institute, the Royal Historical Society and the Royal Geographic Society, has been left out—in fact, the silence is deafening—whereas legislation in force in other States provides ample opportunity for representatives from a broad range of organisations to be members of the relevant heritage councils.

Mr Comben: There is opportunity.

Mr BEANLAND: I am not suggesting that the Minister may not appoint representatives of some of the organisations to which I have referred. The point I make is that the Minister should spell out the names of those organisations. Why does the Minister not spell out the names? Why does he remain silent in relation to these matters? Is this a device to give the Minister wider discretionary powers to appoint people whom he would not be able to appoint otherwise, or people whom the organisations may not be able to nominate?

Mr Dunworth: You should see the cronies.

Mr BEANLAND: My colleague the member for Sherwood refers to cronies. It may well be the case that the Minister has some cronies in mind; I do not know. However, I do know that the Minister has not spelt out in the legislation the composition of the council to the extent to which I would like to see it spelt out. There can be no justification for the Minister's failure to do so, especially as I recall that, during previous debates on similar legislation in this Chamber, the Minister gave some indication that he would adopt that course. The organisations that have not been mentioned in the Bill will regard the Minister's failure as a slight and as an indication of the Minister's intention not to give them any real say in the composition of the council. A similar criticism could be made of the provision relating to the quorum of the council, because one cannot help noticing that the quorum can be as few as six members and that, as the chairman has a casting vote, only three members will be required to make the decisions. I appreciate the difficulties associated with convening a quorum, but I would have hoped that a body comprising 12 people would not lead to a situation in which only three people make the decisions. I suggest that the quorum should be increased to at least eight members so that at least four or five people will be making the decisions.

The heritage agreements contained in the legislation are a key aspect of the Bill. I congratulate the Minister on providing for a review of land valuations as they relate to this legislation and for allowing the Valuer-General to review the valuations of land that may be the subject of a heritage proposal. However, I had hoped that the Minister would have gone further in relation to land tax and rates, generally, because the potential exists for people to be greatly disadvantaged by virtue of the implementation of this legislation. I am also disappointed that the Bill contains no provisions in relation to transferable development rights which are particularly appropriate for the central business district of the city.

Mr Comben: Do they work here? You have them here today in Brisbane. Have they worked?

Mr BEANLAND: In answer to the Minister's question—I believe they will work in a limited way.

Mr Comben: Take the first year. Have they worked here?

Mr BEANLAND: A small number of them are working effectively in a small way. I can tell the Minister why they are not being particularly successful in Brisbane at the moment within the central business district. The reason is that a Labor Government has destroyed the economy of this country and this State. Queensland is in the grip of the worst recession that has occurred in 60 years. Throughout this nation, there are one million people who are unemployed. People have no funds with which to develop sites in the city, and that is why transferable development rights have met with only limited success. I am very happy to assist the Minister by pointing out these matters to him and to educate him. Because of the destruction of the economy and the recession that has existed for the last two years, it is difficult to cite examples of prolonged success of these arrangements. However, present economic circumstances are no reason to believe that these arrangements will not work on a limited scale if they are handled in a very sensitive and proper way. I would have thought that a provision for transferable development rights would have been contained in the legislation to apply to the central business district. I concede that they may not be appropriate in suburban areas or in provincial cities, but they could have been applied with great efficiency and success to the private sector and major commercial areas of Brisbane, thereby overcoming some of the problems inherent in this legislation.

In spite of the worthy provisions relating to reviews of valuations and land tax, I am disappointed that the Bill does not go so far as to reduce land tax beyond the flow-on effects of reduced valuations and therefore reduced rates. I had hoped that the legislation would provide a venue for private property owners to appeal in appropriate cases to obtain greater dispensations in relation to land taxes and rates. When this legislation was discussed two years ago, I placed significant emphasis on the importance of transferable development rights because I believed they would have had a major impact on the central business district and would have allowed the concerns felt by property-owners in that area to have been addressed. For the Minister to wipe his hands of these arrangements is a clear indication that he is not in touch with the realities of the present economic situation. It is not too late for the Minister to reconsider his position over the next few days and review his attitude to these arrangements.

I turn to a couple of other aspects of this important legislation, which might have been touched on by other speakers. One is the provision that—

> "A place does not satisfy the criteria for entry in the Heritage Register if there is no prospect of the cultural heritage significance of the place being conserved."

That is an important matter. I can appreciate in some way what the Minister is getting at, but I would like it cleared up so that we have a full understanding of what the Minister is spelling out in that clause. It seems to me that that clause provides a way to enable major developers and people with the wrong intent to slip around the legislation quite easily. That is not in anyone's interests. I am sure that that is not intended by the Minister. I would like to hear a full explanation of what that clause envisages and how it will operate to ensure that people are not able to slip around the legislation under that clause.

Earlier, I mentioned that I am concerned about the interim provisions for listing—or the transitional provisions for listing—on the current Schedule. I would have thought that the Government might have looked at a few of the buildings or sites that are currently listed. Although I have mentioned only one of them—the building on Gipps, Ann and Gotha Streets in Fortitude Valley—I should think that a couple of other buildings that are listed no longer exist. That matter needs to be cleared up. I thank the Minister for giving me the opportunity to raise that matter and to clear up a few problems. The legislation does not bind the Government. Legislation generally does not bind the Government. Despite protestations that I have heard from members on the other side of the House, under the legislation the Minister has no authority over other Ministers. I know that Ministers like to look after buildings that come within their

jurisdiction. In the past, in this city, a number of Government buildings were preserved by Governments—and preserved in a way of which we can all be proud. I hope that will continue and that we will not see, because the legislation does not bind the Ministry as a whole, some Ministers allowing buildings that come within their jurisdiction to be torn down and redevelopment to occur on the sites. The Bill does not cover the Ministry. No worthwhile explanation has been given as to why the legislation does not bind the Ministry or the Government as a whole. After all, if it is good enough for the private sector, it should be good enough for the Government. The Government should lead the way and set the ground rules for the legislation.

I am pleased to see the legislation coming forward at a time when Labor's Brisbane City Council is trying to destroy many old Queenslander homes in Brisbane. Every member who represents a Brisbane electorate will be aware that ordinances currently before the Brisbane City Council will allow for old Queenslander homes to be changed and, in many cases, destroyed. That is a pity when we see this legislation, which contains a number of worthwhile elements, coming forward. I trust that the Minister will take up with the Lord Mayor the role that old Queenslander homes—our heritage homes—play in the city, the benefits that they bring to the city and the ways in which they add to the city's character and culture. The legislation does not relate to those thousands of old homes that will be destroyed by the town-planning ordinances that the council is currently considering. Those homes will be able to be turned into flats. On that subject, we have already seen a number of articles in the press. People will be able to build underneath those old homes and turn them into flats, duplexes, and so on. Those homes will be lost to Brisbane and to the people of Brisbane. The character and heritage of Brisbane will be lost and many of our tourist attractions will be lost to the city.

Time expired.

Mr T. B. SULLIVAN (Nundah) (4.19 p.m.): I am proud to support this Bill. That it has the support of all parties is evidence of the value of this legislation. In my own electorate of Nundah, I see a practical application of how this legislation will apply. In Union Street in Nundah, the Zion Lutheran Home has been built and beside it is what was formerly a Methodist church. It was purchased by the Lutheran community and they have currently there a hostel for senior citizens. Under the direction of people such as Norm Klatt, Francis Profke and Pastor David Larsen, they are doing a great job with their existing facilities, but the people of Zion Home saw the need, and, in fact, some of their residents—their existing people—are saying, "What is going to happen to us in the next 10 or 15 years? We are mobile at the moment, but where do we go in the future?" There is a shortage of full-time nursing care in the inner northern suburbs.

So, responding to this need in a very responsible way, the Lutheran community looked at building a nursing home. They have outlaid many thousands of dollars to purchase a nursing home licence and they have plans to fulfil the future needs of people in this area. But there is a problem—the old church. This old church is a heritage-listed building. It was used for some time to store second-hand clothing and property that was used to sell to those who are less fortunate than many of us and it was fulfilling a need in the community. But the church was not being used as a place of worship; it was basically being used as a large storage area. So what do they do with an old building? Negotiations were under way between the owners, potential new owners, the city council and the Minister's department. They looked at relocating it locally, but there was no-one locally interested and no area of land, so they applied to have it shifted across Brisbane towards Bardon, where another group was interested in the building. Those negotiations fell through, but approval was given by the Minister's committee to move it across the city—again, trying to maintain this building that had significant cultural heritage.

Zion Lutheran Home has been trying to give this building away to an individual, a public group, a community group—anyone. The building was there for the taking, but no single group had the ability to move this building. There are problems in the moving. It is too large to be shifted as a single unit. It would have to be cut into two or three

sections. There is a lot of deterioration because of the weathering of the building and its overall age. The roof would have to be removed because of its height and this would severely weaken the structure of the building. It would have to be braced in a very expensive way. A number of removalists have said that the building would need to be dismantled—pulled apart—and reassembled at its new location.

In this instance, we see an example of the delicate balance that this legislation will try to address. On the one hand, there is an old building with character, history and significance in the local area. On the other hand, there are many elderly people of the inner-northside of Brisbane with their own history, their own significance in the local area and a desire to see out their remaining years in care in a nursing home in their area. There is an ageing building and an ageing population. Through this legislation, the Minister is trying to balance these types of conflicting viewpoints, looking at the quality of architectural history and the quality of personal history. I believe that this legislation will provide a reasonable, cooperative and consultative process whereby we can in fact try to balance the needs of our heritage buildings while taking into account the needs of our local community.

Some comments have been made about churches. Again, this legislation is a reasonable response to conflicting problems. I heard from some members opposite some bleatings about what will happen to churches. In my own area, I have heard some unreasonable comments such as the comment that a single church pew could not even be moved without someone having to put a form, in triplicate, through the Heritage Council. That is a load of rubbish. The legislation has never been intended to operate in that way. Through this legislation, the Minister has shown his reasonableness in knowing that there needs to be a balance between liturgical worship and cultural integrity. If the member for Sherwood does not know what liturgical worship means, I point out to him that there are dictionaries available for him to find out.

The member for Cunningham raised the point about the legislation using the term "churches" rather than "places of worship". That is quite a good point. However, the definition of "places of worship" has its own inherent dangers that I think legal minds could find difficulty with. Will buildings in which satanic cults gather be called places of worship? Will the building of any group that says, "We are forming ourselves into this church group" become a place of worship? They could call themselves a church group and call the building in which they congregate a place of worship. However, I take the honourable member's point. I am glad to see this multicultural tolerance in the National Party. I find this new-found spirit of forbearance very refreshing. I believe that the Minister, in the spirit of the Bill, will allow places such as mosques, synagogues and temples to be protected in the way in which the member for Cunningham has suggested. It is of course clear that the criteria for entry to the register form part of the Bill and that the process for objections, review and appeal also form part of the Bill.

I would like to make a few comments on the contributions made by a couple of members opposite. The member for Sherwood, in his rather strange and self-contradictory, meandering contribution, spoke about the quorum of the Heritage Council. He said that all of the decisions could be made by four people from throughout Queensland. The prospective members of the Heritage Council would like to know that they stand accused by the member for Sherwood for their laziness and apathy in not attending meetings. When they are appointed, I am sure they will be pleased to know that they are his feelings. Perhaps the Liberal Party is used to decisions being made by one person. In the past, it listened to what Joh said. Whatever Joh said, the Liberal Party jumped to. Now, it may be getting twice as good and listening to two people—the Leader of the National Party and the cowboy from the Northern Territory. Maybe that is what the member for Sherwood was thinking about. He also derided the definition of the word "object" in the Bill. Apparently, he could read only the first four words of that definition. If he had read the following 22 words in the definition, he would have seen that there was in fact a legitimate purpose for defining the word "object". As we know, this is typical of the partial truths and the half-lies perpetuated by some members opposite. I am sorry that the member for Sherwood seems to have caught this from the

master of the half-truth, his colleague the member for Merthyr. The member for Toowong went on about jobs.

Mr Ardill: He has got a degree in the same subject—half-truths.

Mr T. B. SULLIVAN: He has a degree in the same subject; correct.

Mr Beattie: It is not his only problem.

Mr T. B. SULLIVAN: No. I am sure that the member for Toowong has other problems. He spoke about jobs. The only heritage jobs that existed under the former Government of the National and Liberal Parties went to the Deen brothers and to about five construction firms that were Joh's friends. Under this type of legislation, tradesmen and master builders will keep the old trades going as well as create new developments.

Mr Elliott: Have a look above your head and see all the work that was done by all of those people.

Mr T. B. SULLIVAN: I agree. I agree totally with the honourable member. This building is a very, very good example of the type of heritage restoration that could have been done and was done. I congratulate the former Government on that. But where did that Government spend the money? In the spot where Joh was working, and to hell with the areas out there where other people were. He feathered his own little nest—and we appreciate it; we are in this little nest now—and he was prepared to spend the money on this place, but blow the people out there. That is a bit typical of the selfish, self-centred attitude of the Opposition. It is something that this party is trying to redress. We on this side are human, too, and we will make mistakes. But at least we are making an effort to provide the benefits to a broader area of the Queensland community, not just to ourselves and to our mates.

The member for Toowong criticised the Heritage Council and the appointment to that council of one person nominated by the Trades and Labor Council. He referred to a little bit of history. Why did he not go back to the 1960s, when the first awakenings of heritage preservation in Australia came about as a result of the actions of unionists in the Rocks area of Sydney?If that action had not been taken by unionists, would people want to go to Sydney now? What would we see instead? There would be 20-storey glass and concrete structures around the Rocks area. What a disaster would have befallen us. That woke us up. The conflict in the streets and the use by a Government of semi-fascist leanings, in one sense, to put down opposition, with the police bashing the workers—we have seen it up here, too—was the awakening of heritage awareness in Australia. Again the member for Toowong always has the comment, but he does not have the policy. The negative moaning is there, but not very much of what he says is positive. He says, "Spell out the other groups, Minister, that you would appoint", but he does not then proceed to spell out his alternatives. Typical! And the fascinating finale to his criticisms: criticising the Brisbane City Council's proposed changes. What was the lie we heard? That old Queenslanders are going to be converted from homes into flats. Wrong, wrong, wrong! That cannot be the case; but, of course, that is the lie that Liberal aldermen have been perpetrating at public meetings in their scare campaigns right around Brisbane.

The honourable member says, "We would do it better." Under the Sallyanne Liberal program, what did we have? We had Residential A. The Liberals said, "We have to have our wealthy areas, folks, and no-one is going to touch our areas. But in Res B, our developers, our fellow moneyed mates who can afford to do it can put up the six packs—flats two storeys high, three deep—right along the streets." In other words, "Not in my backyard in res A, thank you", said Sallyanne and the Liberals, "but in your backyard where you cannot afford it, perhaps, we will whack all these six packs." We have someone like Denver Beanland, who is a former Liberal member of the Brisbane City Council, criticising this Government for poor planning. If that is not an example of being two-faced, I do not know what it is.

Unfortunately, the Liberals are also abusing certain community groups around Brisbane by raising these sorts of issues with those groups, which have no place engaging in that sort of discussion. I instance, for example, Neighbourhood Watch

groups. A Neighbourhood Watch group is not the place for the Liberal Party to be campaigning against town-planning. The Liberal aldermen in this city are prostituting certain civic groups by abusing them. The Liberal leader in the council, Alderman Bob Ward, is writing letters saying, "Put in objection forms." To whom is he writing them? It is to a group which is supposed to be discussing law and order, corrective services or justice. That is what Neighbourhood Watch would discuss—not town-planning. That shows the selfishness of the Liberal Party.

Ms Spence: There are no Liberals in the Chamber.

Mr T. B. SULLIVAN: There is one Liberal in the Chamber, but he has taken refuge up the far end. In conclusion, I think the hallmark of this Bill is reasonableness. The legislation takes a moderate approach to complex and conflicting views. An Opposition member said, "No-one is happy with the Bill." I would suggest that most of the groups—if not all—which have spoken to the Minister are very accepting of almost all of the contents of the Bill. We could not expect, with such conflicting views, to totally satisfy any group. What we have done is introduce very good legislation. The Bill is legislatively accurate and workable in the practical application. No longer will there be midnight demolitions. No longer will we see demonstrators and police surrounding machinery in the middle of the night. No longer are we going to have the physical danger, the social conflict, and the cultural vandalism that was typical of the former coalition. That has gone. Thank goodness! Under this Minister we have reasonable regulation, reasonable control, and reasonable development while remaining culturally aware. I want my five children to enjoy some of the cultural heritage that is ours. This Bill will help to ensure that. I congratulate the Minister, and I support the Bill.

Mr HOBBS (Warrego) (4.34 p.m.): It is my pleasure today to speak in the debate on this Bill. I endorse the words of our shadow spokesman. I am not going to go over all the ground that he did, because he covered the provisions of the legislation very well. However, I would like to point out a few of the relevant issues. In his second-reading speech, the Minister stated—

> "This Bill finally, after a long gestation, brings Queensland into line with the rest of Australia . . ."

Does Queensland really want to be doing exactly what other States are doing? Does Queensland want an economy, a teaching system or a railway system such as that in Victoria, or perhaps a land administration policy similar to that of South Australia? Queensland should do what it does best, that is, be a leader in certain fields.

I think that the Minister has omitted a very important group in this legislation, that is, the owners of these so-called heritage sites, whomever they may be. I do not think that has been done intentionally. This legislation is degrading the valuation of an investment or an asset of an owner. It might even be a business or a business house. The asset is being retrospectively devalued. A couple might have bought an old Queenslander for a particular purpose. They may have bought it because they have a handicapped child who may have to live near a particular school. That child would move back with the family when that schooling was completed. Those people could find themselves in a situation in which the value of that particular building has gone down. In his second-reading speech, the Minister said—

> "Heritage agreements will allow for the review of the valuation of a registered place, and they will be notified to the Registrar of Titles . . ."

Therefore the valuation is not going to go up; it will go down.

Mr Comben: There are a number of residential properties that will actually go up.

Mr HOBBS: The Minister is saying that the value of the properties that have been put on this register will go up?

Mr Comben: In the residential A area, Clayfield probably to the city, if you get a good building and put it on the list, the value will go up.

Mr HOBBS: I am very surprised to hear that. The Opposition will be watching with interest what happens. I do not believe that that will happen in most cases, but let us say——

Mr Comben: In that group it will go up by 10 or 15 per cent.

Mr HOBBS: In 10 to 15 per cent of the cases it will go up?

Mr Comben: No, it will go up by 10 to 15 per cent.

Mr HOBBS: Of the value? That will be very interesting. Therefore, those people will then pay higher rates.

Mr Comben: No.

Mr HOBBS: Why not? Because the Valuer-General valuations will go up?

Mr Comben: The Valuer-General valuations will only be revalued if there is a registered heritage agreement.

Mr HOBBS: I see. The Opposition will look at that matter further down the track. The other point that I wanted to raise concerned the members of the Heritage Council. The Opposition spokesman mentioned that there should be some people from other organisations on the council as well. I think that to a certain degree the Government has missed the point with regard to the owners of particular buildings. Four members on the council will come from three associations, namely, the National Trust, the Local Government Association and the Trades and Labor Council. An organisation will also represent the interests of property owners and managers. When it all boils down, property- owners will have one chance in four of being represented. In fact, they could have one chance in nine, or possibly one chance in 12.

Mr Comben: I could not get eight others who are all owners of heritage buildings. That will be one of the matters that the Government will consider when it finally looks at the panel to see who it would genuinely represent—both the organisations and the individuals. That is why there will be eight—to have some flexibility and to look at those things.

Mr HOBBS: That is the very reason why I am raising this point today. I hope that the Minister takes that matter into consideration, because I think that those people will play a vital role on the council. They are the people who are in the front line and who will be affected. If their valuations go up, so be it. If they go down, which I think will probably be the case, those people will certainly need to have some say in how the operation is run.

The other point I wish to make concerns the certificate of immunity. If a place does not satisfy the criteria for registration, it is given a five-year immunity. I think that the immunity period should be longer. I am saying that from a business point of view. If a person borrows money for a project, it would be very rare for him to be able to repay that loan under five years. For instance, if a person borrows money for a house, he would probably repay the loan over a 20-year period. If a person wishes to offer as security to a bank a building that has an immunity , the bank will say, “You have only got five years. We are really not going to give you full asset backing for that particular asset.” I think that an immunity period longer than five years—perhaps even as long as 10 years—should be considered. If the Government asked people in the banking sector for advice, I am sure that they would tell it something along those lines. If a longer immunity period is not provided, I think that the Government will be disadvantaging people.

Mr Comben: Would you like that now?

Mr HOBBS: I will have a look at it now.

Mr Comben: The advice that we offer is that if you say that it is there for five years, then whatever you want to do in that five-year period, you can do. If the bank says that there is to be a property of value, you can knock a building over and give them that piece of land in five years. If you have not done it in that five-year period, you are

probably not going to do it. Basically, the value is there. I will get further advice on that, but I think that we have covered it.

Mr HOBBS: I think that any person who had a building and who wanted to mortgage it would need a longer term than five years. The bank would look at it and say, "We have only got five years." That person cannot sell it. When it all boils down, conditions will be attached to a heritage site and it might make it harder to sell.

Mr Comben: There would not be many cases where you would go to the bank and say, "Give me some money subject to the fact that I am going to do this in five years, and after five years, I am going to do that."

Mr HOBBS: No. What I am saying is that if somebody who owned an old Queenslander wanted to borrow money for 10 years to finance a grocery shop, the bank would ask that person what assets he had. The man would say that all he had was a house. The bank could say that that person may have a problem with the house because it could become a heritage site. What happens then is that the bank might say, "Look, you have only got five years where it is really clear with immunity." I am saying that I believe that people should have a longer period.

Mr Comben: I will look at it.

Mr HOBBS: The other matter that I would like to mention is shipwrecks. Is the Government doing away with the incentive that is provided to people who wish to explore for shipwrecks? Some people are dead keen on looking for various things and they work all their lives looking for them. They may not be professionally qualified, but their intent is good. They want to go out, look for shipwrecks, and find something. Someone who might spend a lot of time in finding a shipwreck, or whatever, has to report the find to the Minister within a very short time, or he will receive a $3,000 fine. The Queensland Government, in conjunction with the Commonwealth Government, then takes over the whole operation. I believe that it gives no incentive whatever to an individual to explore for shipwrecks. That is my concern. I have no problem with the State and Commonwealth Governments taking over the operation if it is an important historical find, but I think that there needs to be an incentive for others to participate. It has been my pleasure to raise those points. As the shadow Minister has said, the Opposition supports the intent of the Bill. We hope that the Minister will take some notice of some of the points that the Opposition has raised.

Mrs WOODGATE (Pine Rivers) (4.45 p.m.): It gives me great pleasure to support this legislation. It was particularly pleasing to hear the Minister in his second-reading speech inform this House that it is his belief that Queensland now leads the other Australian States with this state-of-the-art legislation. Not too long ago, Queensland had the shameful record of lagging behind the rest of Australia in its approach to legislating to protect its heritage. As members would be aware, in June 1990, the Heritage Buildings Protection Act was passed by this Parliament as an interim measure to protect particular places of heritage value in Queensland. That interim Act was designed specifically to give immediate protection to our built heritage and finally end the era of midnight demolitions for which Queensland and the National Party became famous. Those dark days—or should I say those dark nights—gave new meaning to the phrases "midnight cowboys" or "urban cowboys". Thankfully, those days are now behind us. That interim legislation is being replaced by this full and comprehensive legislation.

This legislation has been developed following complete and open public consultation. The Green Paper on Proposals for a Heritage Act for Queensland was published in October 1990 and, as all members would be aware, has been very widely circulated. That discussion paper asked: why does Queensland need a Heritage Act? Any person who has read the Green Paper would know that there are a number of reasons why this Government believes that special legislation is necessary. Queensland possesses a wealth and breadth of cultural heritage places unparalleled in Australia. These range from the traditional Queensland house to grand public buildings and churches, from some of Australia's most interesting mining sites to war memorials and many other places, large and small—some well known and some known only to a few. The main objective of this Bill will be to protect to the greatest possible extent the

heritage of our great State. It is important to note that although provision exists to apply tough penalties to any persons who thumb their noses at this legislation, the intent of the Bill is that the ultimate aim of the conservation of our State's cultural heritage should be through consultation and agreement rather than confrontation and, it follows, coercion. One of the main features of this Bill is the setting-up of a public register for places of significant cultural heritage in this State. That register, which will be an official record of all places that will be registered under the Act, will also contain all relevant details of those protected areas, permits, orders and heritage agreements made under the Act. The register will be open for public inspection and scrutiny. The Registrar of Titles will receive formal notification of any places that are entered or provisionally entered on the public register. There are due processes of objection, review and appeal relating to nominations to the public register. Finally, there is a venue of appeal, namely, the Planning and Environment Court.

The provision in the Bill for heritage agreements is of importance. Such agreements may be entered into between the Minister and owners of registered places. A heritage agreement remains with the land and is binding on the current owner. There has been some criticism that such agreements could restrict legitimate uses of such places. Whilst I agree that a heritage agreement could perhaps restrict the use of a place, the Bill does provide for financial or technical assistance to the owner. Part 6 of the Bill makes provision for such assistance to be forthcoming with respect to the maintenance or conservation of the registered place and provides for a review of the valuation of the registered place. It would be foolish to deny that there will be a degree of resentment by some people who would wish to develop some registered places. Yes, there will be restrictions on development, but the Bill does not put a bar on all forms of development. The Heritage Council will be empowered to deal with applications for the development of registered places and will have the authority to approve applications either with or without conditions or, alternatively, refuse any such application.

To those people who have expressed the concern that, once heritage listed, a building will automatically decrease in value—I repeat what I said in this place in May 1990. Experience in other States has shown that most heritage buildings have increased in value after they have been listed. One prime example of that—and it was referred to by my colleague the member for Nundah—is the Rocks area in Sydney. Not too many years ago, the old, dilapidated, run-down buildings of yesteryear in the old Rocks area could be bought for a song. Nobody wanted them. But that is not the case today. Since the buildings in the historic Rocks area have been heritage listed, many songs would have to be sung to come anywhere near raising the money required to purchase even the smallest building in the Rocks precinct—be it a shop or a house. It seems reasonable to believe that this could also be the case in Brisbane. As more glass tower buildings and other concrete and steel edifices appear on our inner-city horizon, heritage buildings could become highly sought after. I reiterate that heritage listing does not sound the death knell for owners of these properties.

For the benefit of members opposite, so that they may gain some insight into what constitutes heritage conservation, I would like to place on record the definition given for the National Estate in the Australian Heritage Commission Act of 1975, which was introduced by that great reformist Prime Minister, Gough Whitlam. It states—

> ". . . heritage conservation . . . those places being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations, as well as the present community."

It is gratifying to be part of a Government that has bitten the bullet on bringing Queensland into line and perhaps ahead of other Australian States in this field of heritage and conservation. For too long, and to our shame, we have lagged behind in this regard. With this legislation, we have set in train the preservation of the cultural heritage of this State for future generations. How satisfying that, after three decades of a Government choosing to deliberately ignore the need for legislation in this most

important sector, at long last we have a Government and a Minister who place the highest priority on preserving our heritage for future generations. I congratulate the Minister, and am more than happy to support the Bill.

Mr BREDHAUER (Cook) (4.51 p.m.): This debate marks the end of an era for the cultural heritage of this State and the commencement of a new era. I do not need to detail the legacy of disrespect shown by previous Governments to our sites of heritage significance. That has been done by other speakers in this debate, particularly the member for Brisbane Central. It has also been the subject of debate in this House on repeated occasions in the past. It is now a part of history. The issues have been well canvassed. However, I am concerned that, because of this country's relatively short history of European influence, some people do not seem to appreciate that from a heritage perspective there is value in our built environment. I acknowledge that both the Liberal and National Parties have indicated their support for this legislation, but there are some important principles that still escape them. My concern stems in part from our close proximity in time to those features which are part of our European heritage. By its very nature, heritage is best viewed objectively from a distance. That distance may not be properly afforded to our generation by the mere passage of 100-odd years. Whilst we marvel at the magnificent sites of cultural heritage overseas, the ruins of ancient civilisations, cathedrals, churches, museums, art galleries and Houses of Parliament, let us not forget that even the pyramids were once less than 100 years old.

The other point I wish to make is that, the way our society has developed over recent years, and particularly our attitudes towards building, basically we are not constructing and generating sites that are likely to be of a great deal of heritage significance for the future. These days, most of our buildings are developed with a planned obsolescence, if I could call it that. They are built with a life expectancy of from 15 to 25 years, at which time it is expected that they will be pulled down and construction will start again. The heritage sites that we have now are in all likelihood going to be the heritage sites which we have for future generations of Australians, which makes it all the more imperative that we take steps to protect those heritage sites.

I will refer briefly to the composition of the Queensland Heritage Council. As it is prescribed in the Bill, it is derived from a cross-section of interest groups which will give voice to a broad range of views that need to be considered in the context of the operations of the council. I acknowledge that up to eight members will be appointed by the Minister, and I take the assurances that the Minister has given during today's debate that the opportunity does exist for people such as engineers or architects to be included in those additional representatives. Perhaps there can be additional representatives from the Building Owners and Managers Association. I refer also to the reference by the Opposition spokesperson, the member for Cunningham, to the rural interests and add my support to his suggestion that rural groups be considered for representation amongst the eight people to be elected to the council. There are numerous buildings of heritage significance in rural and remote parts of Queensland. That argument is worthy of some merit. Having made that statement about the Heritage Council, I must say that I disagree in principle with the requirement for specific interest groups to submit a panel of names from which their representative is chosen. I believe that the representative of the Local Government Association, for example, should be the nominee of that association.

At the risk of putting ideas into the head of the member for Merthyr—we have already had the member for Toowong beating this can again—I predict that he will soon be standing up in this House lamenting more jobs for the boys or girls because of the inclusion of a representative from the Trades and Labor Council on the Heritage Council.

Mr Fenlon: The "crony" register.

Mr BREDHAUER: The "crony" register. I only wish that that honourable member, as well as others from the Liberal Party, would recognise the contribution which workers and their organisations have made to establishing and then preserving and protecting sites of heritage significance. I acknowledge the contribution that was made by the

member for Nundah in his references to the significant contribution which trade unions have made, particularly in other States, with green bans and other actions which helped to preserve important aspects of our heritage. I should not leave this subject without making reference to the old Trades Hall building. In common with the member for Brisbane Central, at the time I disagreed with the proposal to knock the building down. I can only reiterate Mr Beattie's comments that, if we had legislation such as this at that time, the outcome might have been different. The Bill defines clearly the criteria for entry in the register and the process for objection to such inclusion in the register. That is a positive provision. People now have a clear understanding of what attributes will qualify for entry into the register of heritage sites, and they are also equally clearly aware of the grounds on which they can object to their property being included in the register.

The member for Cunningham and various other members referred on occasions to clause 38 and the ability of the council to take account of safety, health and economic considerations in assessing alternatives and inferred that wealthy developers would be able to exercise such a right and beat the legislation. The reference in clause 38 to "a prudent and feasible alternative" comes from the Australian Heritage Commission Act, which the member for Pine Rivers quoted recently, and the other two paragraphs were inserted to ensure that the intention of the clause was clear to the building owners and managers. It puzzles me that the Minister has been berated at length in the House because of what are seen to be loopholes, weaknesses or flaws in the Bill, yet those same people who would have us make it watertight so that people cannot move are also the ones who decry the loss of civil liberties as they see them or the loss of the rights of the owners of the building to do basically whatever they like. The member for Toowong described it as slipping out and around the legislation. The difficulty with drafting a piece of legislation such as this is in trying to meet the needs of the competing interest groups, if not conflicting interest groups. In that process, we finish up with words that can be, at the extreme, interpreted in the way in which members of the Opposition have interpreted them today; however, that interpretation at the extreme does not really address the intentions of the legislation, which are proper.

Numerous members, including the member for Cunningham, have criticised the clauses of the Bill which relate to development by the Crown. I acknowledge that people will have reservations about the Minister's capacity to accept or reject council recommendations under this legislation. However, it is interesting to contrast the very specific and public process detailed in the Bill which applies to the development of Crown lands with the precedent established by example by the previous Government, to wit the Bellevue, Cloudland and various other places. To assert that Government buildings have no protection under the legislation is blatantly false. If the Crown proposes to develop sites of heritage significance and proceed in spite of advice determined through the process of this Bill, then on its head be it. I also commend the Government for including in the Bill protection for sites of archaeological interest. Australia is an ancient continent, and I am convinced that our knowledge of our archaeological significance has been inhibited by the remoteness and physical conditions in which many of our archaeological areas may exist. The member for Cunningham referred to the capacity of the Minister to authorise people to come into a man's home—I think I got the reference right—and take photographs of his private, individual things. I presume that he was referring to the need for evaluation of places and objects in the legislation. I, too, share some of his concerns about the capacity of those proposals in the legislation to infringe personal rights. However, there are times when community interests should prevail. I am sure that if there had not been such clauses in the legislation, it would have been castigated by members of the Opposition for not having any teeth or any capacity to enforce the matters so addressed.

The non-application of the legislation to churches—once again, I thought that the member for Cunningham made a reasonable point—has been acknowledged by most speakers on this side of the Chamber. I do not think it should be restricted to those religions or sects that use the term "church". If a more generic term can be used to cover other religions, beliefs or sects, I think that would be more appropriate. There has also been quite a deal of discussion about the fact that the legislation does not apply to

heritage sites in Aboriginal and Torres Strait island communities. That would be a legitimate criticism if it were not the stated intention of the Minister and of this Government to deal with, by separate legislation, sites of heritage and cultural significance to Aboriginal and Torres Strait island communities. I do not think it is a matter of one rule being applied in certain circumstances and not in others. It is a case of having to wait for the appropriate legislation. It is something that I have discussed with the Minister from time to time. Every time I have risen in this House to talk about issues of importance with regard to Aboriginal and Torres Strait island culture and heritage, I have mentioned that I look forward to the time when that legislation is debated in this House. I am sure that it will be; it is just that all things cannot be done in the first few years of a new Government. Members opposite, including the member for Carnarvon, have referred to this as a complex piece of legislation. I have to be honest and say that I did not find it so. The member for Cunningham also said that he had to spend all weekend and sit up until 4 o'clock this morning reading the legislation.

Mr Pearce: At least he read it.

Mr BREDHAUER: Yes, I acknowledge that it is important that he read the legislation. I found the legislation very readable and I found the use of standard Australian English and non-sexist language to be very commendable. I think it is important that legislation that passes through this House—which is the House of the people—be readily understood by the people and I encourage the use of standard Australian English. I think this Bill is a particularly good example of that. I support the Bill before the House. I commend the Minister for the efforts that he has put into it and the efforts of the officers of his department and members of his staff. It is an important issue. I do not think it is an easy one, because it does impact on a whole range of people in the community. I think the people involved have done a good job in working their way through the issues, particularly via the process of consultation.

Mrs EDMOND (Mount Coot-tha) (5.05 p.m.): The Queensland Heritage Bill is a welcome achievement that enables Queensland to join as a fully paid-up member the list of civilised countries that cherish and protect their cultural history in all its forms. I support the words of the member for Cook who congratulated the Minister and his staff for bringing the Bill before us in this easily understood way. The electorate that I represent, Mount Coot-tha, encompasses an older area of Brisbane, from the fringes of the city to the mountain from which it takes its name. The foothills skirting Brisbane provided a hilly respite area where early residents could escape from the rigours of summer on the swampy flats around the river that formed the city. Today, the suburbs have moved out past these areas and beyond the mountains. But this history has left a number of fascinating old buildings in Mount Coot-tha that deserve all the protection that we, as a community, can offer. This legislation reflects the ground swell of public opinion and community interest in enacting definitive legislation to retain and protect these structures. I am pleased to support the Queensland Heritage Bill because it will extend the protection offered by the present interim legislation and establish a system whereby the importance of various sites may be assessed with the best professional advice and appropriate protection afforded.

It is interesting to contemplate the number and diversity of historic buildings and sites in the electorate that one represents. I thought that I might speak about the range of buildings in the Mount Coot-tha electorate, some of them in public ownership. While the Bill may not increase the level of protection already offered by caring owners, the preparation of a register will direct attention to the importance of these buildings. It will assist in locating other important sites in private ownership, which the owners may well be very pleased to have protected. I will touch only on a few of the many historic buildings in the electorate.

Mount Coot-tha contains a number of historic homes, including Milton House, built in 1853 and recently restored, and Rainworth House, built in 1863, which is privately owned and which was the home of Queensland's first Surveyor-General. Mr and Mrs Howell, the owners of Rainworth House, have indicated to me their pride and pleasure in having Rainworth House included in heritage listings. Bardon House was built in 1864

and has been owned by the Catholic church since 1925. Fernberg, which is commonly known as Government House, was built in 1865. It was acquired by the Queensland Government after World War 1 and has been lovingly cared for as Government House since that time. It has gracious gardens and columns, and is a landmark in Brisbane. Victoria Barracks began in the 1860s with a range of buildings spanning different periods and contains many interesting buildings of heritage significance. Nearby, historic Baroona Hall is located in Caxton Street. This building is owned and preserved by the Labor Party. The oldest school in my electorate is the Baroona Special School, which was opened in the Petrie Terrace State School in 1868. It is representative of school architecture in the very early days of the colony of Queensland. There are also some significant churches in my electorate, including Christ Church, Milton, built in the 1890s to replace the original stone church which was destroyed by a cyclone. With its adjoining graveyard—all that remains of Brisbane's cemetery complex between 1843 and 1875—it is with no thanks to members opposite that any part of this historic graveyard has been retained after the onslaught of the Brisbane City Council under the guidance and leadership of Sallyanne Atkinson. I am pleased that Queensland now has legislation that can protect other grave sites in my electorate from similar sacrilege.

Among other buildings of architectural significance is St Brigid's Church at Red Hill, which was designed by Robin Dodd in 1911 and which is one of Brisbane's architectural treasures. I must also mention that other architectural treasure, the Regatta Hotel, which is almost as famous in paintings as is the long lost and regrettably gone forever Bellevue, which was a significant feature, I believe, in history of many members of Parliament. There are also historic sites that are not associated with the built environment. For example, John Oxley, a Surveyor-General, landed on the Milton reach near the present John Oxley Restaurant and marked a chain of ponds as a suitable site for the future city of Brisbane. In addition, a number of significant memorial sites are included in the Toowong cemetery. There is also the triangulation station on Mount Coot-tha, which was an important feature in mapping the area where the City of Brisbane now spreads.

As I said earlier, many of these places are adequately protected already, but it would be useful if members cooperated with the National Trust, historical societies and other interested people, including owners, to identify sites throughout Queensland which merit the high level of protection that is afforded by the Bill. Much bleating has been heard in relation to the injustices caused to little old ladies faced with heritage legislation and the disincentives for listing heritage properties. These concerns have been addressed by the Queensland heritage grants program and the National Estate grants program. Heritage agreements can provide for financial, technical and professional advice and assistance. Land tax exemptions will not assist the proud private owners of historic homes, such as Rainworth House, and it is disappointing that members of the Liberal Party are capable only of looking for possible loopholes instead of ways of wholeheartedly supporting the welcome measures encompassed by the legislation. They are stuck in a rut, indicating that they are interested only in land tax and how it can be abolished or reduced, which seems to be this year's cure for everything from dropsy to dandruff. In conclusion, I reiterate my support for the Bill.

Mr ARDILL (Salisbury) (5.11 p.m.): I support the Bill because I believe it is a great step forward. It may have had a long gestation period, but it is certainly all the more welcome for that. I represent an area that has very little heritage property dating from last century. It was interesting to note that a couple of Liberal Party members suggested that Residential A zoning is a protection against the destruction of architectural heritage because my electorate is a clear indication that that is not the case. The member for Mount Coot-tha referred to a great number of heritage structures which remain in her electorate despite its Residential B zoning. I would hazard a guess that there are many worthwhile heritage buildings which remain in the Annerley area where the member for Fassifern lives, which is also Residential B zoning and which displays a great cross-section of housing styles dating from last century to the present.

Mr Lingard: I do not live there now.

Mr ARDILL: The member for Fassifern is very fortunate because a great number of heritage structures remain in his electorate.

Mr Lingard: Where I live.

Mr ARDILL: No. In the area he represents, there is a tremendous amount of property with heritage value for the enjoyment of tourists and for the edification of the community, in general. The Salisbury electorate boasts an old structure dating back to 1867. In those days, it was a farmhouse. It has been shifted from its original site, although it remains in the electorate. Also representing the past is the Sunnybank Railway Station, which is the oldest public structure in the district, dating back to 1885. Unfortunately, during the term of the previous Government, the stationmaster's house, which also dated from 1885, was removed in the middle of the night for sale, despite the wishes of the local heritage group to have it preserved for posterity. I mention that as an example of the previous Government's treatment of heritage matters, but I do not wish to dwell on the misdemeanours and neglect of previous Governments. Instead, I wish to praise the present Minister for the efforts that he and officers of his department have put into this legislation with a view to protecting what remains of Queensland's heritage. This legislation is very important principally because it will provide Queenslanders with some idea of where their culture and traditions come from, and what they should be looking back to as part of their own past. It is also important from the point of view of dollars and cents because a great deal can be gained from keeping heritage buildings for posterity and for the enjoyment of tourists. In other countries, the tourism industry is based simply on structures of the past that people go to see. The residential buildings in Britain provide the greatest example of that in the world. In Britain and Ireland, buildings that are hundreds of years old are still occupied as residences. Today, people from all over the world are able to look at those buildings. They go there in great numbers and boost the tourism industries of those countries.

In Queensland, we have not made enough of our heritage buildings in inviting tourists to come and look at them. In the future, we will have to concentrate more on that aspect of tourism. It will mean that towns and cities in places which today do not get many tourists will be able to capitalise on what they have. That is very much the case in country areas. As I mentioned, Beaudesert has a tremendous heritage trail that tourists can look at. One of those buildings is the old Collins church at Mundoolun. Everyone knows of the Collins church at Tamrookum, but I do not think enough information is available on the old stone and brick church at Mundoolun. Once the legislation is in place, I hope to see that church entered on the register.

Cities such as Maryborough have done a tremendous job, despite the opposition of the previous member who represented the city and who suggested that a fire or a bomb would be the best way of solving the problem of heritage buildings. In recent years, and with the support of the present member for Maryborough, Bob Dollin, we have seen great concentration in Maryborough on heritage buildings. That city is probably our best example of a concentrated area of heritage buildings. In the surrounding districts, in small towns such as Torbanlea and Howard, we have a tremendous number of old colonial houses, which also should be brought into a tourism trail including Maryborough and those particular areas. I am sure that a great number of tourists would be interested in looking at those old colonial houses that were occupied by the gentry of the time. Those houses would be a source of interest and, of course, dollars and cents to the local tourism industry. Many regions, such as Charters Towers and Cooktown, can concentrate on the tourism aspect of heritage buildings. In the future, I hope to see the tourism authorities of Queensland give a great deal more attention to that. Cooktown has prime examples of the type of heritage building, including the Chinese temple, which people from countries such as America would not expect to see in Australia. I am sure that we could capitalise on that aspect of heritage.

We also have naturally occurring phenomena such as the lava tubes beyond the Atherton Tableland and the fossil fields in the Winton and Lawn Hill region. Perhaps because of the complaints from some of the land-owners who have not taken a great deal of interest in those aspects of land that they were granted in the past, we have

heard the carping criticism that we heard today from some members of the Opposition. Unless those people are going to protect worthwhile features such as that, it is necessary for the Government to act, and those people cannot complain if they are disadvantaged because they have not taken sufficient interest in what is there. In this case, I am not speaking of the lava tubes, because some interest was shown there. However, in other areas, the land-owners have shown absolutely no interest in our heritage, and now they complain that the Government may have to impose some controls.

As I said, the legislation is very worth while. In the future, it will have an effect on our economy that cannot be ignored. I congratulate the Minister on what has been brought forward here. It deserves the wholehearted support of everybody in this Chamber and the people of Queensland.

Mrs BIRD (Whitsunday) (5.21 p.m.): In common with human beings the world over, our district is an amalgam of particular elements and values, past and present, which contribute towards its character and particularly its aura. Although our cultural influences are basically the same, each city, each district, is entirely unique and distinctive. In the past, we have had our own style and identity. Those historical and characteristic elements should be sacrosanct. However, it is, in the main, far too late for many north Queensland towns. It is a sad fact that the Mackay region has little left to identify those characteristic elements or the trials and tribulations, its struggles and its gains, from long-gone days. It is a sad fact that most of that distinctive past was gutted in the name of progress in the short period in the 1980s—the decade of the enormous shopping spree. It is ironic also that it was during the eighties more than any other time in the history of our region that the residents developed a new-found respect for the past and a desperate concern for what we were losing.

The year 1982—ironically the Year of the Tree—will go down in history as the year of the rampant demolition experts. Five months before the sneak demolition of Cloudland, the people of Mackay had their own heritage battles to fight. The home of the late Dr H. J. Taylor on the corner of Sydney and Gordon Streets was an historical landmark surrounded by half a dozen huge camphor laurel trees whose shade covered the footpath where locals waited for their buses. With the surrounding mansions, the then 70-year-old house was a reflection of that exciting past. Much to the disgust of the irate locals, like Cloudland those camphor laurel trees went in the early hours. The trees were gone, but that distinctive camphor odour haunted the town for almost two weeks. The wonderful home was replaced by an office block, the top floor of which has never been occupied. That demolition was a turning point for locals. The local authority had once again supported the developer; the Government member claimed little or no powers to intervene; and a branch of the National Trust was formed—too late, though, for Shepherd's anvil stores and the Mansions in the CBD. The land which both of those buildings occupied is now being used as car parks. At a meeting with the then Mayor of Mackay, during which I sought support for the branch, I was told that "the people of Mackay are not interested in old buildings". As an aside, is it interesting to note that, for 10 years prior to those demolitions, the nearby Pioneer Shire Council had been a member of the National Trust. The members of the trust were shunned by members of the local authority and especially by State Government members.

Undeterred, and with the support of the local historical society, the trust worked on. Our losses continued to be major. In 1983, the Mackay City Council bought the Michelmores warehouses—the original Victoria Wharf—which served as the early port for Mackay. The council then subsequently demolished them. The warehouses were the heartbeat of early riverside Mackay. As with Cloudland, many people felt a personal loss with the demolition of the warehouses. In 1991, the warehouses would have celebrated their centenary. They have been replaced by a short back and sides grassed river levee. While inspecting the warehouse demolition site, the then State president of the National Trust, Rod Nunn, referred to the building as a "timber and tin treasure". Our wins, too, have been fairly significant, but the majority are of an era and style found in a regional city anywhere in Queensland. I refer to buildings such as the Customs Office, the Commonwealth Bank and the courthouse. They are not insignificant buildings but are

not totally representative of our unique, exciting past. Except for our achievements in preserving St Pauls Uniting Church, the Anglican Church, Greenmount Homestead and the Pine Island lighthouse, local heritage remains only in everyday mementoes and historical recollections, which are precious in themselves.

The National Trust has been fighting for our heritage with its hands tied behind its back. On an annual basis, our branch sought commitments from the State Government member and Ministers for protective legislation. At each election, members were wooed with statements such as "legislation is being drafted". After each election, legislation, like our historical buildings, disappeared. In December 1983, in Mackay, assistant manager of the trust, Maria Nadalin, pleaded for legislation. She claimed—

> "Vandalism such as we have witnessed would not happen in other States. Despite eight years of discussions and verbal commitments, and recent election promises, the State Government has still not introduced legislation."

It must be a curiosity to Queensland that the previous Government's only interest in heritage was in the preservation of monuments of war. I agree that wars and the soldiers who fought in them are not insignificant. They are a valuable part of our heritage and a great tribute to that generation's sacrifices. To demolish monuments of war or allow them to fall into disrepair was seen and continues to be seen as sacrilege—even obscene. But what about our peaceful monuments—the tin and timber of ordinary Queensland history, the buildings where our previous generation prayed and danced and collected their stores, and monuments to local heroes like Dr Taylor? What special rights gave the Bjelke-Petersen Government the power to play Pontius Pilate to our precious regional heritage but at the same time pay homage to those monuments of war or cloth emblems flapping in the breeze? Future generations in my region have much to condemn the National Party Government for, and I will see that they do.

I would like to make one comment on the merits of compensation. I am on record as saying that I believe compensation should be paid. The owners of buildings have a right to a reasonable amount of compensation. I must stress also that I foresee some problems arising regarding abuse of the system. Local authorities have the opportunity to ensure rate relief and a relaxation of some regulations. I see this as an opportunity, though, for some tremendous abuse. On some occasions when branch members could get the former member for Whitsunday, Geoff Muntz, away from Hamilton Island and away from his overseas trips, we were able to discuss with him some of the points of view that the members of the branch felt were important. They put a proposal to Mr Muntz that perhaps the Government may be able to occupy a position as a non-profit-making real estate agent for buildings of heritage significance, to perhaps buy those properties under threat and then sell them under proscribed conditions of purchase. The problem with this, of course, was to enforce those conditions on future sales. I still believe that, in special circumstances, this may be a consideration.

Today is a very historical day for the heritage of Queensland. It is a day for which I personally have waited for a long, long time. I commend the Minister and his staff. I commend the consultation process and I commend also the work of this Government in preserving the heritage of Queensland for future generations.

Hon. P. COMBEN (Windsor—Minister for Environment and Heritage) (5.29 p.m.), in reply: A number of members have spoken in the debate this afternoon and it is not my intention to canvass in great detail each of their contributions. However, I would like to make a few preliminary points, quickly canvass the comments that have been made, and then move to the Committee stage. The Bill has indeed had a long gestation, but it is a gestation which has been appropriate because I think that, at the end of the day, we have come up with balanced legislation.

I heard either Mr Beanland or Mr Dunworth say that there had been previous draconian legislation with which we had lived. In honesty, I say to them, "Where in two years have been the public controversies?" If it is draconian legislation, we must have been draconian—or were we reasonable in our interpretation of it? Where has been the controversy over administration of heritage in Queensland during the last two years? There has been none. It has been off the front page.

Mr Dunworth: There hasn't been any registration of heritage.

Mr COMBEN: It has had a lot of protection—400 applications to the heritage committee.

Mr Dunworth: People could not do a thing until this Bill came through.

Mr COMBEN: There have been 400 applications to the heritage committee. There have been five demolitions of heritage buildings in Queensland. I will come back to the contribution of the honourable member for Sherwood in a minute. Under the previous Government, it took eight drafts in eight years to produce a piece of heritage legislation. Although it related also to Aboriginal people, it did not contain the words "heritage" or "Aboriginal".

This legislation produces a balance because organisations such as BOMA—the Building Owners and Managers Association—and the National Trust of Queensland say they are not totally happy, but reasonably happy, and that the legislation will work. At the end of the day, that is what Government must do. It must take the competing needs and wants of the people of the State and say, "Where is the balance?" This legislation provides an answer to 95 per cent of the questions of those two organisations and a majority of organisations concerned about heritage in Queensland. I am very proud of the work done by my professional officers, by my legislative committee, and by members on this side of the House to ensure that we get appropriate heritage legislation which will work and which will balance those needs. I am appreciative of the support and assistance of many organisations, and I put that on record now. I will name certain organisations later.

This legislation encourages preservation and the use of buildings. This Government wants to see our heritage live and for it to be lived in. I come from a country in which, today, most churches are protected. Most churches protected by the heritage legislation of the United Kingdom are falling into ruin and disrepair. It is not a great sight to travel the country of England and to say, "Great church. It is protected", and to see it falling into a squalid heap. This legislation will balance the rights of different people and ensure that this Government can protect, encourage, provide grants and allow revaluation. I think that those things are being achieved.

I will turn briefly and quickly to the contributions of each member. I appreciate the support that the member for Cunningham, Mr Elliott, the Opposition spokesperson for Environment and Heritage, offered in general terms for the legislation. He suggested that there were factions of the ALP which had railroaded me. I do not know where they are. Firstly, we have no factions; and, secondly, I can assure the honourable member that in an election year, when preselection of candidates is taking place, I do not think the new heritage legislation is high on the agenda. There was no railroading. We in the department came up with a set of technical answers, professional answers, and we put them to the members of the legislative committee. We listened to what they said, put the proposals out to the various interested organisations, and we have come up with the solution that is here. This is not a political document. It is an Act which will work, and I am very proud of the way in which the consultation has gone.

The member for Cunningham referred to Aboriginal interests as though they somehow get some special dispensation in this Act. What is really being achieved here is that a cultural heritage of our State is being protected by the Heritage Bill and the Heritage Act. The Aboriginal interest will be protected by future legislation. Many of the points which the honourable member questioned were in actual fact put up by the representative of BOMA, a professional woman who was retained by BOMA to put certain suggestions. I have in many cases accepted the very reasonable arguments which were put.

The member for Cunningham raised two matters in particular. One was the insertion of "places of worship" instead of "churches". That will be dealt with at the Committee stage. The other point was that the composition of the council should include someone from the rural industries. The Government will be happy to accept an appropriately drafted amendment. The member for Cunningham and a number of

members on both sides of the Chamber have suggested that is appropriate, so the Government will look forward to seeing the amendment which the honourable member proposes.

The member for Barron River, Dr Clark, again displayed her strong and consistent support for environment and heritage. She was very mindful of the rights of the owners of heritage buildings, and the need to be able to use buildings. This will be a living Act about living buildings, not about sterility or some form of cotton-wooling of buildings when they will not be able to be used. That is not the intention. There is the necessary balance in the provision to stop development on a site, should a building be razed to the ground. There is a need to say to developers that it is not acceptable for them to go in and flatten a building such as MacArthur Chambers. The developers might say, "I will pay the fine. I will get the form, go to court, front up, be charged, convicted, and pay over a million dollars plus. That is just another cost of development." Non-development orders are needed to bring the balance back into the argument. They are certainly in the Act, and they were mentioned by Dr Clark in her very good contribution. There is also the flexibility for the Crown to which she referred and the need for the public to see the decisions being made. It was suggested that some sort of power was being taken away from me by my saying to several of my colleagues, "You will each at some stage have some sort of heritage building and it is appropriate that you"——

Mr Dunworth: You were well and truly rolled. You do not have any say. They have the say.

Mr Elliott: You didn't.

Mr COMBEN: I will take the interjection. I ask honourable members to listen to the answer. I took that clause to Cabinet because—I ask them to think about it—either I stand up here every time it is necessary to make a change to a public building, or I take the hard decisions which in Government one has to take. Of course, Opposition members never think about the hard decisions. A good compromise was worked out. Every one of my colleagues at some time will stand up in public and say, "This is the piece of heritage owned by my department. This is what I am intending to do. I am taking advice from the Heritage Council. Here it is publicly. Everyone can see it. Now here is what I am going to do." That is not taking power from me. It spreads the burden, and it ensures that every member of the Cabinet who does something to a heritage building will be responsible publicly for that decision.

Mr Dunworth: When they have the final say and not the Minister for Environment and Heritage, are you trying to tell me that you have not had your power totally usurped?

Mr COMBEN: Yes. The member for Sherwood made one of the worst contributions that I have heard—second only to the contribution of the member for Toowong. He referred to the problems of a quorum and the transferable development rights. I invite the honourable member to tell me where any benefit would accrue with transferable development rights? The only place in Queensland where transferable development rights would have any value at all is about half a kilometre up the street in the central business district. They are available through the Brisbane City Council and they are not being used. Why bother to encumber this legislation?

Mr Dunworth: Do you think that a quorum of four can make decisions for the whole of the State of Queensland? Do you think that four people who have to be appointed by you are sufficient?

Mr COMBEN: If the honourable member reads the Bill, he will see that the quorum is always six. The honourable member referred to the need for total land tax relief. All that would mean is that the honourable member's wealthy mates, who have large heritage buildings, would not have to pay land tax. There is not even an attempt to tie it to the value of the building or the use of the building.

Mr Dunworth: The wealthy mates—and I do not have any—will escape this. They will go straight through the escape hatch.

Mr COMBEN: It will certainly benefit the members of the Liberal Party. The honourable member says that the Government will have very few citations completed. It will take the Government a while to finish the citations.

Mr Dunworth: Ten years at your present rate.

Mr COMBEN: Perhaps it will take the Government a year to finish all the citations, but the controversial ones are already completed. I say to the honourable member that the average person out in the suburbs will wait quite patiently and will keep on writing to me to say, "Our place is perfectly safe. When you finish the citation, come out and deliver the certificate to us because we are quite happy to wait." Some very good friends of the honourable member who live in heritage buildings have already said that to the Government. The Government has already completed approximately one-third of the citations, and they are the controversial ones. The citations are being completed, but the Government is taking on a huge task because no previous Government had done it.

Mr Dunworth: Why didn't you leave it to the National Trust? They could have done it more than adequately.

Mr COMBEN: Because two years ago, when I received the National Trust list, the honourable member was one of those who stood in this Chamber and said, "What do we do about the boot factory?" The honourable member's mate who is sitting on his left said to me, "You have not got it right because you have the Petrie Terrace precinct. You have it bounded there by certain roads, but look, the boot factory is outside." That was the standard that I received from the National Trust. I could not rely on that standard and that is why I did not wait for the National Trust to do it. This Government has to have a professional standard. Dr Slaughter and his committee are now providing that professional standard. The commitment that I gave to the National Trust while this Government was in Opposition was that the Labor Government would provide researchers to get its citation list up to date and that was accepted. There is now a joint project between the National Trust and the Department of Environment and Heritage. The Government is slowly but surely getting there and updating that list. It is succeeding. I suggest that the honourable member updates his information on the National Trust.

The member for Brisbane Central, Mr Beattie, made a strong contribution in support of the heritage legislation and his constituency. The member for Carnarvon, Mr Springborg, again expressed support, which I was surprised to receive from the National Party, but which is fair. He certainly covered some of the major buildings and listings in his area. The honourable member raised the matter of heritage agreements and wondered what exactly they would contain. The heritage agreements will contain revaluations which are available under the changes to the Valuation of Land Act and the Schedule of the Bill before the House. That will change land tax obligations and rate obligations. The Government will also provide support in the form of technical advice and information. Perhaps at times it will also provide some support in terms of Government tenancies, and so on. The Government can consider a range of things, and it will certainly be creative in doing that.

The member for Cooroora delivered a good, historical dissertation. His call for having historical living treasures is an interesting one. It is one that I have previously heard from the Brisbane City Council. I think that there is certainly a place for them and, as the Government becomes less busy with citations and other things that members of this House want my department and me to do, it will certainly examine those very positively. I think the member for Gympie made a contribution. I could not understand him and I do not think his contribution was relevant. The member for Redlands, Mr Briskey, made a very good contribution in relation to his local constituency and the need for heritage legislation.

The member for Toowong made an unbelievable contribution. I can now understand why he was deposed by that person whose name I can barely remember and whom we never see. The matter which the member for Toowong raised was the crypt owned by Sir John Pidgeon. I do not know from where the honourable member received his information, but the Government has spent a long time negotiating with Sir

John Pidgeon. The honourable member has said that the Government has stymied development in that area and that hundreds of jobs could have been created. I can understand why the honourable member no longer leads the Liberal community, which is often seen as a front for the business community, because if he makes that type of prediction——

Mr Beanland: There it is—on the list.

Mr COMBEN: That is the easy part. I admit that it is on the list. I want to talk about the honourable member's contribution, my negotiations with Sir John Pidgeon over the last 18 months, and what Sir John Pidgeon thinks in terms of the development. Sir John Pidgeon is a man who has considerable involvement in commerce in this town. He is the developer of many buildings. He is not a politician who is sitting in some obscure corner and whose voice is never heard properly. When the economy recovers, Sir John Pidgeon can do something with that building. He is waiting to develop it and he will when he knows that he can get a return and when he has a 50 per cent or 60 per cent commitment to a rental within that building. It has nothing to do with those cuckoo-land comments made by Mr Beanland. We have given him a certificate to do what he wants to do. Phillips Fox, formerly Seymour Nulty, solicitors, will tell members about the good, amicable negotiations.

Mr Beanland: Is it off the list?

Mr COMBEN: It does not have to be off the list. The member should read the legislation. A certificate for two years will effectively allow Sir John Pidgeon to do what he wants to do. The Government is not preventing a commercial development. At present, Sir John Pidgeon cannot build that building because it would be so big that it would not be occupied and would not be a commercially viable option.

Mr Beanland interjected.

Mr COMBEN: The member can say what he likes, but I am afraid that that is the position of Sir John Pidgeon. The member should apologise for saying that this Government held something up.

Mr BEANLAND: I rise to a point of order. I am happy to enunciate the point that this is Labor's possession that we are involved in, and the Minister is admitting it. I thank him for that.

Mr COMBEN: As to the matter of the directives—after I had given the member a fairly good serve and a fair direction, he rambled on that I have no power whatsoever to direct the Heritage Council. Under this Bill, I have no power to direct the Heritage Council. Its members are not Queensland public servants. At times, if I want to, I can give a direction to a Queensland public servant, who is usually the director-general. In this case we are talking about 12 people—not Queensland public servants—who are given statutory responsibilities and told to do the job. I cannot direct them. There is no power, authority, regulation or custom by which I can do that. Mr Beanland deserves to occupy the position that he now holds.

As to the contribution of the member for Nundah, Mr Sullivan—the church connections clearly exist. I acknowledge the good job that the member has done in terms of representing the church's interests to me and other members who are involved with this legislation. I compliment him on the way in which he has represented his constituency. The member for Warrego, Mr Hobbs, spoke about the decreasing value of an asset. I believe that I was able to demonstrate that, in many cases, the asset actually increases in value. As to the council membership—the Government will certainly be taking the owners into account when it appoints people to the other seven or eight positions on the council. As to the certificate of immunity—my advice is that if a person obtains a certificate of immunity for five years, that is usually all that bankers or financiers would require. In most cases, people who request certificates of immunity will be seeking to demolish a building. The general advice is that a person who obtains a certificate of immunity for five years will either demolish the building straight away or knock it down four and a half years later. That will be the commercial reality.

The member for Pine Rivers raised a number of matters, particularly the connections with the Australian Heritage Commission. I acknowledge her obvious great pleasure at the introduction of this legislation and the role that she played in its drafting. The member for Cook, Mr Bredhauer, mentioned support for rural representation on the council, as raised by Mr Elliott. I am ready to take that on board with a suitably drafted amendment. As to the panel of three—I believe that, in the future, when the member sits close to where I sit in this Chamber, he will realise the advantages of selection from a panel of three rather than only one name being provided. I am sure that I would not be the only Minister to hold that view.

The member for Mount Coot-tha, Mrs Edmond, gave great support for the legislation and demonstrated the hollowness of many of the Opposition's arguments. The member for Salisbury, Mr Ardill, outlined the need for the legislation across Queensland and the way that it will fit into a tourist strategy in this State. The great variety of places to which he referred showed his very great understanding of this State. I believe that I travel substantially in this State, and I commend the member for his clear understanding of Queensland's needs. That is certainly the mark of a member who has gone out on the road, has seen what Queensland is about and has done something about it. The member for Whitsunday, Mrs Lorraine Bird, went in to bat for her electorate and its historical needs. I am very conscious of her historical connections with the National Trust and that area. I constantly receive letters from her about various matters in her electorate and its need for financial support. That need is not limited to the Whitsunday electorate, although not many members write as many letters to me as does Mrs Bird.

I take this opportunity to thank the committee which formulated the Heritage Buildings Protection Act. Its eight members worked very hard over the past 18 months. As I have mentioned, some 400 matters have been referred to that committee for consideration. About 10 or 12 of those matters have come before me on appeal. I have also authorised some five demolitions as a result of those appeals. The overall effect is that the interim legislation has worked. I place on record my appreciation particularly to the chairman of the committee, Mr Richard Allan, and to Mr Geoff Whalan, Ray Whitmore, Leon Misfeld, Shane Ryan, Robin Just, Howard Guille and Greg Hoffman. Those committee members have borne a tremendous workload with very little public appreciation. With their great concern and consideration for heritage, they have willingly moved forward to tackle some very difficult issues. At times, they have given some very hard advice to applicants. Overall, in the past 18 months, we have well and truly seen heritage legislation on the statute book and the use of real, living heritage legislation. We have also been able to get on with the task for the owners of heritage property.

I express appreciation for the hard work done by my professional officers—those who were in the gallery earlier and those who are in the lobby. I believe that they have been a little surprised by the comments from members opposite about me being rolled on this occasion. The Government released the Green Paper and has listened to the public's comments on this legislation. It has also listened to the backbench committee, professional organisations and other individuals. I believe that this is very good legislation. It is not political legislation, as the old Cultural Record (Landscapes Queensland and Queensland Estate) Act was; it is legislation which will work. I pay those officers the highest compliment that any Minister can give his departmental officers and thank them.

Motion agreed to.

Committee

Hon. P. Comben (Windsor—Minister for Environment and Heritage) in charge of the Bill.

Clauses 1 and 2, as read, agreed to.

Clause 3—

Mr ELLIOTT (5.54 p.m.): The Opposition is saying that the parameters contained in clause 38 should in principle be contained in this clause. It should spell out that simply putting buildings and properties on a heritage register does not solve the problem. I suggest that a further subparagraph (c) of clause 3 (2) be inserted, which would state—

> ". . . fairness and equity in its dealings with people whose property is to be registered or developed so that their contribution to the heritage estate is reasonable and affordable."

That would indicate to the public and to all the people who will be involved with the Heritage Act and the register that it must be recognised, as occurs in clause 38 to some degree, that financial requirements as well as heritage requirements are involved. When it is all said and done, the Act derives from this clause. Although it has not been conceded by anyone to whom I have spoken, clause 3 (2) (b) is really being used to water down clause 38. I may be missing the point, but I would be interested to hear the Minister's comments on the matter. I move the following amendment—

> "At page 3, after line 5, add—
>
> '(c) fairness and equity in its dealings with people whose property is to be registered or developed so that their contribution to the heritage estate is reasonable and affordable.' "

I believe that that is not an unreasonable proposition. If a private individual with private property wishes to develop a site, he should have the opportunity to object to his property's being listed in the first place.

Question—That the words proposed to be inserted be so inserted—put; and the Committee divided—

AYES, 33		NOES, 47	
Beanland	Springborg	Ardill	Livingstone
Booth	Stephan	Barber	Mackenroth
Connor	Stoneman	Beattie	McElligott
Coomber	Turner	Bird	Milliner
Cooper	Veivers	Braddy	Nunn
Dunworth	Watson	Bredhauer	Pearce
Elliott		Briskey	Power
FitzGerald		Burns	Robson
Gilmore		Casey	Schwarten
Goss J. N.		Clark	Smith
Gunn		Comben	Smyth
Harper		D'Arcy	Spence
Hobbs		Davies	Sullivan J. H.
Horan		De Lacy	Sullivan T. B.
Johnson		Dollin	Szczerbanik
Lester		Eaton	Vaughan
Lingard		Edmond	Warner
Littleproud		Elder	Welford
McCauley		Fenlon	Wells
Perrett		Flynn	Woodgate
Randell		Foley	
Rowell		Gibbs	
Santoro	*Tellers:*	Hamill	*Tellers:*
Sheldon	Neal	Hayward	Prest
Slack	Quinn	Hollis	P i t t

Resolved in the negative.

Clause 3, as read, agreed to.

Sitting suspended from 6.05 to 7.30 p.m.

Clause 4—

Mr ELLIOTT (7.30 p.m.): As far as the definitions are concerned, I would be interested to find out whether the Government has had a lot of consultation with the Forest Service in regard to "owner"—

"(a) . . .

(ii) if the land is held from the Crown under a statutory lease, licence or permit conferring a right to possession of the land—the lessee or licensee;

and includes a mortgagee in possession of the land, a person who has a mining interest in the land and, if the land is a State Forest or Timber Reserve under the *Forestry Act 1959*, the Conservator of Forests;"

Has the Government had discussions with the Forest Service, and is it happy with that definition?

Mr COMBEN: The "Conservator of Forests" is included at the request of the Forest Service. It was actually our view that it was unnecessary and may have imposed a burden.

Mr ELLIOTT: Under "public notice", the Bill states—

"(c) if the notice relates to a place situated in an area for which a local newspaper is published—the local newspaper."

I wonder if that adequately covers the whole situation? It has been suggested by certain people that perhaps it should have referred to a paper circulating throughout Queensland. I know that it is a bit nit picking, but it is something that has been raised with us.

Mr COMBEN: If the honourable member reads (a), (b) and (c) as being "and", "and", "and", then one has the *Government Gazette*, the formal document, a newspaper circulating throughout Queensland—that will be, of course, the *Courier-Mail*—and, in some areas, as an added protection for local people, a local newspaper. The honourable member would probably be more conscious than me of the fact that in some smaller communities there would be 2 000 local newspapers to every dozen newspapers similar to the *Courier-Mail*.

Mr SPRINGBORG: What I am going to raise is basically covered by the Definitions clause. I am speaking specifically about a painting or a statue which may be a part of a heritage listed building. That painting or statue may have been acquired 30 or 40 years after the heritage building was actually built. Would it be fair to say that possibly the painting or statue in that building would form a significant part of the heritage of that building and that the owner may not be able to sell that painting or statue? Would such a situation be covered under the definition of "object"? Would the Minister please explain to me what would happen if one owns a heritage listed building in which is a painting—acquired years after the purchase of the building—that one wishes to sell, but it adds to the character and the culture of that heritage building?

Mr DUNWORTH: Under the definition of "place", does the Minister envisage places including precincts and streetscapes, areas that could include open space? Does he envisage that as a total precinct or would it be excluded to stand-alone buildings and adjoining buildings? Does the Minister see it as a total streetscape such as in Petrie Terrace or Red Hill area?

Mr SPRINGBORG: In terms of the definition of "object" and the Minister's concerns about possessions such as a painting, an object—

"means an object or group of objects, and includes an object or group of objects that has become attached to, or has merged with, land."

That is the old definition of a fixture. It is my understanding that if one has a painting which was glued on or substantially pasted on to a wall of a house, then that would become part of the fixtures of the house. In that case, the owners could sell. They can sell the house. They can sell whatever they like—they could well sell the wall of the

house as long as they get permission to take the wall out. If it is fixed, it is part of the house; if it is just hanging there, then it is not part of the heritage protection and it can be removed and the owners can do what they like with it. As far as "place" is concerned, for the benefit of the member for Sherwood, I point out that "place" is defined as being something that is identifiable. It is not permissible under this Act to define a heritage area as a streetscape Petrie Terrace. There may well be a general name, the Petrie Terrace precinct for instance, but that must then be clearly identified as being Lot 1 on RP 1478 or Lot 2 on RP 1478. Anyone who has a piece of land in the Petrie Terrace precinct will quite clearly be able to go along and say, "Yes, I am in", or, "No, I am not in." There will be no vagueness. Clarity has been one of the things that the Government has sought, and I think that it has been achieved all the way along. There will be certainty. If one's building is listed, somewhere one will see a plan which will clearly show it, or there will be a real property description.

Clause 4, as read, agreed to.

Clause 5—

Mr ELLIOTT (7.36 p.m.): This is obviously one of the clauses that the Opposition finds hypocritical in the extreme. Clause 5 (1) states—

> "This Act binds the Crown not only in right of Queensland but also, as far as the legislative power of the Parliament permits, the Crown in all its other capacities."

Subclause (2) states—

> "Nothing in this Act renders the Crown in any of its capacities liable to be prosecuted for an offence."

In other words, it can do what it likes. This is nothing more than window-dressing. It has been inserted for purely and simply public relations purposes to try to win the next election. The Government has just left the clause in limbo, as it were. Basically, it will allow the Government to do whatever it wishes. I realise that the Minister will probably suggest that there would be flak flying if such a course were adopted in relation to property listed on the register, and I do not doubt that for one minute. However, that does not alter the fact that similar instances have occurred in the past. Members of the National Party noted with interest that the railings from the old Bellevue Hotel were sold. I suggest that they could have been used for heritage building restoration projects. For example, if wrought-iron railings on a heritage building were damaged as the result of a bad traffic accident, the authentic wrought-iron railings from the Bellevue could have been used to repair the building, except that the Minister chose a few pieces of silver instead of keeping those railings in reserve. Even putting aside that matter, I believe that the whole exercise underlying clause 5 is nothing but base hypocrisy.

Mr DUNWORTH: Subclauses (1) and (2) of clause 5 are really all about a warm inner glow for the Minister. I ask the Minister to explain why the Crown should not be bound by this clause since the Crown is probably the owner of the majority of the heritage buildings in Queensland. Is the Minister going to respond?

Mr Comben: No. You have had a go.

Mr BEANLAND: I notice that the questions that have been asked of the Minister in relation to this controversial issue have been ignored.

Mr Elliott: This is democracy at work, you see. This is open and accountable government.

Mr BEANLAND: We know all about the Minister's democratic approach.

Mr Dunworth: It is a total cop-out.

Mr BEANLAND: As the member for Sherwood says, this clause is a straightforward cop-out. There is no point in the Minister rising to state that the Crown is bound in some way by this legislation because I note the provision later in the Bill that will have the effect of not allowing the Crown to be bound in spite of this clause. I refer the Minister to Division 2 on pages 22 and 23 of the Bill, which provides an out for the

Minister of the day. This legislation purports to bind the Crown, but it does not do so. The Crown is not liable to prosecution for an offence. In another part of the Bill, there is a provision stating that the Minister must be responsible for the work and consider the Heritage Council's recommendations, and then decide whether to accept them or reject them. In other words, the Minister may opt out of accepting the recommendations made by the Heritage Council. It is quite clear that the Crown is not bound by this Bill. I think it is a fair and legitimate expectation that the Minister indicate to the Chamber the reasoning behind the fact that the Crown will not be bound. Many statements have been made about the role of the Crown, but in point of fact the Government of the day is not bound by this legislation. I believe that the Chamber deserves an explanation of the reasoning behind that.

Mr COMBEN: I make it quite clear at the outset that the Crown is bound by this legislation, but members of the Liberal Party are confused about what the Crown is bound to do. The Crown is bound by the provisions in this legislation that deal with the way in which Crown land is to be handled. There are two systems involved in this legislation: one applies to private land and the other one applies to Crown land. The Crown is bound by what this legislation says the Crown must do and by what the Government must do. To that extent, the Ministers of future Governments are bound as well. At times, there should be two separate systems, and under one system, the people of Queensland should know exactly what the Crown or the Government is doing at any time.

This would be the most transparent system imaginable. If one of my ministerial colleagues—for example, Mr Hamill—wanted to take action in relation to a railway station that is listed on the Heritage Register, he would have to give notice to the local council of his intentions. He would have to inform the council of the way it is intended to be done, and he would have to erect a public notice on the site. He would also have to advise interested people of what he intends to do. If there is something untoward, the public will know about it and will be able to respond. Each member of this Parliament would know that that is the strongest control possible over any member of Parliament at any time. The issue of the Crown's liability for prosecution has been raised, which begs the question: how does the Crown, which is the prosecutor in this State, prosecute itself? I know of no legislation which enables the Crown to be prosecuted.

Mr Elliott: What is the situation, then, with the local authority or the Federal Government if it does something against the Act? What do you do then?

Mr COMBEN: I will take advice from learned counsel, who is not here at the moment. Constitutionally, there would probably be a number of problems involved. I am told that it would not be possible for the State Government to do that. Special provisions are contained in the Bill which apply to local authorities. I hasten to add that in view of the member for Cunningham's criticism of me for treating the Crown in a special way, I will have no hesitation in saying to the 134 local authorities that have asked me for special treatment that the member for Cunningham objects to that course of action and that he wants all of them bound in the same way as the Crown is bound. In conclusion, let me add for the benefit of honourable members in both opposition parties that for 32 years, virtually no legislation passed by this Parliament was binding on the Crown. Albeit that the Bill contains different provisions, they are binding on the Crown and are an example of transparent, public accountability.

Mr DUNWORTH: The Minister has said that there are two systems involved—a system that pertains to private individuals and private companies, and a system that pertains to the Crown. Why should there be a differentiation? He has not explained why the legislation should apply in a different way to me and to a private company, and why it should not apply to the Crown. Why does this legislation apply to local government, but not to the Government of the day? I ask the Minister to explain that because he has not done so in any way at all.

Clause 5, as read, agreed to.

Clause 6, as read, agreed to.

Clause 7—

Mr ELLIOTT (7.45 p.m.): This clause states that the Minister may "delegate". Does the Acts Interpretation Act or some other Act cover the ability of a delegate to redelegate that authority?

Mr COMBEN: No, the common law covers that situation—"non delegatus", or whatever the Latin is. Learned counsel has not arrived yet. If a power is delegated, I have the power to delegate my powers under this Act to another person, to the council or to a local authority. They cannot be delegated further.

Clause 7, as read, agreed to.

Clause 8, as read, agreed to.

Clause 9—

Mr ELLIOTT (7.46 p.m.): Clause 9 (f) states—

> "to cooperate and collaborate with federal, State and local authorities in the conservation of places and objects of cultural heritage significance".

Why do we use the word "collaborate"? Against whom are we collaborating? It sounds like something out of the Third Reich.

Mr COMBEN: I suggest that the honourable member get a dictionary.

Clause 9, as read, agreed to.

Clause 10—

Mr ELLIOTT (7.47 p.m.): The council has a quorum of six. One member of the council is chosen by the Minister. Of the four mandatory nominations, one person will be nominated by the Trades and Labor Council. As we understand it, and as was the case initially, a rural representative will be appointed to the council. It is an irony that a person should be a member of the council after knocking down his own building. I find that rather ironic, but I guess it is no more ironic than if the Minister puts onto the council a person who has already knocked down some other building. Clause 10 (4) (e) states—

> "8 persons nominated by the Minister after inviting representations from organisations with appropriate knowledge, expertise and interest in heritage conservation".

I suggest to the Minister that he ought to think about inserting after the words "interest in" the word "Queensland". That part of the clause would then read—

> ". . . from organisations with appropriate knowledge, expertise and interest in Queensland heritage conservation and considering any recommendations as to the composition of the council".

I am not suggesting that the Minister will do that, but there is no reason why he could not load the council with so-called experts from the south and the council would not be run by Queensland at all. The Minister should tell me if I am reading that clause wrongly. I am quite prepared to withdraw and accept the explanation. From the way I read the clause, there is nothing to stop the Minister from putting southern representatives on the council, if he wishes to do so.

Mr DUNWORTH: Of the 12 members who can be appointed to the council, four are specified and eight are nominated by the Minister. Of the four who are specified, only one person has any real commercial experience in property, and that is the member from an organisation such as BOMA or whatever else it may be. So, we could have a 12-member council with only one person coming from the commercial property industry. It seems to me that the council could be extremely lopsided. In addition, the Royal Australian Institute of Architects—many members of which are conservation architects—may not be represented. Engineers, who have their own heritage panel, may not be represented. The Royal Historical Society also may not be represented on the council. Would the Minister explain why he decided not to specify a number of other

persons who could be adequately chosen to be members of the council and why only one person with any commercial property experience may be appointed?

Mr COMBEN: On any of those sorts of councils, there are two ways to go. A wide discretion can be left to the Minister or whoever is making the decisions. Some sort of public consultation system can be provided for, which is increasingly being done in other States and at the Federal level. The other way is to nominate certain organisations that will nominate to the Minister, who then says, "I will take one of your nominees." It is a toss of a coin which way to go. I have no strong views about either way because, quite often under the two different systems, the council may well end up with the same 12 members. If one is looking for people with a genuine knowledge, expertise and interest in heritage conservation in Queensland, one may get the same 12 people.

What we compromised on to a certain extent was four organisations with a clear interest. I understand that an amendment may be moved to make that five organisations. Then there is a whole range of others. Everything that the member has said about architects and engineers is correct because, under the interim legislation, eight different organisations were named to nominate someone. It worked wonderfully. This time, we have tried to throw it open a little more and get in a few other interested parties. We will take counsel from those organisations about which the member talked. I hope that some of the people who are members of the interim committee will be members of the council. We will certainly be out there—not lobbying; we are not supposed to lobby. However, I am sure that some of those names will come forward from interested groups. It is a toss of a coin. It is a matter of style more than policy. I have compromised here. I think it is acceptable.

Mr ELLIOTT: I move the following amendment—

"At page 7, after line 26 insert—

'(e) 1 person nominated by the Minister from a panel of at least 3 names submitted by an organisation representing the interests of rural industries in Queensland.' "

I move the following further amendment—

"At page 7, line 27, omit—

'8'

and insert—

'7'."

Mr BEANLAND: The Minister said that he tossed the coin and decided to go down the track that he has. The Ministers in New South Wales and Victoria tossed the coin and decided to go down the other track. It is worth while noting that, in the heritage legislation in those States, the representatives from each of the organisations that will be represented are spelt out in detail. I can understand the concern that has been expressed. The member for Sherwood indicated that, to date, there is really only one person on the council representing property-owners, and there is no indication that there will be others.

The member for Cunningham has moved an amendment to at least include a delegate representative from the National Farmers Federation. That is fair enough. As the other States have detailed the representation on the commission or their heritage body, I would have thought that the Minister would possibly have gone down this track also. Despite the fact that both other major States have detailed the representation, I do not think that the Minister has indicated the real reason why he has not gone down that track.

Mr COMBEN: I have listened to the cogent arguments put forward by the member for Cunningham, by my colleagues on this side of the Chamber—particularly the Deputy Premier—and by the rural communities policy unit concerning the need for someone involved in the rural industries to be a member of the council. I notice that at least I get some positive, constructive suggestions from the National Party, yet we still

hear the same old carping and harping from the Liberal Party benches in the back row. It is so bad that the Liberals did not even listen to what Mr Elliott said. Mr Beanland still believes that the member for Cunningham is moving an amendment for a representative from the National Farmers Federation to be on the council, whereas my understanding is that the amendment seeks a representative from the rural communities in the same way as from BOMA. I certainly accept the amendments which have been moved.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11, as read, agreed to.

Clause 12—

Mr ELLIOTT (7.57 p.m.): Subclause (3) (a) of clause 12 states that the chairperson "may at any time convene a meeting". I suggest to the Minister that notice of at least seven days should be given before a meeting is called, particularly if all of the members do not live in Brisbane. If members are asked to attend a meeting, surely they should be given some notice. That would be only a common courtesy.

Clause 12, as read, agreed to.

Clause 13—

Mr BEANLAND (8 p.m.): Clause 13 refers to a quorum. Six people are required at a meeting for a quorum, but only three may be able to decide on how that particular meeting votes. It is quite clear that this quorum needs to be increased to ensure that there are more than three people deciding the issue on the day, because if there are three plus the casting vote and it happens to be tied, then the decision will go that way. I do not think it is quite good enough for an important council such as this to have such a small number of people deciding the issue, whatever it might be. I ask the Minister to give consideration to increasing the quorum from six to at least eight.

Clause 13, as read, agreed to.

Clauses 14 to 16, as read, agreed to.

Clause 17—

Mr ELLIOTT (8.02 p.m.): It is interesting to note where all these people will come from, and also on what scale it is proposed that they will be paid. Just what arrangements are to be made in respect of that?

Mr COMBEN: Those matters are not fully determined yet. I would assume that it would be on the basis on which we have worked with the interim committee or the former committee, which I understand is a payment of something approaching a couple of hundred dollars for the chairperson. It is not the highest scale of fees. It would be considerably less for members because the chairperson also does all the preliminary work. It would probably be the lower or middle order of committee fees now in place in the State. If the honourable member wants to follow it up, I am sure that my officers would be able to tell him. That will be decided over the next three or four weeks.

Clause 17, as read, agreed to.

Clause 18—

Mr ELLIOTT (8.03 p.m.) : Clause 18 (1) reads—

> "The Minister may accept donations of money in furtherance of the objects of this Act."

Is there any chance that at least these will be tax deductible? Is the Government working on that, and what chance is there of getting anywhere with that?

Mr COMBEN: That is obviously a question that should be addressed to the Federal Finance Minister, not to me. We would certainly continue to work on the aspect of tax deductibility for both expenses on a heritage house and for moneys donated towards heritage protection. At present, if moneys were donated for that purpose, it

would not be tax deductible. I think the advice which should be given is that in some instances donations to the National Trust are tax deductible.

Clause 18, as read, agreed to.

Clause 19, as read, agreed to.

Clause 20—

Mr ELLIOTT (8.04 p.m.): Clause 20 in regard to the Heritage Register reads—

> "(1) There is to be a Register known as the Heritage Register.
>
> (2) The Heritage Register is to be a record of"—

and I will not bore honourable members by reading the rest of the clause. I suggest that there should be a provision to remove properties from the register. Removal of properties from the register, as well as putting properties on the register, should surely be recorded. Perhaps it was forgotten that there were going to be any at all, or it was thought that that was something that was not going to happen, or perhaps none were planned. Perhaps the Minister was hoping against hope that there would not be any. I suggest that there will be some at some time in the future. As to the titles, which I will go into later—it is very important that people who are buying or selling property know the exact position. Surely it should be recorded.

Mr COMBEN: I just want to be sure that I understand what the honourable member is saying. I think that he is saying that the register should not be just of the registered places, the protected areas, and the orders or permits, but should also have a fourth category which would be those places that have at some stage been removed, so people can look and say, "Hang on. Is this going to go on the heritage register next week?" "No. It has obviously been removed because it was not what it was said to be." It is a good suggestion. I would prefer to give the honourable member an undertaking to consider it as the Act and its workings are reviewed. There is certainly merit in the suggestion. It is the first time I have heard of it, so there are no amendments drafted to accept it, but I think it is certainly worthy of consideration. We will certainly be considering it.

Clause 20, as read, agreed to.

Clause 21—

Mr ELLIOTT (8.06 p.m.): Clause 21 reads—

> "(1) The Heritage Register, or a copy of the Heritage Register, must be kept available for public inspection at a place determined by the Council during ordinary business hours.
>
> (2) The prescribed fee may be charged for inspection of the Heritage Register."

I suggest that if people want to take away a recorded copy, particularly if solicitors are taking copies for purposes such as title work and transactions, that is fair enough. They would have to be charged because that is going to cost the Government something. But just to take Mrs Gafoops at Spring Hill as an example, the Government is going to list her property and give her a hard time all round, and then when she goes to inspect the register, she is going to be charged for the privilege of having a look at her own listing on the register. I would have thought that is a bit rough.

Mr COMBEN: I agree wholeheartedly with the honourable member, so I would not be doing anything like that. Clause 21 (2) says that the prescribed fee may be charged. It is the intention to charge solicitors who require documentation as to the status of a building on the register, but if the honourable member's friends from Spring Hill came in just to have a look to see whether or not their property was listed, they would not be charged.

Mr ELLIOTT: Very good. I thank the Minister.

Clause 21, as read, agreed to.

Clause 22, as read, agreed to.

Clause 23—

Mr DUNWORTH (8.08 p.m.): Subclause (3) states—

> "A place does not satisfy the criteria for entry in the Heritage Register if there is no prospect of the cultural heritage significance of the place being conserved."

What does that subclause mean? Does it mean that a place could be in such a state of disarray that there is no prospect of its being restored? Does it mean that there is no prospect of its being restored because the property is integral to a major development and can be not listed on the ground that the development would not proceed? Or does it mean that there is no prospect because the property is of some magnitude and that the amount of money required to restore it would be outside the ambit of the majority of individuals? In my opinion, the phrase "no prospect" allows an enormous number of properties to escape the net. Is that phrase specifically in the clause for that reason? Can the Minister explain the reasoning behind it?

Mr COMBEN: Yes, I can explain the reasoning behind it. I am fascinated to know that the honourable member is concerned about property escaping the net. Previously, that has certainly never been his view, and this is a late addition——

Mr DUNWORTH: I have been a member of the National Trust for some time, so it does concern me.

The CHAIRMAN: Order!

Mr COMBEN: That is the second time the honourable member has spoken. He has only one opportunity left. This clause is intended to stop the farcical situation in which originally, as the Bill was drafted, it was quite clear that a place had to be assessed for heritage significance. It was also quite clear that if a place had heritage significance, it was placed on the list. Clearly, there was a purest of driven snow list. Secondly, if a person wanted to do something to that building, whether it be to repair it or to demolish it, he then made an application for it. When the Government considered the list and the appeal system that was in place, it became quite obvious that should someone nominate some ruin which was about to fall into the sea—the land was eroding or something similar to that—the Government could have an argument with the owner of that piece of land who did not want that piece of land listed on the heritage list. The owner could go through the nomination process—perhaps for a period of three months—and fight to get that place not listed. At the end of the day, it may be listed because the property had cultural heritage significance. After this enormous fight for three months, the owner could then go straight back to the committee and say, "But I want permission to demolish it because it is on the seafront, it is all eroding, there is a walking track underneath there which people use, and the building is about to kill people. I want permission to demolish it." I would assume that in those circumstances the owner would then receive permission to demolish the building. So, three weeks later, after fighting for three months to have the building placed on the heritage list, the building is taken off the list. In public administration terms, that is not efficient and it is not good.

This clause is designed in such a way that if there is no prospect of the cultural heritage significance of the place being conserved, it will be able to be not listed. It is a much cleaner and better system. The question starts to get a little greyer when there is no prospect of conservation. Does one immediately refer to clause 38, which deals with a prudent or feasible alternative? I suspect that one will. The Government has received good legal advice. It has had discussions with BOMA and conservation and heritage organisations. Although there is still some ambiguity about the matter, one thing that is clear is that this clause will make it a lot cleaner, even though the Government is not yet sure of exactly what will be taken into account when the question is asked by the committee or by the Planning and Environment Court: is there any prospect of the cultural heritage significance of this place being conserved? There is a difficulty there, but I think that it is one for the lawyers to sort out to a large extent, because the Government has received legal advice both ways.

Mr DUNWORTH: I believe that under this clause, in the Planning and Environment Court, the Bellevue Hotel would not have been preserved. I believe that with the Bellevue, there probably would have been a very strong argument that the place was in a great state of decay and that it was riddled with white ants. I would say also that under this legislation, the people who owned the places that have been restored, such as the Petrie Mansions and the Coronation Terraces, which I mentioned this afternoon, could have gone to the Planning and Environment Court and pleaded the case that there was no prospect so that those properties could be taken off the list.

Mr COMBEN: That would not be the case. One must always hark back to the phrase "no prudent and feasible alternative". That is the easiest test which can be applied. That means just that, no prudent or feasible alternative. Today, the Petrie Mansions are preserved and renovated, so there was obviously a prudent and feasible alternative. In relation to something like the Bellevue Hotel, it would not be a decision made by a conservative sitting at 100 George Street, it would be an opinion of conservation architects and their evidence would be presented in a court. Those conservation architects would have to say that there was no prudent and feasible alternative. There would have to be a fire in the hotel, and one would have to watch the walls falling down to be sure that there was no prudent and feasible alternative. When one takes into account the Government ownership of that building, the precinct in which it was located, the great heritage significance, and the number of criteria that it met as an adjunct to this place, that is not a case in which there would be no prudent and feasible alternative. We are really talking about ruins—cases in which there is no hope of preserving the cultural heritage significance. The only issue beyond this is whether a $6m loss—the cost of renovating a very small building—is also encapsulated in the legislation. I doubt that it is. It will be interesting to hear the first court decisions on that issue. It is a very conservative provision. I am very confident that it is not a hole in the net. If the member were to read the sort of advice that the Government has received from a range of organisations, he would share my belief.

Clause 23, as read, agreed to.

Clause 24—

Mr ELLIOTT (8.15 p.m.): The first time that the poor old owner is mentioned in this clause is in subclause (4) (a). Throughout the entire Bill there really is an arrogant disregard of the owner. This is really paralysis by analysis. Why are we not giving the owner far more opportunity to provide input, to discuss and debate the issue and to put his or her case? The thrust of the Bill is tilted against the property-owner.

Mr SPRINGBORG: Earlier today, when I participated in the debate on the second reading of the Bill, I raised the very same concern as that raised by the member for Cunningham. I believe that it would be far better and more equitable to inform the owner of the site which is to be provisionally listed of the intention to do so before anything happens. The point that we cannot get away from is that, if people are alerted through the mail to the effect, "We have provisionally listed your property. We are looking at putting it on the Heritage Register on a permanent basis. You have the right of objection", they are automatically going to think, "This is the heavy hand of Government, the heavy hand of bureaucracy, coming down on my back." It would be better if the Heritage Council were to talk with those persons prior to any action being taken. I believe that would lead to a far more equitable relationship and an earlier

solution to the problem. I do not believe that the Minister can disregard these particular concerns, because this clause reads as though in these circumstances the rights of the individual have been abrogated. I believe that, with a little more consultation, the Government would be able to solve this problem much more quickly and easily than it will under this clause, and with less heartache and concern for the parties involved.

Mr COMBEN: It would be different if, on each occasion that the council or the department started to do an assessment, it kept quiet about it and hid its intentions so that the first time the property-owner knew about it was when he or she received through the mail some form of notification that it was on the provisional list. Let us be more honest about the listing process. When we talk about heritage as being some sort of confrontation in terms of preservation, we are not talking about 95 per cent of the buildings. Ninety-five per cent of the buildings will be the monuments; the old, paved roads at Spicers Gap; residential areas and residential buildings that will often increase in value. The majority of heritage listings have no problems. The Government regularly receives mail from people to the effect, "Please list my building because the place next door, which is 100 years older than mine, is worth a lot more money than mine. So if you list my place, it will be worth more money." When we are dealing with the average 95 per cent of listings, we are up front talking to the property-owners, who have often come to us. The National Trust might ask if we have had a look at something or other. This provision relates to cases in which there is some concept of demolition, in which there is a problem and in which one has to be more circumspect about one's approach to the issue.

Mr Springborg suggested that the Government should inform property-owners of the provisional listing of their property, but that may mean that the Deen brothers are in there five hours later. At times, that is the effect of such a discussion. That is the system which the Government will be using in 95 per cent of cases. I doubt whether we will have to do anything else in even 5 per cent of cases. However, in that 5 per cent of cases, some people do become concerned about values and future development rights. In one out of 1 000 cases or 100 cases, the Government will be unable to notify people of provisional listing because it knows that, if it does, that property will be gone.

Mr SPRINGBORG: I concede that what the Minister says is probably going to be the case, but because of the way that this clause is drafted, that may not always happen. This clause does not state that it is dealing with people who are particularly obstinate or are going to tear down a building with a ball and chain. I would like to see a provision in this clause whereby we recognise that some private owners may not be consulted and ensure that they are consulted prior to their property being listed on the provisional register. This clause does not take those particular points into consideration.

Clause 24, as read, agreed to.

Clause 25, as read, agreed to.

Clause 26—

Mr ELLIOTT (8.21 p.m.): This clause contains another important principle that I outlined earlier. It is inconsistent with the attitude adopted in clause 38. As such, it does not give the property-owner any opportunity to carry out his or her own academic argument in respect of that property other than on heritage grounds. That is not good

enough. If it is good enough to widen the criteria on a developmental proposal to include economic and other grounds then, quite frankly, to be consistent the Government must adopt the same principle in clause 26. I am interested to hear from the Minister why he has done that and why he is not prepared to go the other way. The Opposition will then consider its position.

Mr SPRINGBORG: I share the concern of the member for Cunningham on that point. If the only objection criteria available are on the grounds of the unsuitability of a particular building or site to be listed on the Heritage Register, the objection criteria are far too limited. It may be the case that a person has looked after a property very well over a long period without interference from bureaucrats or politicians and that person could very eloquently argue that that is the case. I believe more objection criteria should have been included in the clause.

My other point is that some of those buildings or sites may have been considered for six weeks, six months, a year or two years and, therefore, the Heritage Council will be thoroughly conversant with the issues relating to registration of a particular heritage building or site. If the owner knows about it only 30 days prior to having to lodge an objection, that puts substantial constraints on the ability of that person to be able to object in a comprehensive way. Earlier, I spoke of people who may not have the ability to put their view across as well as members of the Heritage Council or even the assessors who decide whether an objection has merit or not. That person should be able to receive advice from officers of the Minister's department or should be assisted to put forward a case as to why the building should not be on the Heritage Register. Many people may not be able to put their case properly and may have to engage legal counsel to assist them, which may cost a substantial amount. The person who may object is up against it, to use the proverbial. The Minister should be more compassionate in his dealings with those people.

Mr ELLIOTT: Surely the Minister will tell us why he has adopted a different attitude to clause 38. In this Chamber, we discuss legislation. Because we are at the Committee stage, it is not unreasonable to ask the Minister who is overseeing the passage of the Bill through the Assembly why in one clause he takes one line but in this clause he takes another. Surely that is a reasonable question.

Mr COMBEN: I do not think it is a reasonable question.

Mr Elliott: Why not?

Mr COMBEN: Because the provision in subclause (3) relating to not satisfying the criteria for entry in the register goes straight back to the clause that the honourable member mentioned earlier. It is one and the same thing. Stating that it does not satisfy the criteria ties it to the other clause. It is exactly the same objection process.

Question—That clause 26, as read, stand part of the Bill—put; and the Committee divided—

AYES, 47		NOES, 33	
Ardill	Livingstone	Beanland	Springborg
Barber	Mackenroth	Booth	Stephan
Beattie	McElligott	Borbidge	Stoneman
Bird	Milliner	Connor	Turner
Braddy	Nunn	Coomber	Veivers
Bredhauer	Pearce	Cooper	Watson
Briskey	Power	Dunworth	
Burns	Robson	Elliott	
Casey	Schwarten	FitzGerald	
Clark	Smith	Gilmore	
Comben	Smyth	Goss J. N.	
D'Arcy	Spence	Harper	
Davies	Sullivan J. H.	Hobbs	
De Lacy	Sullivan T. B.	Horan	
Dollin	Szczerbanik	Johnson	
Eaton	Vaughan	Lester	
Edmond	Warner	Lingard	
Elder	Welford	Littleproud	
Fenlon	Wells	McCauley	
Flynn	Woodgate	Perrett	
Foley		Randell	
Gibbs		Rowell	
Hamill	*Tellers:*	Santoro	*Tellers:*
Hayward	Prest	Sheldon	Neal
Hollis	Pitt	Slack	Q u i n n

Resolved in the affirmative.

Clause 27—

Mr ELLIOTT (8.33 p.m.): In respect of the panel of assessors—and, once again, I will not read the clause because members should have read it—why is there provision for 10 assessors? We do not have 10 judges on the appeals court. I can understand that there might be problems and they would not all be there at the same time, but I am suggesting that 10 is an excessive number, and I would like to know why the Government has chosen 10?

Mr Comben: The number is fairly arbitrary. The reason for having a panel was to ensure that there is a width of both experience and expertise, and also that there is not a small gathering of assessors that may, perhaps, get too close to the Heritage Council and to the department. Having 10 assessors enables the work to be spread around a number of people in Queensland with expertise. A number of people are needed in different parts of Queensland. It will enable the panel of 10 to be spread in two or three different ways. It could have been more or it could have been less. The number makes no real difference, because it is probably a question of whether they get a job every month or every 10 months.

Clause 27, as read, agreed to.

Clause 28, as read, agreed to.

Clause 29—

Mr ELLIOTT (8.35 p.m.): Something which is not mentioned here, and which I see as being essential, is that all assessors should be completely independent. It is very important that they have nothing to do with the council and that there are no close ties or association with the council. The assessors must be completely independent and should be seen, like Caesar's wife, to be pure. It seems to me that the council does not appear to be bound by that assessor's report. Would the Minister explain whether that is the case?

Mr COMBEN: The council is not bound, as is clearly stated in subclause (4). The council must decide whether to proceed with its proposals, whether or not it adopts it or whether it objects. It is not a value judgment. There will be nuances where the

council, with its expertise, must decide . Ultimately, if no decision can be made, the courts will decide once and for all. I agree with the member's comments that it must be like Caesar's wife, and it is the Government's intention to ensure that the assessors are such. It will also keep individual members honest because it will not be a matter of a small group getting together at the Queensland Club or somewhere and price-fixing their fees or doing something similar. If there are 10 members, they will be watching each other and they will keep each other honest.

Clause 29, as read, agreed to.

Clause 30—

Mr ELLIOTT (8.38 p.m.): The same objection as the one raised by the Opposition to clause 26 applies to this clause. We made our point by dividing the Committee earlier, so if no-one upsets us, we will not divide the Committee again.

Mr DUNWORTH: If clause 30 is read in conjunction with clause 23, the legal fraternity would wring its hands at the thought of the litigation that will be undertaken as a result of this Bill. As I said at the second-reading stage, this clause will apply to people who wish to have their buildings registered, to people who do not wish to but do not have any money, and to the National Trust. However, the people who can beat this Bill are the people who have large pockets. I would say that the property-owners and smart lawyers are working together on cases that will inundate the Planning and Environment Court. I want the Minister to tell me what sort of budget he has to fund the council involved in these court cases. Does he have any idea of the number of cases to expect? Will it be five, 10 or 50? When one reads this clause in conjunction with the clause I describe as the "no prospect" clause, I would say that an enormous number of buildings will be taken off the list.

Mr COMBEN: I will not address the question of the budget because it is not covered by the clause. However, in relation to the other matters raised quite legitimately by the honourable member, let me acknowledge that the honourable member has closer blood ties to the legal profession than I do, so he may be getting better advice than I am. However, the advice received by my department comes down to a question of how many buildings genuinely conflict. The advice I have been given is that very few buildings will be in that position. Over the last two years, very few applications for demolition have been made under the Heritage Buildings Protection Act. Only five have become the subject of an appeal to the Minister, which I have allowed. For the sake of argument, let us cut that number in half and say that the Heritage Council would allow one half, but not the other half. In that instance, the point applies to three cases in 18 months only, and I believe that the conflicts will be of that order. I do not believe that there exists in the community the great level of concern that some members seem to think is abroad. It is easy to stand up and suggest that this legislation will constipate my heritage unit, but I do not think it will. I believe that most of the conflicts are being resolved quite amicably and quite successfully, and that the numbers would be more akin to three or five a year rather than 10 or 50. I do not believe that the legal profession will greet this legislation with any more glee than was the case when section 8.2 of the Local Government (Planning and Environment) Act was implemented. That legislation was expected to lead to a tremendous wave of environmental impact statements with which my department would not be able to cope. A few of them were received, but we have coped with no trouble at all, and we expect that this legislation will be in a similar category.

Mr DUNWORTH: The Minister must take into account that, over the last two years, the property market has been in a very depressed condition. The state of affairs that applied to the local government legislation applies with equal force to this Bill. Surely the Minister must have given some thought to the size of the budget to support councils that may have to defend these cases, because I believe that the number of cases will be far greater than that envisaged by the Minister, particularly if an upturn in the property market occurs in Queensland.

Mr COMBEN: I know I said that I would not respond to questions about the budget because it is not relevant to the clause, but I will stretch the rules if the Chairman

will allow me to do so. The budget is a matter of concern for me and for my senior administrators. We are comfortable with the present position. I envisage that I will be sitting on the Government side of the Chamber for some time, so I do not believe that this is a matter that will concern the honourable member. The funds for the budget have been allocated.

Clause 30, as read, agreed to.

Clause 31, as read, agreed to.

Clause 32—

Mr ELLIOTT (8.42 p.m.): A couple of matters should be raised in relation to this clause. I support the contention of the member for Warrego that the five-year limit is not enough for the certificate of immunity. The member for Warrego canvassed all the reasons for his contention, and I will not reiterate them. I notice that the Minister has his legal adviser in attendance, and this is a good opportunity for him to consider some of these matters. It appears to me that the Bill does not provide for noting certificates of immunity on the Heritage Register or on the secondary register held at the Division of Titles. I ask the Minister to inform the Committee whether or not that is correct. I believe that the Minister should examine this matter and work out the proper process. The notes I have made suggest that if a house is put on the interim register and the owner applied for approval which was refused——

Mr COMBEN: I will deal with the first part because I am a simple soul. I think that an attempt to put the certificates of immunity on the register or on the certificate of title would probably not be appropriate because certificates of title are valid for five years only, or perhaps longer if someone decides to change the Act. The note is not something that would normally appear on a certificate of title, but it may go on the administrative sheets that accompany it. Perhaps this is a matter that could be examined by my department, but these certificates have always been regarded as documents that the property-owner seeks to obtain from the Heritage Council. They are really documents issued by the Heritage Council that really state, "We don't want to know", so why would I want to encumber two other areas, namely, the certificate of title and the register? It is something of which the property-owner will be proud and on which that person will put a dollar sign with pretty big numbers—with some noughts if it is in the central business district—and the property-owner will be displaying it. I do not think there is a need for the certificate to be on the register. Again, I would be willing to take advice. It was not something that we really considered, but it is about private property rights of that person.

Clause 32, as read, agreed to.

Clause 33—

Mr ELLIOTT (8.45 p.m.): I foreshadow an amendment to this clause. Our concern is that the Minister has included churches in this clause but excluded synagogues and mosques. It was the suggestion of the Opposition that the words "all places of worship" should be used. There has been some toing and froing as to whether that may be too wide a phrase and whether it may encompass and include people right across the spectrum such as devil-worshippers, although that is drawing a longbow. Our suggestion of the words "all places of worship", is far more appropriate than the word "church", because that would tend to leave out those other worshippers whom I have just indicated in respect of synagogues, mosques, temples and so on. Many people would be very seriously concerned if the Minister were not to address that problem.

Mr COMBEN: I am very impressed with the new-found tolerance and anti-discrimination feelings of the National Party in raising that sort of issue. At this stage, I cannot accept the member's suggestion of "all places of worship" in place of "church". I concede that the member has a good point, but our difficulty with including "all places of worship", or something similar is that we do not have legal counsel with us to indicate the problems that would arise if we widened the provision. If we have a provision that states "all places of worship", we could suddenly encompass all property-owners who want to do something to the inside of their buildings and call in the local Pentecostal

group to have a session of "praise the Lord" and happy hands and clappers, and then that place becomes a place of worship. We are not in a position now to find an appropriate set of words that would exclude that possibility, but I accept the validity of the point that the word "church" may well yet be found to be too narrow. If it is found to be too narrow and if specific matters are before the council, I give the Opposition and the shadow Minister an undertaking that we will move quickly to try to find an appropriate form of words for an amendment, which would be able to be found if learned counsel were properly briefed on everything else.

Mr Veivers: There is an Islamic group down the coast and they are a very strong group.

Mr COMBEN: They do not have a heritage-listed building. In 30 years' time, when the mosque is heritage listed, that may be appropriate. However, at present, they must go through at least three steps. Firstly, is the building heritage? Secondly, do they want to do something? Thirdly, are they not within the definition of "church"? There may yet be some legal cases around that suggest that "church" is anywhere that one worships substantially, regularly, etc. So it is more from a legal point of view than a policy point of view that I cannot accept the amendment. However, I accept that there is validity in the argument of the honourable member for Cunningham.

Mr SPRINGBORG: I have a brief question for the Minister. Earlier today, I expressed some concern about people's rights and obligations in relation to development of their heritage property and also about other people who may wish to develop that property. Could the Minister explain to me what efforts will be made by him or his department to inform people of what they may or may not do in relation to the development of their property? I notice that the definition of "development" in clause 4 includes painting or plastering that significantly changes the appearance of that particular heritage-listed building or site. We do not want to see people being tripped up by not being aware of their rights and responsibilities. It is very, very important that the Minister's department circularises those people to make sure that they do not go ahead and replaster or repaint a building, which would substantially alter it, and therefore end up in trouble.

Mr ELLIOTT: The Opposition has decided that it will not divide on its foreshadowed amendment. However, it is important to note that we consider that our proposed amendment is preferable to the original wording in respect of quite a few of the matters on which the Minister conceded. It would be more appropriate to go that way and work from there towards an amendment rather than working from the Minister's original clause towards an amendment. I understand that the Minister is trying to do the right thing, so the Opposition will not divide the Committee.

Mr COMBEN: I thank the honourable member for Cunningham. I give an undertaking that we will examine that clause straight away and, should there be an appearance of something which could be encompassed within a wider definition, we will ensure that that goes through the council with a wider definition, that is, there would be an amendment before there was a problem.

Mr ELLIOTT: That being the case, I move the following amendment—

"At page 20, line 1, delete—

'a church or the precincts of a church'

and substitute—

'all places of worship'."

Amendment negatived.

Mr SPRINGBORG: May I have an answer to my question to the Minister a short while ago with regard to clause 33 before we got on to other things? Just to refresh the Minister's memory, I point out that it referred to development.

Mr COMBEN: I was conscious that I had not answered Mr Springborg. Yes, information about the broad definitions of the dos and don'ts under the Act will be

circulated. The definition of "development", to which the honourable member drew attention, means work that alters substantially the exterior of a building.

Mr SPRINGBORG: Some people may have troubles with what they define as "substantial".

Mr COMBEN: The drawing of polka dots on the outside of a building would be "substantial". It is a question of taste. It is potentially difficult to define. I would certainly hope that any action taken under the Act would take into account the marginal problems in that definition. Guidelines will be issued and they will be made available to people. There should be no difficulties, but I accept that, in these sorts of circumstances, there always could be.

Mr DUNWORTH: Subclause (2) (b) states—

> "the notice is accompanied by a certificate . . . authorised by the church to give the certificate, that the development is genuinely required for liturgical purposes".

The definition of "development" includes "demolition of a building". Under this clause, an official of the church could give a certificate to say that the demolition of a building is genuinely required for liturgical purposes, say, because the church wants to build a larger church. In that case, the church would not have to get authority for the demolition from the council. Is that a correct reading?

Mr COMBEN: No. The clause states "that the development is genuinely required for liturgical purposes". The honourable member is suggesting a fundamental challenge to "liturgical purposes". The removal of a building is not a liturgical purpose and it cannot then be required for that. Therefore, it would not come under the definition. This has been scrutinised carefully by the officials of a number of churches and by the lawyers. I am not sure that I can expand on that. Again, it is a definition of lawyers and churchmen rather than mine.

Mr DUNWORTH: Is the Minister saying that the building of a larger church is not genuinely for liturgical purposes? If a building is demolished in order to build a larger church, is the construction of that larger church not for liturgical purposes?

Mr COMBEN: I think I would draw a distinction between worship and liturgy, although I am not sure whether I could. But it seems to me that if a bigger church is to be built, that is not about the liturgy. The liturgy is the elements, the sacraments and the service of worship that is undertaken. The building of a church is not that. That is a place. To suggest that the act of worship is in some way a part of the demolition of a building is beyond my grasp. I think I am right, but I have some difficulty grasping what the honourable member is really saying. He is trying to stretch "liturgical" to mean something far wider. I am not having a go at him, but I think that "liturgical" in his sense is something pertaining to the entire church, and what he suggests is more than that. That is about worship in the widest possible sense.

Quite clearly, when this subclause about genuine development is read and when the definition of "development" is considered, it is meant to refer to minor things such as moving altars, which the Roman Catholic Church undertook in the late 1960s and early 1970s. I think that something like the extensions to the east wing of St Stephen's Cathedral would probably not come under that definition because it becomes far more than the large fabric of the church and not just the liturgy. That would probably be the best example that I can find. It is really on the borderline, and probably it will be decided by other people at some stage when they look at the plans and say, "Yes, that is consistent" or, "No way." That is probably how it will be decided, rather than on the legalities of it.

Mr DUNWORTH: Could the Minister advise us whether he allowed the demolition of a church building in Toowoomba recently?

Mr COMBEN: Yes. In the context of what the honourable member is looking for in terms of allowing the people of Queensland to get on with their work, I have said several times this evening that I have allowed the demolition of, I think, five buildings or structures. I have some trouble believing that the essential heritage values of this State

were somehow challenged or interfered with by the demolition of the Church of Christ in Margaret Street, Toowoomba. I think it was a 1940s building with red brick and a bit of white trim to it. An article about it appeared on page 36 of the Toowoomba *Chronicle* with a number of people saying it was good that the Church of Christ could now get on with its welfare, social and liturgical work—or its church life, I should say. That was the effect of that. I think that was one of the good decisions on appeal.

Clause 33, as read, agreed to.

Clause 34—

Mr ELLIOTT (8.58 p.m.): In relation to this clause—I wonder whether the local authorities were consulted, and how much they were consulted, before the obligations that are being thrust upon them were imposed upon them. We have seen the Commonwealth heaping obligations on the State without any remuneration being paid to the State. Under this Government, the State is really doing exactly the same thing to local authorities. A smart local authority would not accept a delegation, would give an approval or not according to the by-laws, and would advise the applicant of the need to go to the Heritage Council, which is dealt with in subclause (3). It would have to be fairly subjective then. Who is to say that the development is to have a substantial effect to trigger all these effects—for example, advertising, considering representations and so forth?

Subclauses (4) and (5) are very ordinary. Under subclause (4), an application is deemed to be approved unless it is decided within the prescribed period. In subclause (5), the period is prescribed as being 60 days unless the Minister decides otherwise. Why prescribe the period at all? Why not just have the guts to say, "The Minister will fix the period"? I suggest that this is the sort of uncertainty that will chase businesspeople for miles. In New South Wales, this type of thing has led to administrative abuse, even when the time limits are fixed. How would an individual know when a particular matter was going to be finalised? It is leaving everything in limbo. The consideration of a matter could take right up to the 60 days, and then take another 60 days. It is really like being in gaol at Her Majesty's pleasure. The best that could be said for it is that the period of 60 days that is prescribed is indicative. I suggest that the Minister should have the guts to say that he will do it himself and cut out all that mucking about. It would be far better for the industry.

Mr COMBEN: Taking the honourable member's last point first about the 60 days and 60 days and 60 days—that is very similar to the provisions found in the previous Government's Local Government Act and this Government's new Local Government Act. It is my understanding that it is rare that the prescribed period goes through to two periods. It does at times. That is the best I can say on that. A smart local authority would not take any delegation of power. There has been considerable consultation with a whole range of local government bodies and with the Local Government Association. I do not believe there is an official view on it, but certainly the Brisbane City Council officials have been very positive about taking a delegation and would see it as being something that is likely to happen. By their enthusiasm, cities such as Ipswich and Townsville would also be indicating to us that a delegation at some stage in the not too far distant future would be appropriate, but that will be finally decided by them. This Government will obviously not be imposing delegation on them. We will be saying to each one, "On its merits, are you interested? What do you want to do?"

Clause 34, as read, agreed to.

Clause 35—

Mr ELLIOTT (9.02 p.m.): In clause 35, one must be careful to avoid the undesirable consequences of the definition of "prudent". The dictionary definition of "prudent" is "careful to avoid undesirable consequences". One wonders where one is in relation to this clause. I find it rather strange, and I will be interested to hear what the Minister thinks about it and whether he is really happy with that wording.

Mr COMBEN: The term "no prudent and feasible alternative" originally came into the Endangered Species Act in the USA in the mid-1970s when that country had a very

tight legislative base. Snail darter suddenly stopped a multimillion-dollar Tennessee Valley dam project because this 2-inch fish was found, and it was a rare and threatened species. At that stage, the Act provided that if any rare or threatened species were to be threatened, no work could be done. The federal authorities could do no more. Suddenly, all the legislators in the American Congress came out and said, "Hang on! We thought we were talking about bald eagles and big bears and real things that were rare and threatened, not the snail darter." So the Act was amended by inserting the words "no feasible or prudent alternative." Those words have been included in a number of pieces of legislation, most notably in the Australian Heritage Commission Act which provides that the Federal Government cannot do any work on an Australian Heritage Commission listed building, on a building on the National Estate list, unless there is no feasible or prudent alternative. What it means is up for debate. We have defined it by clause 38, which covers a number of points to which the court must have regard, including safety, health, economic considerations and any other considerations. We again had long discussions with BOMA and other organisations about what it meant. BOMA itself was split. The organisation had legal advice, one-half of which said that "no prudent and feasible alternative" meant that economic considerations were included, and the other half said, "No, you can't." So we chose to define it ourselves. I am happy with it, because what it says is that we protect our heritage unless nothing else can be done. If nothing else can be done, then in those very rare circumstances one can move in and carry out a particular alteration to the building or, if necessary, knock it down, but there must be no prudent or feasible alternative. It is not something vague; it is not something easily invoked.

Clause 35, as read, agreed to.

Clause 36—

Mr DUNWORTH (9.05 p.m.): This afternoon, we spoke about Caesar judging Caesar. In order to have a decision reviewed or to appeal against a decision of the council to register a particular property, one must apply to the same people again. I note the clause refers to the council or a review committee. Could the Minister expand on that a little and explain how he sees that clause operating, because in the court system obviously one does not appeal to the same court. An appeal is made to an appeal court.

Mr COMBEN: The insertion of this clause in the Bill is an attempt to ensure that where it could potentially cost quite a large amount of money to appeal to the Planning and Environment Court, there should perhaps be some simple procedure just to make sure that the council has not gone wrong somewhere. This is meant to facilitate a quick, informal review. If someone did not quite get the story right on the day on which the decision was taken or when the first representations were made, if something went wrong with someone not liking the colour of someone's eyes—and I would hate to think that sort of thing would happen—or perhaps if someone thought that six documents were presented to the committee but when that person got home he found that only five had been presented and the most important one had been left out, there could then be a quick, informal appeal or review of that matter. That is what is intended here. The review committee is intended to be either the council sitting as a review committee, or one of the committees to be established under the Act. That is what it is about. Anyone can come in informally and say, "Let's see if we have made a mistake." If the parties want to talk about the really big issues of the day, that will happen in the Planning and Environment Court. If it is a minor nuance, hopefully it can be sorted out with no costs to anyone.

Clause 36, as read, agreed to.

Clause 37—

Mr DUNWORTH (9.07 p.m.): Obviously, this is the clause that takes all the power away from the Minister, and the power is vested in the Ministers of the relevant departments in which the properties are located. I do believe that this Minister has a sympathy for the environment and our heritage. The decisions that are going to be made about major heritage buildings in this State will be made by people who may not have the same sympathy as the Minister. I find it very difficult to understand why the Minister's responsibility is being taken away from him and vested in other Ministers. I also find it difficult to understand that this Bill does not apply to the Crown. I find it incomprehensible that although it applies to the private individual, the private and public company and local authorities, it does not apply to the Crown. I cannot understand why the Minister's authority is being taken from him and is being vested in other Ministers who, I am sure, would not be as sympathetic. I mention the DPI building, over which I believe hammers are raised to knock it down as soon as it can possibly be done.

Mr COMBEN: I say again to the honourable member for Sherwood that this Bill binds the Crown. Again, the honourable member is not distinguishing between the two different systems. The Bill binds the Crown. The Crown has one system of receiving approvals and saying to the world, "This is what we are doing", and the public has another system. I have already explained the reason for doing this. There is total transparency and total openness. When the Government is openly saying, "This is what we are going to do", I do not know how the honourable member believes that some type of legislative enactment can do any more than the public of Queensland rising and saying, "No, we do not want it." It takes a brave Government and a brave Minister to object in that case. We have all heard of the Lindeman Island incident and decisions of that type. This system makes sure that if the Government makes a decision about a State building, everyone will know what precisely will happen and when it is going to happen. There will be advertisements in the paper, plans will be displayed, and the Heritage Council will give advice. As the Minister, I would have to say that if the Heritage Council gave me advice that I should not do something, if that advice was made public and the whole world knew about it, I think that I would be reconsidering my position. Again, this is the difference between things being so easy in Opposition and a lot harder on the Government side of the House.

Opposition members interjected.

Mr COMBEN: Obviously, it is a lot of fun over here. The honourable member for Sherwood said that this clause takes away my power. I went to Cabinet with this clause in the legislation with no troubles at all. What I have effectively said to each of my Cabinet colleagues is that if they are going to do something to a heritage building, they are going to be responsible. They are not going to flick the building to the Minister for Environment and Heritage and say, "You look after it; but, by the way, we are going to have to knock down the eastern half of it. That will be all right, Pat; you can deal with it." I was not going to be in that. I have clearly said to my ministerial colleagues that they have buildings and that they have to make the hard decisions in Government. This is a system that we all go through. There was no great discussion in Cabinet about this clause. There was no taking away of power. It means responsibility. The Minister for Transport has the responsibility for railway stations in Queensland. He cannot pass the buck. He makes the decisions openly, honestly, and in the way the Government should be making decisions. It is a great clause and it is one that mirrors other jurisdictions. It is certainly the way that the Government should be going. It is a clause of which I am

proud, and in the future I am quite happy to give advice to my colleagues about what can and cannot be done with heritage buildings.

Mr BEANLAND: I can well appreciate the Minister's comment that there was not much discussion in Cabinet about this particular clause. I am sure that is so, because each Minister would have been pleased with this clause. They would have been very happy indeed, because they had beaten the Minister for Heritage and Environment. I think that is what it boils down to. If the Government were fair dinkum about Government buildings and a piece of legislation such as this, the decision would certainly have gone back to the Minister for Environment and Heritage. Instead of that, the Minister for Primary Industries, the Minister for Transport, the Minister for Housing and Local Government and other Ministers, with their busy schedules, are going to have the opportunity to make decisions in relation to this legislation. Of course, they may decide to go in a different direction to the Minister for Environment and Heritage. The Minister's indication with respect to Ministers who are going against the decision of the Heritage Council will not wash with me. Although the Minister might not be in that frame of mind, I cannot say the same for other Ministers. I can think of a couple of Ministers who certainly would not be too concerned about heritage. I am sure that if it did not suit their particular plans, they certainly would go against the decision of the Heritage Council. It is disappointing that this legislation will not go back to the Minister, as the relevant Minister who is in the position to make that decision.

Question—That clause 37, as read, stand part of the Bill—put; and the Committee divided—

AYES, 47		NOES, 32	
Ardill	Livingstone	Beanland	Stephan
Barber	Mackenroth	Booth	Stoneman
Beattie	McElligott	Borbidge	Turner
Bird	Milliner	Connor	Veivers
Braddy	Nunn	Coomber	Watson
Bredhauer	Pearce	Dunworth	
Briskey	Power	Elliott	
Casey	Robson	FitzGerald	
Clark	Schwarten	Gilmore	
Comben	Smith	Goss J. N.	
D'Arcy	Smyth	Harper	
Davies	Spence	Hobbs	
De Lacy	Sullivan J. H.	Horan	
Dollin	Sullivan T. B.	Johnson	
Eaton	Szczerbanik	Lester	
Edmond	Vaughan	Lingard	
Elder	Warner	Littleproud	
Fenlon	Welford	McCauley	
Flynn	Wells	Perrett	
Foley	Woodgate	Randell	
Gibbs		Rowell	
Goss W. K.		Santoro	
Hamill	*Tellers:*	Sheldon	*Tellers:*
Hayward	Pitt	Slack	Neal
Hollis	Prest	Springborg	Quinn

Resolved in the affirmative.

The CHAIRMAN: Order! I take this opportunity to advise members that for all future divisions the bells will be rung for two minutes.

Clause 38—

Mr ELLIOTT (9.20 p.m.): I believe that I have already been over many of the points in respect of this crucial clause.

The CHAIRMAN: Order! Honourable members on my left have tried my patience to the limit.

Mr ELLIOTT: This clause leads the Opposition to say that, whether or not the Government likes it, this is really Claytons legislation. If the Government is really trying to protect buildings, this legislation does not measure up. I would be quite happy if the Government were to adopt a completely different approach to heritage inasmuch as it provided incentives, assistance and concessions to people who are prepared to look after heritage properties in Federal, State and local government areas. If that occurred, the Opposition could live without clause 38 as drafted. However, none of the alternatives is financially worthwhile to anyone and will not help people who lose value on their properties or those who want to fix them up.

It is a nonsense if the Government believes that it is protecting the built heritage of this State. I believe that buildings will be demolished even though people do not want them demolished. It comes back to the fact that unless we are all prepared to put our hands in our pockets and provide money to assist those people who are going to look after heritage buildings, we are kidding ourselves if we believe that this legislation will protect those buildings which we regard as valuable, worthy of preservation and of importance and interest to future generations of this State.

Mr Ardill: Tell them how to make money out of tourism.

Mr ELLIOTT: That is obviously very important. I will be considering that with my own property. My wife is examining that at the moment.

Mr Comben: A conflict of interests?

Mr ELLIOTT: No, not at all. I am not asking for any hand-outs. If there were hand-outs, I would not be asking the Minister for one, that is for sure—not because I do not believe that he would be nice enough to give me one but because I see a conflict of interest in asking him for anything.

Mr Littleproud: Did you know he gives support to the Broadwater Hall of Dolphins?

Mr ELLIOTT: It is a very worthy cause. What about the cactoblastis hall? The Minister should be looking after that, too.

Mr DUNWORTH: Does this clause mean that, if somebody does not have the necessary funds to restore a building, that could be taken into account when it is proposed to take it off the register? Do I understand that clause correctly?

Mr COMBEN: No. I see “economic” in the clause and link it to “prudent and feasible alternative”. Let us talk about prudent and feasible alternatives in the way that Mr Elliott has already spoken of them. In a court, a range of prudent and feasible alternatives can be produced. It does not provide for open slather or demolition in any way. It will be very hard to come within the meaning of “no prudent and feasible alternative”.

As to the economic considerations—if a pensioner living in Spring Hill wants to alter the back stairs and is suddenly told that he is living in the birthplace of William Kidston, that the building is made of solid red cedar of a certain workmanship and that to put the back stairs on would, if it was totally consistent with the original building, cost $1m, that would be a consideration. This provision is to protect the small person from massive debts and massive obligations which are totally unreasonable.

Clause 38, as read, agreed to.

Clause 39, as read, agreed to.

Clause 40—

Mr DUNWORTH (9.26 p.m.): Where a heritage agreement requires specified work or work of a specified kind to be carried out in accordance with specified standards, what happens when a person owns a particular building but does not have the funds to restore it or to prevent it from deteriorating any further? Under a heritage agreement, could that person be forced into borrowing money to restore that building?

Furthermore, a heritage agreement may provide for a review of the valuation of the registered place. Earlier, it was stated that the key to any successful restoration is some type of financial incentive. The Bill provides no exemption from land tax. There may be some diminution of land tax, but I thought that, if the Minister was genuinely concerned about giving people incentives or funds to restore their buildings, he could have exempted them from land tax. What is more, the Bill does not mention rates or transferable development rights.

Mr COMBEN: As to the first point about whether or not people could be forced to undertake certain works—no, they could not. As to the matter of grants and tax incentives—we have already discussed income tax incentives. At present, a small amount is available in grants from my department, and that is being increased. As well, the Federal Government provides grants under the National Estate grants program. The question of land tax is not an easy one. To exempt a property from land tax merely because it is heritage listed could well distort the entire fiscal system. I cite as an example a substantial property which was being well used for commercial purposes or merely as a residence by someone who was wealthy. At Hamilton, properties of a heritage nature are for sale for between $5m and $7m. If a person can afford to buy a property such as that, land tax should be imposed on it. Just because people pay a large amount for a property does not mean that they should be exempted from land tax.

Mr Dunworth: That would be a private residence. They wouldn't be affected.

Mr COMBEN: Yes, it would be a private residence, but I see no reason why those persons should be exempted from land tax. We need the flexibility to say of each individual property and building, "Yes, that is appropriate there. No, it is not appropriate over there." The owners of properties worth $5m to $7m probably will not enter into heritage agreements because there may not be enough incentive for them. They will say, "We get the best advice possible in Australia already. We do everything fine." They would just send their papers into the Heritage Council and get them rubber-stamped. The Heritage Council probably could not obtain better advice than those people are paying for. However, we want to be in a position to give a bit of relief to a struggling young couple who own a small worker's dwelling in Spring Hill which is in good condition but needs a bit of work. This gives the Government the flexibility to be able to do that. It is not perfect; it is the best the Government can do at this time. We are cranking up the technical advice sections of the heritage unit. We are increasing resources in every area that we can. Over a period, I think that we will be able to put very good small packages together and offer real incentives to ensure the people are doing the right thing. At present, the people want to hear from the Government a reply to their questions, "How do we do it? Can you give us some advice?"

Mr ELLIOTT: In respect of clause 40, I ask the Minister: will all owners be encouraged to enter into these heritage agreements? Will the Minister have some sort of correspondence with them from his office, from the council or from the actual department? At this stage, does the Minister have any agreements with any rural property owners? I know that the Minister has done something in Russell Street in Toowoomba. I happened to be there at the time when Dr Flynn was actually doing something there. I caught him in the act, you might say. What I am interested to know is whether the Minister is actively encouraging people, letting them know that there are possibilities—and what those possibilities are—of receiving assistance and whether the Minister has any plans to provide assistance as far as rural properties are concerned.

Mr COMBEN: We are certainly encouraging people. At present, we have no policy on whether the Government intends to put heritage agreements into place in relation to every property it can. In some cases the Government may not be able to give property-owners much incentive. Maybe they are not paying land tax; maybe their rates are quite reasonable. I know that we are all glad to receive an incentive, if we can get one. I believe that the honourable member's own place would be heritage-listed. With respect, I would be surprised if the amount of rate relief that could be given to the member by revaluation of that little block——

Mr Elliott: I'm not interested in my place.

Mr COMBEN: I was using it as a simple example. I have to make sure that I do not sound condescending. The small rate rebate that would apply to a small block such as the one on which the member's house is built probably would not be worth a pint full, from his point of view. There would be other people in that situation. The Government has to consider each case on its merits, and at present it has an open-door policy. As yet, there are no heritage agreements in place, because the Act is not in place. But we are willing to listen to anyone, and when someone needs encouragement from a financial point of view and some encouragement to do the right thing, we will be moving as quickly as we can, as well as we can. We will not be talking to people in rural areas, such as around Jondaryan, for a while.

Mr DUNWORTH: Is the scenario that the Minister is describing one in which there is a very small incentive in the form of a reduction in land tax but one that would not apply to a private residence? No incentive is provided by way of a reduction in rates, and the Minister has an extremely small budget to assist people affected by this Bill. People who have a property that is registered can let that property deteriorate because they have not got the funds—they have received no financial assistance—and they can then be excluded under this Bill because there is no prospect of the particular building being of cultural heritage significance. Is that a scenario that the Minister can see happening?

Mr COMBEN: The member outlined about four different scenarios. In answer to his question—no, it is not.

Clause 40, as read, agreed to.

Clauses 41 and 42, as read, agreed to.

Clause 43—

Mr ELLIOTT (9.35 p.m.): Clause 43 is quite a serious proposition. It is really only a small matter, but I do feel that it should be addressed. Clause 43 (1) (b) now reads—

> "there is reason to apprehend that a party to the agreement may fail to comply with the agreement;".

That is total gobbledegook. I suggest to the Minister that the clause should read, "there is reason to believe that a party to the agreement may fail to comply with the agreement". Surely that is a drafting error.

Mr COMBEN: As this heritage legislation is drafted in plain English, I have to agree with the honourable member. I do not think that the Committee is in a position tonight to change the clause. The lawyers will be able to understand. It certainly would be easier to understand the way the member has presented it. I apologise.

Clause 43, as read, agreed to.

Clause 44—

Mr ELLIOTT (9.36 p.m.): There is no requirement to advertise. If one looks at the local authority position, one finds that there are going to be changes in respect of the purposes of use of land under the Local Government Act and that one would be required to put up notices and to advertise. I do not see anything in the clause with respect to submerged relics or that type of thing, and I think the same thing probably applies to the following clause. The Committee would save some time if it looked at that one as well. As far as I am concerned, there ought to be provision for notices and advertisements.

Mr COMBEN: The submission made by the member for Cunningham certainly has merit. If we are dealing with the first matter and are talking about the provisional declaration in subclauses (1), (2) and (3), one would wonder whether advertising would be necessary in those cases. However, the clause deals also with Crown land because submerged land is Crown land under the Petroleum (Submerged Lands) Act 1974. I will attempt to extend what I have been saying to this part of the Bill and point out that it is Crown land, and it is probably not something that has to be advertised because there is not the same imposition or challenge to rights to private property. This is certainly a matter that I will take on board and I will ensure that there will be sign-posting in some

cases. It will be necessary to be cautious because, if advertisements show clearly where a site is located, the advertisement may well act as a beacon for every pirate and treasure-seeker. I will take advice on that and seek by virtue of the administration of the legislation to ascertain what advertising and sign-posting, etc., should be used. I assume that this type of matter would often get press coverage, anyway.

Clause 44, as read, agreed to.

Clause 45—

Mr ELLIOTT (9.37 p.m.): Basically, the same argument applies to this clause as applied to other clauses, but it is probably more relevant as far as land-based sites are concerned. I take on board the Minister's comments. This is a matter of concern for anyone who thinks seriously about the implications of this legislation, particularly in relation to relics at a crash site, etc., because advertising may well flag the area for people who wish to visit the site and take souvenirs. Whereas from a democratic point of view the site ought to be advertised and sign-posted, that course of action may well be counterproductive and defeat the purpose of this legislation. The Minister may make the site so well known that he would wish that he had not done it in the first place. I take on board his comments and encourage him to consider the matter a little further. I would be interested to talk to him about this matter at a later date.

Clause 45, as read, agreed to.

Clause 46—

Mr ELLIOTT (9.40 p.m.): Subclause (1) (b) states that the Government may—

> "declare an appropriate area of land on, or under, the surface of which a protected relic is situated to be a restricted zone . . ."

This is the point to which I alluded in my earlier speech. First of all, I want to know what constitutes "appropriate". What sort of area is the legislation referring to? Is it 1 acre, 5 acres or 5 000 acres? This is a catch-all phrase which is to be interpreted at the Minister's pleasure, as it were, which is hardly appropriate. I feel that this provision is over the top in the context of this legislation because, as I indicated in my earlier speech, it would be possible for the owners of private freehold land to be subjected to restricted access to their property. This clause is really a nonsense. The Minister should define the areas that are to be regarded as "appropriate" and should advise the Committee of his views on the proposition that people will be precluded from access to their own freehold land. I think this clause is a nonsense.

Clause 46, as read, agreed to.

Clause 47, as read, agreed to.

Clause 48—

Mr ELLIOTT (9.42 p.m.): This clause refers to the discovery of relics, which is obviously a matter of concern. Over the years, people have actually made money by working on sites such as those referred to in the clause and have utilised their discovery by donating the relics to museums, etc. The actions depend on the extent of altruism in the nature of the person involved, but the rights to compensation should be clarified. This is a matter that requires serious consideration.

Mr COMBEN: I think I agree with the honourable member. I have attempted to mirror the provisions contained in the Commonwealth's Historic Shipwrecks Act and the provisions that apply in this legislation, such as clause 46, which mirror the Commonwealth legislation. The intention is to try to protect as much as possible the maritime heritage of this State. Again, the legislation attempts to deal with problems that both the honourable member and I have attempted to discuss, namely, those caused by treasure-hunters and treasure-seekers. In general terms, I agree with what the honourable member has said.

Mr ELLIOTT: How far out from the coastline would this legislation apply? Would it extend to the 200-mile zone, to the outer reef, or to the inner reef? Just how far off the coastline will this legislation apply?

Mr COMBEN: The constitutional settlements that were arrived at between the Commonwealth Government and the States between 1974 and 1976 settled the matter of the level of government that had jurisdiction over the seas, that is, the States' rights as colonies, or the new Commonwealth Government. Effectively, it was decided that the States have a 3-mile jurisdiction. The Commonwealth Government has jurisdiction over the seabed throughout that 3-mile zone, and the Commonwealth has jurisdiction beyond the 3-mile limit to the 200-mile limit. Some time after that agreement was reached, 16 Acts were introduced into the Federal Parliament. Some of that legislation is fairly challengeable and some of it is untried in the courts. The Queensland Government attempted to draft its provisions to be the same as those contained in the Commonwealth's legislation so that, if necessary, the Queensland Government could go to a court to protect a site and claim that the Commonwealth Act and the Queensland Act were the same. If we were not sure of where we stood, the courts might well say, "The provisions are the same. Do we have to decide whether the Commonwealth has jurisdiction or whether the State has jurisdiction because, one way or the other, there is jurisdiction." In that event, the State Government would have jurisdiction, and that was the intention underlying the inclusion of this provision.

Clause 48, as read, agreed to.

Clauses 49 to 52, as read, agreed to.

Clause 53—

Mr ELLIOTT (9.45 p.m.): As I indicated earlier, one should give credit where credit is due. This is the only appeal provision in the Bill that is worth anything, because it is an appeal on any grounds. The other appeals are all qualified; people can appeal only on the heritage nature of the thing. The provision is worthy of being in the Bill.

Clause 53, as read, agreed to.

Clause 54—

Mr ELLIOTT (9.46 p.m.): Clause 54 (1) states that the Minister may appoint authorised persons. I suggest that the clause should also say "qualified". In other words, the clause should read, "The Minister may appoint authorised and qualified persons." The Minister should word that clause more carefully because it is not good enough to have someone coming along simply because the Minister has authorised that person. It would certainly give people a lot more confidence, particularly those who are having such people come into their homes. We will move on to that soon when we will talk about people taking photographic records and so on. It would be preferable that the person who is doing that is not only authorised but also qualified in the field of heritage. In other words, when someone from the museum or wherever comes along, everyone could say, "He is a decent bloke. We know him. He has a reputation. He understands what he is talking about." Most people would be delighted to have those types of persons in their homes because they might learn something from them.

Mr COMBEN: The problem would occur that, if one was at, say, Jundah in the far west and one heard that someone at the Welford Homestead—which may well one day be on the Heritage Register—was burning the place, one may not be able to find a qualified and authorised person under the honourable member's definition. In that situation, one would attempt to get the local police officer to go from Jundah to Welford. In that case, he or she may well not be qualified, so in some cases qualification would add a qualification.

Mr Elliott: You would need to put a rider again.

Mr COMBEN: Yes.

Mr Elliott: Some circumstantial situation would allow that to be overridden.

Mr COMBEN: It starts to be messy drafting, that is all. Again, I support the thrust of what the honourable member says. I do not think that the administrative decision within the department would be anything other than that a normal person in a normal built-up area within a reasonable distance of major habitation would be a qualified person in the sort of territory that the honourable member is talking about. It does not

always need someone with experience in heritage to decide whether somebody is burning a building, or something like that.

Clause 54, as read, agreed to.

Clause 55, as read, agreed to.

Clause 56—

Mr Beattie interjected.

The CHAIRMAN: Order! The member for Brisbane Central!

Mr ELLIOTT (9.48 p.m.): Everyone should take notice of this matter because it relates to that saying, "A man's home is his castle." Clause 56 (2) states that the authorised person may make photographic or other records of the place or objects. The Opposition says that, if we get to that stage and the people are not willing participants in the operation, a warrant in all cases should be used, unless it is with prior written consent. It is most important that the whole exercise be done with the utmost consultation between the two parties. I certainly would not be happy to have just anyone roll in, and I am sure that other people in the State feel the same way. As I said this morning, it is a matter of great concern to people who live on some properties. We are talking about some very old and historic places that have many artworks, statues and all sorts of things. I am not talking about my place, because it does not have those things at all.

Mr Beattie: You're a statue; you're there.

Mr ELLIOTT: I am the nearest thing to a statue there, that is right. A relic, I am not sure about. Many of the properties are historic houses, whether they be in Brisbane, Toowoomba, north Queensland or out in the bush, and people are very concerned about the taking of photographic records. Firstly, the Minister says that those records will be accessible to the public. I point out to the Minister that, under the Freedom of Information Bill—if the Government ever embraces it—people will be able to come in——

Mr Perrett: It's slipped down the list a bit.

Mr ELLIOTT: Yes, it seems to have slipped down the list a bit. It would be quite feasible for people who want to case those places to go in, use the freedom of information legislation, get their girlfriend, wife or whoever, or their boyfriend——

Mr Comben: Non-sexist.

Mr ELLIOTT: No, the Minister should not think it is a nonsense.

Mr Comben: I said "non-sexist".

Mr ELLIOTT: I see. I thought that the Minister said "nonsense" and I was going to protest somewhat. It is quite a feasible operation that someone could use the freedom of information legislation to gain access to that information and list the places that the person decides are obviously worthy of doing over. The Government is in fact aiding and abetting a situation in which people could be robbed due to the Government's keenness to get in there and photograph and take records of places. Once again, it almost comes back to what we were talking about before—the relics, shipwrecks and so on. The same thing, of course, applies to Aboriginal lands and burial grounds. In many instances, the best thing that could happen would be that nobody knew they were there, because otherwise they would be destroyed. Regrettably, that applies to many of those homes.

Mr DUNWORTH: I have to agree with the shadow Minister. Many substantial properties, whether they be urban residential properties or homesteads, are often invariably filled with works of art and antiques that have been inherited by the family. When somebody's property is registered and then, in some cases, a warrant taken out so that someone can forcibly enter that person's home, his property will be photographed, as a result of which a record will be kept. Because of the large amount of urban crime that occurs at present, it is possible that, in some cases, those paintings or antiques could be lost to the public record altogether. If I had a property that contained

some very expensive antiques which had been photographed, and if the photographs or a description of the antiques had been distributed, or if there was a description of the house and what it contained, I would either quickly sell those antiques or paintings or put them into very safe keeping. I believe that clause 56 (2) is rather odious because it could lead to the loss of many paintings and antiques to the public record.

Mr COMBEN: I have not heard such a far-fetched interpretation of a straightforward clause in a Bill since I was in Opposition trying to think up things like that.

Mr Dunworth: It will happen.

Mr COMBEN: I cannot believe——

Mr Beanland: Crime is rampant in this State. A 25 per cent increase.

Mr COMBEN: Does the honourable member want to hear an answer or not?

Mr Dunworth: Well, give one.

Mr COMBEN: I am trying to do so, but the honourable member's mate keeps interjecting.

Clause 56, as read, agreed to.

Clause 57, as read, agreed to.

Clause 58—

Mr ELLIOTT (9.54 p.m.): This clause deals with stop orders, which in the building industry will be loosely termed "stop work orders", because that is what they will basically be. I suggest once again that, because we are getting paralysis by analysis right across the State, these orders are just what are not needed for business confidence. They will be a nonsense. Tremendous problems will arise. I suggest that a builder will not be prepared to start work, regardless of whether a stop order has been issued or not, unless someone is prepared to indemnify him against the costs of a stop order. In other words, a problem will arise if there is a building about which a bit of toing and froing is going on and about which the press is saying, "This ought to be on the record", or if other people are suggesting that it go on the record and it has not yet gone on the record, and people are wanting to do some work on it.

Mr Comben: They will get a certificate of immunity. Let me clear that up. We are not going to have a situation out there where there is a toing and a froing. All of this is decided so that you will know A from B.

Mr ELLIOTT: That is what is wanted. It needs to be in black and white. That is why I said, when dealing with a previous clause, that it would be better for the Minister to bite the bullet and make that decision. The worst thing is to leave the question in limbo, without people knowing where they stand in respect of it. I will leave it at that. I think the Minister has understood what I am on about.

Clause 58, as read, agreed to.

Clauses 59 and 60, as read, agreed to.

Clause 61—

Mr ELLIOTT (9.56 p.m.): In relation to this clause—I believe that there has been some sort of a trade-off. Regardless of how the Minister feels about the heritage of Aboriginal lands, I do not think it is really suitable to have one law for one group of people and another law for another group—in other words, making fish of one and fowl of another. This legislation requires the trustees of Aboriginal and Islander land to give permission, but permission does not have to be sought from the owners of houses, regardless of where they are. This clause seems to me to be totally contradictory to natural justice and democratic rights.

Mr DUNWORTH: I find this clause rather odious. The Labor Government espouses One Nation, but under this legislation there are two rules: one for the Aboriginal and Islander communities and another for the rest of us. The example of which I spoke earlier today, which people probably thought was rather far fetched,

could actually happen. A national park could be subject to an Aboriginal and Islander land claim. That land could then be leased to the National Parks and Wildlife Service and it could have on it buildings of significance which would not be protected under this legislation. That seems rather ludicrous. I do not understand the reason why there should be an exclusion for Aboriginals and Torres Strait Islanders. I believe that the same rule should apply to everybody.

Mr COMBEN: Basically, this clause states—

> "This Act does not apply to—
>
> (a) a place that is of cultural heritage significance solely through its association with Aboriginal tradition or Island custom . . ."

What I hope will occur in this place within about a year—maybe I should double that, because these things take a while—is that Aboriginal and Torres Strait Islander heritage legislation will be introduced. The Bill that is being discussed tonight deals with the cultural heritage of Queensland as being different from Aboriginal or Torres Strait Islander heritage. One day, Aborigines and Torres Strait Islanders will have their own Act.

Mr Dunworth: But why should there be?

Mr COMBEN: Because there is a whole range of different problems. If I had put into this Bill something about protecting a spiritual place of the Aboriginal and Islander people—a dreaming place, a sacred site type of thing—the honourable member would be——

Mr Dunworth: No problem.

Mr COMBEN: It is easy for the honourable member to say, "No problem." When I made some inquiries, I discovered that that was obviously not going to be the case. A lot of people said, "Hang on. These things are so different. Let's make them quite clear for a start." It is going to take a long time to work through those issues of sacred sites on private land, dreaming places, special places and poisoned places, and the potential impost that that has on private land, whether it be leasehold or freehold. So a decision was made that the cultural heritage of this State would be dealt with first, because that was the most pressing need at that time, and very shortly after that the heritage of Torres Strait Islanders and Aboriginals would be dealt with. I do not know how else it could have been done. Again, it shows how easy it is for members on the Opposition side to issue a good press release. The honourable member will be happy in the morning if he gets a good run in the *Courier-Mail*. He can say, "I have solved that one." Unfortunately, I am in the position in which I have to administer this Act for the next four years at least, and probably for the next nine years, the way the honourable member is going. That is the difference.

Mr Dunworth: You'll need a big increase in your budget to fight all the legal cases.

Mr COMBEN: This Government must have legislation that will work. The honourable member looks for a simple answer and a good headline. I do not mind a simple answer or a good headline, but I also must have legislation that works. This legislation will work because there will be two totally different parts, and that is about the only way to go. I have to say that the hard heads in the interest groups—the Aboriginal groups and the legal and other professional groups connected with this—said that this was the way to go. I am satisfied that it is the way to go. It will just take a bit longer. I remind the honourable member that this legislation would not have been in place tonight if we had had to negotiate in relation to the Aboriginal and Torres Strait Islander material before reaching this stage. The legislation would still be some way off.

Clause 61, as read, agreed to.

Clauses 62 to 64, as read, agreed to.

Clause 65—

Mr ELLIOTT (10.04 p.m.): This is what I call the first of the double jeopardy clauses. It is one thing to have a person convicted of an offence against this Act and have the court, in addition to imposing a penalty, say that things will be done to the court's satisfaction. But that is not what it says at all. Clause 65 says—

> ". . . in addition to imposing a penalty for the offence, order the person to make good, to the satisfaction of the Minister, any damage caused through the commission of the offence."

Beside that clause on my copy of the Bill I have made the notation, "No court requirement afterwards. Pat playing God." I think that is probably a pretty fair analogy of the situation. The situation could arise in which someone defies the Act of his own volition or, alternatively, does so through a mistaken belief. It is quite possible that that could happen. Someone could do something which contravenes this Act, and then be put in the position of being taken to court by the Minister, and fined. The maximum penalty is not a bad one, for starters—$1m. Not only could that individual be fined $1m—and I know that is drawing the longbow—but also Pat then plays God and tells that person what to do. He will say this, that, and the other thing must be done. Then he will say, "No, that is not good enough. Go and have another go."

Mr Dunworth: What if you don't have the money?

Mr ELLIOTT: That is right. Whether that person has the money or not, Pat is going to tell him what to do. Worse still, if he does not have the money or is not prepared to do it, Pat is going to do it himself.

Mr Comben: No, I am not.

Mr ELLIOTT: Not with his own hands, I venture to suggest, but that person will then be charged in relation to what has been done. Quite frankly, I think this whole thing is absolutely unbelievable. I think that the clause is a nonsense. Surely no thinking person can actively support it. The Minister really ought to reconsider.

Mr COMBEN: The honourable member said that this clause was a double jeopardy clause. In fact, it is not a double jeopardy; it is a double penalty. A person is convicted once. How else could it be done? Someone decides that they are not going to knock down the whole building, but they want a nice modern front to it. So they are convicted, potentially incurring a fine of 17 000 penalty units—presently about $1.08m—and they say, "That is fine. That is just a cost of the development". We have to be able to say, "You have to restore it." The second penalty comes in at a later stage of the Bill, and that is a non-development order. Then the penalty does not just become a cost of development. I remind honourable members of the fact that although there used to be a fine for removing mangroves, many developers up and down the coast just flattened them and said, "Where do I pay my fine?" That is what would happen in this instance.

Mr ELLIOTT: I can see what the Minister is getting at, but what I am saying is that the court makes the initial decision, and I accept that. That is quite normal and it applies in other legislation. After having committed an offence and being found guilty in the court and fined, the court gives an order that the Minister will then administer. The Minister is then playing God. That is what I am saying. The court does not appoint someone from the Works Department or from some other body qualified to say, "This is how the building was before these nasty people attacked it and did something to it, or knocked it down, or whatever they did." The Minister has said that there must be independence in other areas, and yet in this instance he is playing God.

Mr COMBEN: It is really a drafting system more than anything else. The member for Cunningham has been in this place longer than I have. We would have spent approximately the same time as Environment Minister. There are many situations in which a discretion resides in the Minister. The honourable member says that it should be left to the court. With the greatest respect, the Planning and Environment Court will not want to go out to check whether or not the required work has been carried out. It knows that the Supreme Court in this State has a range of prerogative writs—mandamus, certiorari and prohibition—which can be invoked against me. If I try to impose too high a

standard, then writs will be issued saying, "You cannot do that." If I do not do enough, writs will be issued saying, "Go and do your duty." Under those terms and tests of reasonableness, I do not know how else one could do it. Perhaps it could have been given to the council, but I suspect that the same arguments would have arisen. I cannot see an argument that would convince the court that it would want to be involved.

Clause 65, as read, agreed to.

Clause 66—

Mr ELLIOTT (10.07 p.m.): I would like an explanation of how far subclause (4) binds a person. This is another double penalty clause. The subclause states—

> "An order under this section attaches to the land and is binding not only on the owner and occupier as at the date of the order, but also on any person who becomes an owner or occupier of the land while the order remains in force."

I can see some problems with this subclause. I understand what the Minister is getting at. I understand that an order can be shifted around between companies and that all sorts of funny things can go on. I can understand that the Minister is trying to stop that from happening and I support that. But I can also see some genuine cases in which people may have some real problems. A person who is at arm's length and who had nothing to do with the matter initially might be left something in a will. Perhaps a company or an individual goes to court and pays a fine, and then decides to cash in its or his chips and leave the land to somebody else. Maybe some children or a widow are left in shocking circumstances. Will the Government take them to the cleaners also? That does not seem to be reasonable.

Mr COMBEN: With respect, the Government would not be taking those people to the cleaners. All that the Government would say would be that those people would not be able to maximise the receipt of the estate until a period of up to 10 years had elapsed. The Government is not taking anything off those people. It is just saying to those people that if they are a beneficiary, their land will not be worth as much until the end of that order. I do not see how someone can be at arm's length when there has not at some stage been a benefit back to the original person who committed the offence. If there is some way that the land can be worth something further down the line at one or two arm's length, then certainly the first person will be receiving a benefit.

Mr ELLIOTT: I think the Government is again playing God in clause 66 (1) more so than it is in clause 65. I think that it is quite extreme.

Mr COMBEN: No, I do not agree with the honourable member.

Clause 66, as read, agreed to.

Clause 67—

Mr ELLIOTT (10.10 p.m.): Subclause (1) states—

> "No liability is incurred by the Minister, the Council, any member of the Council, or another person acting in the administration of this Act, for an honest act or omission in the exercise or purported exercise of functions under this Act."

I cannot see why the word "purported" is needed in the clause. I think that it should be removed.

Mr COMBEN: If it is an exercise of the functions under this Act, it would be lawful. Someone may well believe that it is an exercise of functions under this Act, but in actual fact it is not because it is ultra vires. Therefore, it is a purported exercise of the functions under this Act.

Mr DUNWORTH: Would clause 67 apply to expert assessors who have some professional qualifications and who are employed by the council and are being paid for their service? As I read the clause, those professional assessors who, through a mistake or through a lack of professionalism, could cost a property-owner money would not be

liable to any sort of prosecution. This Bill gives them an immunity. Could the Minister expand on that?

Mr COMBEN: The advice that I have received is that in actual fact they would be consultants, employees, or under some other system. They would not be persons acting in the administration of this legislation. Their acts may well assist in the administration of the legislation, but they would not be administering. Where the clause states "administration", it means my decision-making or the council's decision-making, etc. The phrase "or another person" refers to delegated powers, which is to be found in an earlier clause. They would not be for the assessors.

Clause 67, as read, agreed to.

Clauses 68 to 71 and Schedule, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Comben, by leave, read a third time.

ADJOURNMENT

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.14 p.m.): I move—

"That the House do now adjourn."

State Budget; QIDC Household Assistance Support

Mr SLACK (Burnett) (10.15 p.m.): Ever since the State Budget was brought down, the Opposition has been saying that the Goss Labor Government is a big-spending Government and is following the well-worn path of all State Labor Governments. In 1990-91, total outlays for the public sector increased by 11.6 per cent, and for 1991-92 the figure is expected to be 11.9 per cent. This view is supported by Dr Mike Nahan in the latest review of the Institute of Public Affairs. He stated—

> "Tasmania has won the IPA's most responsible budget award for 1991-92 with Western Australia and the Northern Territory as runners-up.
>
> For the second consecutive year, the lemon award goes to South Australia. Victoria and Queensland were joint runners-up for the lemon award—Victoria for continuing not to live within its means and Queensland for dissipating its inheritance."

Victoria and Queensland lumped together! To be fair, the article went on to say—

> "Queensland's 1991-92 Budget includes a 10.3% increase in recurrent expenditure, most of it being consumed on higher wages and more staff, with 2,000 more full-time positions to be added to general Government sector agencies during 1991-92."

It also said that Queensland will achieve a fifth consecutive public surplus in 1991-92. No other State has achieved a surplus during the last decade—except NSW in 1989-90, and then only through asset sales. The bottom line of that story is—

> "Mr Goss will have to stop his big-spending ways if he is to avoid dissipating one of Queensland's greatest assets—a fiscally sound public sector."

The Opposition agrees.

I turn now to another matter. In a moment, I will relate the plight of a pensioner caught up in Federal/State bureaucratic bungling simply because of the lack of coordination between the State and Federal programs. The administration of programs is appalling, and seemingly there is no care about people—which is surely the aim of

most Government programs, instead of being thrown into a round of bureaucratic red tape, frustration and, ultimately, humiliation.

I ask members to consider the case of Mr and Mrs N who are cane-farmers. Mrs N is on the age pension, which, on 10 October 1991, was assessed at $131.60 a week. Like many cane-farmers in Queensland, Mr and Mrs N are suffering severe financial problems. According to an estimated profit and loss statement from their accountants submitted to the Department of Social Security, their total income for the financial year ending June 1992 will be $5,892. Their farming enterprise shows a loss of $1,573; there is $300 in bank interest; wages of $500; an accident insurance claim of $1,250; and QIDC household support assistance from 1 October 1991 to 30 June 1992 of $5,415, making a grand total of $5,892.

Mr and Mrs N sought financial assistance through the QIDC. On 17 October 1991, the QIDC advised Mr and Mrs N that $1,805 was approved for household assistance support to cover the period 1 October 1991 to 31 December 1991. It advised that the assistance was available in quarterly advances for an initial period of six months. This funding is provided to alleviate financial hardship while the people concerned face the decision to adjust out of primary production and sell their property. After this period, if the people decide to retain the property the assistance provided converts to a loan with interest charged at commercial rates repayable over a term of seven years.

Meanwhile, back at the Department of Social Security, Mrs N—as is required—has advised the department of the $1,805 household support assistance that Mr and Mrs N received for the three months ending December 1991 and that the support was available for six months. The department got out its calculator and worked out that, until June 1992, Mr and Mrs N would receive income of $1,805 multiplied by four—a sum of $7,220. On 22 November, Mrs N received a letter from the Department of Social Security stating, in part—

> "Due to a change in your circumstances your pension has been reviewed and altered . . . your fortnightly rate will be . . . $19.00 . . . a fall of 85% or $112 a fortnight."

How did the department arrive at an 85 per cent cut in the pension for those people who literally have the backside out of their trousers? The department decided that the QIDC household support would be to June 1992, or $1,805 multiplied by four—$7,220. Interest would be $108. I ask members to listen to this: farm income was $20,020, when in reality a loss of $1,573 has been estimated; accident insurance $1,440; and wages $500, making a total of $29,288. In the words of the Dickensian character Mr McCawber, that result would be bliss if it were true.

Time expired.

Women's Health Centres

Ms POWER (Mansfield) (10.19 p.m.): Tonight, I wish to inform the House of the purpose and operations of women's health centres in Brisbane, Hervey Bay and Rockhampton. In doing so, I hope to refute some of the misleading statements made on 3 October by the Opposition Health spokesperson during the debate on the Health Estimates. I believe that I can speak with some authority and give a factual account of women's health centres. Firstly, I am a member of the Minister's legislative committee and, therefore, kept informed on the establishment and development of these centres. Secondly, I am the chairperson of the Brisbane Women's Health Centre, having been re-elected last September at the AGM. I hope that my unopposed re-election indicates my credibility amongst community health workers and women. In my role as chairperson, I have visited Hervey Bay Women's Health Centre and established contacts with both centres in Hervey Bay and Rockhampton. I believe that we have good rapport between the centres and work effectively with the Women's Health Unit in Queensland Health. Women's health centres are information and referral services for women that are run by women. They do not provide medical services. The major motivation for women working

in these centres is their feminist perspective. Anyone visiting the centres would meet a range of women from various backgrounds.

As chairperson of the management committee of the Brisbane Women's Health Centre, I have been involved in the appointment of staff. Applicants' suitability is certainly of paramount importance, and applicants' feminist views are considered. When I heard the member for Callide suggest that women applicants had been asked whether they shave under their arms, I laughed and said, "Rubbish!" Later, when I read the debate in *Hansard*, I decided to check out these allegations with the Rockhampton centre. At first I thought that the member for Callide could not have visited the centre, but I was assured by the staff that she has been to the centre. It is obvious that the member goes to those centres with all her prejudices set and her eyes blinkered. If the member had gone there with an open mind, she would have seen the benefits that these centres offer women. If they did not benefit women, there would not be the increase that there has been and the funding would not continue. Demands at the Brisbane centre, particularly on the 008 number, have meant reshuffling and increasing of staff to answer the inquiry calls.

I have seen the application forms which applicants were asked to complete. If members peruse those forms, they will see the depth of inquiry to which applicants are subjected. The appointment committee would not lower the tone by asking questions such as that suggested by the member for Callide. Of course, when one looks at the questions and criteria mentioned, one sees that there is a heavy leaning towards feminist ideology. If people were anti-women and anti-women's only services, they could interpret these questions in their own perverse way. I do not suggest that this is the motivation of the member for Callide, and I certainly hope that it is not. I believe that the member is being given mischievous information by people such as Col Claridge, an active National Party supporter who has a business opposite the Rockhampton centre, and Chris Alroe, who thinks the money would be better spent on mental health services. Mental health is an important health issue and I support improved funding for it, but not at the expense of women's health centres. The member for Callide would better represent her constituents, especially women, and better serve as Opposition Health spokesperson if she used her own intelligence and did not have her mind made up for her. I urge the member to visit the centres with an open mind and get the facts correct.

The Brisbane centre does not fit, nor has it ever fitted, breast prostheses. The centre provides information on breast prostheses and related matters. Recently, the centre has actively lobbied the Government to review the provision of breast prostheses. Obviously, the member for Callide got the facts distorted. The member for Callide also questioned the relevance of self-esteem courses for women conducted by the centres. My experience is that, when many women go to the doctor with a problem, they are often given a course of pills. If an operation is required, information is not forthcoming. And the cases continue. Women need to be empowered to have the confidence to take control in the consulting room, hence the need for self-esteem courses to address these problems. Finally, may I say that women's health centres play an important role in the delivery of information on services for women. Those who seek to knock them have little or no understanding of the prejudice and exploitation that many women face in mainstream health. I believe that the services that are provided by women's health centres should be recorded. I publicly acknowledge the work that is being done, and I thank them.

Brisbane City Council Town Plan

Mr BEANLAND (Toowong) (10.24 p.m.): Since the early 1970s, Brisbane has had a clear division of housing areas where units could be built—Residential B zone—and of other areas reserved for single dwellings—Residential A zone. Currently, the only exception for Residential A is where areas of a minimum of 1 hectare are available for integrated townhouse developments. These current rules give a high degree of certainty as to what property-owners can expect when they live in a particular area. The choice lies with the residents. The changes being promoted by the Labor city council

hide behind the idea that these changes to allow units to be scattered throughout all the residential areas will provide a better choice for residents. That is nonsense. The choice will, in fact, be reduced, as a family under the new arrangements will not be sure that, when they buy into a residential area, the area will remain free of units and flats.

The council has obviously given little thought to the changes in life-style for existing residents in Residential A areas. With the introduction of flats, there will be a lot more traffic in the streets; more parking in the streets; less open space between buildings; more drainage problems and a strain on the sewer system—particularly in the older areas; an impact on water pressure; increased noise associated with density development of smaller lots; and destruction of mature trees to permit subdivision of existing lots. And higher density accommodation will mean that the character of suburbs across Brisbane, particularly some of the older suburbs, will change dramatically. Individuals who live in a certain neighbourhood because of the character and amenity will see it destroyed before their eyes. Under Labor's changes, Queensland's heritage homes—our old Queenslanders—will be destroyed. These old Queenslanders are also major tourist attractions that make Brisbane different and give the city a character and life-style of its own. Now Labor wants to destroy our environment and heritage.

On 27 February this year, the *Courier-Mail* carried an article on the town plan changes with a photograph of an old high-set Queenslander with the caption "High Set Queenslander . . . opportunity to build underneath for granny or young marrieds". The article should have gone on to say "or to rent out to anyone else", whether it be students, those who are single, or couples. As far as granny is concerned, people can currently obtain approval for granny flats. These changes are not needed. Under the current system, townhouses in Residential A areas cannot be built on properties of less than 1 hectare. The new idea is that this could be achieved by a developer buying three 32-perch lots. That will have a major impact in that the character of the streets under attack will be destroyed, green buffers around those properties will be greatly reduced, the backyard games will be over and the impact on adjoining residents will affect the amenity levels. The Labor State Government has to face that problem when the Labor council sends down the town-planning changes for its approval. The Government must recognise that Brisbane residents in the Residential A areas currently enjoy a pleasant standard of living. It must recognise the potential impact that the changes will have on the majority of Brisbane residents. It needs to ask itself: do residents of Brisbane want their confidence shattered, their choice taken away from them? Not only are the current town-planning changes aimed at infiltrating flats into all of our Brisbane suburbs, but the changes will allow 16-perch lots to be created everywhere. Again, children's backyards will disappear and Brisbane's attractive character will be placed under threat.

Labor's changes are anti-family. Under these changes, because of the shape of 16-perch and 12-perch allotments, there will be little or no backyards. Land that is currently zoned Residential B offers choice and density in housing stock through flats, apartments, duplex housing, attached housing, three-storey walk-up apartment blocks and high-rise apartment blocks. Added to this choice and density in Residential B zone, land zoned Residential B could be developed to accommodate an additional 740 000 people. Further, the inner-city population both north and south of the river has been steadily declining for decades, and that is where the Labor council ought to be increasing the population. Those same suburbs now face the prospect of seeing their remaining character destroyed through substantial increases in population in the Residential A zone areas, that is, suburbs that already have Residential B development.

As these changes require State Government approval, I appeal to the Premier and his Government to refuse them. I ask the Premier to say "No" to Alderman Soorley and his Labor council. The Premier should remember that Alderman Sorley and his Labor council have no mandate for these changes. He should show the people that he cares about the environment and the character of Brisbane's suburbs. Brisbane has a tradition of which many other States are jealous—a tradition of maintaining many areas of Brisbane solely for single-family dwellings. There is ample opportunity in the current town plan for choice of housing and choice of where it can be built. Similarly, there is ample opportunity to increase Brisbane's population. There is no justification for

changing those arrangements. The Government should be encouraging better use of the existing Residential B areas for good, quality-designed unit developments.

Time expired.

Third Australian Masters Games

Mr ELDER (Manly) (10.30 p.m.): The Third Australian Masters Games were held in Brisbane last October and I would like to take this opportunity to reflect on the success of that event. In total, the master athletes competed in some 40 sports hosted across Brisbane at more than 50 venues. The event attracted some 6 000 competitors from 18 nations. Some 3 700 of those competitors came from Queensland. Two and a half thousand competitors came from outside the Brisbane metropolitan area and the event had 389 competitors from overseas—7 per cent of the total number of people competing in the event. On average—and this reveals the economic benefits to Brisbane—there were some 76 additional friends and relatives per 100 overseas or interstate competitors. The average stay in Queensland was 11.8 days, of which 9.1 days were spent in the Brisbane environment. The average spending per visitor night was $145 per head, confirming the belief for many of us that master athletes exhibit higher spending levels than those athletes participating in other major sporting events, for example, the Canon World Triathlon Championships, where the average spending per visitor night was $112 per head.

The Third Australian Masters Games had a significant economic impact with an additional output in the Queensland economy of $10.6m. This figure is, of course, somewhat conservative because it only takes into account the new money that actually came into Queensland from interstate or overseas. The games were responsible for creating and sustaining 142 person years of employment. This figure is also conservative because it excludes the volunteer support that that event received. The games also had significant social benefits in terms of a better and healthier life-style not only for the competitors but also for those of us who were spectators. The games were of significant benefit for the Redland Shire—my home district—because many of the competitors were housed in local motels and apartments. Many of the competitors spent some time in the shire touring with me and other members and we were very pleased that they were able to do that.

I attended many of the events and I must say that I enjoyed every minute of that particular competition. The games commenced on the Friday night with the futsal competition. For those honourable members who are not familiar with futsal, it is indoor soccer, a sport in which I have had limited experience. For the benefit of the member for Gregory, I point out that it is one of those sports where one does not run with the ball but, rather, use's ones feet. That night I had the pleasure of being able to present the medals to the successful teams. I was very pleased to do so because on that night the successful team was the Bayside Internationals coached by the legendary Neil Catchpole. It was a marvellous evening. I enjoyed soaking up the atmosphere, marvelling at the skills still evident in those aging feet. All the credit should go to the president of the Futsal Association, Bob Corbett, and his incoming president, John Szczerbanik, MLA, member for Albert. I would like to congratulate both of them and their hard-working teams. It was a thoroughly enjoyable evening and a very successful event.

Mr De Lacy: You know we look like getting the World Masters Games in Queensland in a couple of years' time?

Mr ELDER: As a result of this experience, Queensland will be very capable of handling that in a very thorough and professional manner. I also enjoyed the badminton, particularly as the successful mixed team on that night was a Tasmanian contingent called the Tassie Coasters and it included my sporting aunt, Annette Winskill. She and her husband, Greg, travelled from Burnie in Tasmania to compete at these games. Her only complaint was that the week passed by so quickly. She also enjoyed our company while she was in the Cleveland area.

Mr T. B. Sullivan: We all enjoy your company.

Mr ELDER: The Elder family is a very sporting and competitive family. My aunt concluded that competition on a successful note by being part of that gold medal team, and I would like to congratulate her and her team on the true sportsmanship that they displayed. I would like to thank the members of the committee. As time is running out, I will not mention them individually. However, I will say that under the chairmanship of Ian Brusasco they did a marvellous job in hosting these games. It will be to the long-term benefit of this State.

Time expired.

Public Sector Management Commission

Mr JOHNSON (Gregory) (10.35 p.m.): Tonight, I want to talk about the public service. First of all, I congratulate Henry Palaszczuk on his elevation to the position of Chairman of Committees. I think that Henry is doing a great job. I also want to say that I feel sorry for those people in the Government and the former Leader of the Opposition, Russell Cooper, who lost their positions as a result of the ridiculous situation that has evolved in this State. I think it is something that we ought to put an end to, and I think everybody in this House agrees with me. There has been a lot of persecution in this House and there has been a lot of sadness, and I hope that we have seen the end of it. As I said, I want to refer to the public service in this State. There is no doubt that persecution of the public service has occurred under this Government.

The one person whom I do want to mention tonight is Dr Peter Coaldrake and, together with him, the PSMC. There is no doubt that people's futures have been eroded as a result of Dr Peter Coaldrake's appointment as a part of that commission, his investigations and the results of his findings. The people I feel for are the employees in the departments of this State. The one thing that honourable members should remember is that we are members of a democratic society. That is something that this Government has forgotten about. Whatever our politics—Labor, Liberal, National or Independent—we must respect each other's line of thought. I believe that both this Parliament and Dr Peter Coaldrake have lost sight of that principle. The Education Department has lost many very good people as a result of Dr Coaldrake's findings. Those people have been pushed out of the public service in one way or another, resulting in a loss of expertise to the department, the likes of which will never be seen again. This is an unfortunate situation which has arisen not only in the Education Department but also in the Justice Department, the Transport Department and the Health Department. I hope that this Government takes note of the comments made this morning by the member for Lockyer, because the people to whom he referred have given a life-time of service to the Department of Justice as public servants under this Government's administration or under the administration of a conservative Government. The point I make is that the political views of people must be respected.

I mention also a matter that is close to my heart, namely, the public servants employed in the Department of Transport who are watching as their future careers are eroded. People in similar circumstances can be found in all Government departments right throughout the State. I urge members of the Government to show a little bit of compassion because these people, as I said earlier, are life-time public servants, irrespective of whether they are schoolteachers or Transport Department operators. Parliamentarians should respect these people for what they are and should address the situation that presently exists in the public service. Parliamentarians should look after each other and take one another for the people they are.

Since regionalisation of health services, the member for Thuringowa, Mr McElligott, lost his ministerial appointment, unfortunately. I congratulate the Honourable Ken Hayward on his elevation to the Ministry. I have had a couple of meetings with him to address problems that have arisen in health services in remote and isolated areas of Queensland. I was impressed by the way he listened to me, which brings me to a matter of paramount importance. As parliamentarians, we must listen to public servants and take

on board the advice they have to offer. Members of Parliament often do not understand fully the problems that arise in various public service areas. Therefore, they should listen to the people who know what is going on and look after them.

Time expired.

Gordonvale Health Action Group

Mr PITT (Mulgrave) (10.40 p.m.): In the time available to me during this debate, I wish to highlight the work of the Gordonvale Health Action Group, which consists of a number of community-minded citizens who are dedicated to the establishment and expansion of health facilities in the Gordonvale district. The group has grown out of the initiatives made available under the Government's restructuring and regionalisation program undertaken in the former Department of Health, which is now more aptly named Queensland Health—an organisation which has changed from being a reactive agent to one that now subscribes to a pro-active philosophy. The success and dedication of the Gordonvale Health Action Group is living proof that regionalisation is working in this State. The group has been working in partnership with the staff of the Gordonvale Memorial Hospital and with the Peninsula and Torres Strait Regional Health Authority and has drawn the community closer together on health issues through a process of participation and health education.

The situation at the Gordonvale Memorial Hospital has not always been so positive. As a matter of fact, throughout the eighties, the Government's predecessors on the Treasury benches presided over a slow but inevitable decline in services and, as a consequence, an erosion of community confidence. To be fair, let me say that this was not a deliberate policy strategy. It could more aptly fall into the category of apathetic decay. The old hospitals boards system was not conducive to change and was not sensitive to community needs, even though this was purported to be the case. As a result, centralisation of resources and centralisation of decision-making were the norm. Smaller hospitals, such as the one in Gordonvale, found themselves at the mercy of larger hospitals, such as the one in Cairns. If it had not been for the hard work and persistent lobbying of the former local medical superintendent, Dr Ray Davis, one wonders just what may have been the end-point in this process of deliberate downgrading. Dr Davis, who has now retired from the position of medical superintendent, has been a fine surgeon and champion of the needy. His work with Aboriginal people in both Gordonvale and Yarrabah is recognised widely. There is no doubt that he has his detractors, but, regardless of his perceived faults, no-one in the community would ever doubt his sincerity and commitment to his profession and to the maintenance of high standards of health care.

Two services which were run down to such an extent that they were eventually withdrawn were surgical and obstetric services. Their abolition at the hospital can be attributed in some part to a clearly recorded underutilisation. In the few years from 1984 to 1989, only 19 live births took place at the hospital and only six general anaesthetics for surgical procedures were undertaken. Only 33 per cent of capacity—14 patients per day—or bed space was occupied. The fact that the hospital was underutilised and, indeed, declining in its level of utilisation was a product of many factors. Firstly, there were ongoing problems with the administration of the old QATB in Gordonvale which meant that patients, irrespective of the local hospital's capacity to serve their needs, were transported directly to Cairns. This was a costly and uneconomical exercise which, frankly, has been addressed by establishment of the Queensland Ambulance Service and the rational input of acting assistant commissioner Geoff Reynolds. Secondly, no real attempt was made to upgrade equipment or improve the specific skills of staff in relation to this equipment. An ancient and unreliable X-ray machine was a prime example of this. More often than not, the unit was unserviceable. When it was up and running, few staff had the expertise to operate it. Thirdly, the old Gordonvale hospital was considered to be a fire hazard and, to put it kindly, was in a state of general disrepair. Also, because of some outdated taboo generated by the old system, no real action had been taken to fully inform the community of the services that were actually available, nor

was any realistic attempt made to ascertain what the community wanted its hospital to provide.

Thankfully, this sorry state of affairs has been arrested and the negative trend has been reversed. Gordonvale now boasts a modern structure consisting of a new wing and an upgrading of existing facilities which have cost in excess of $300,000. The new building was officially opened by the former Minister for Health, Ken McElligott, in August 1990. I am pleased to say that after representations made by me, the former Minister authorised additional spending to finish off deficiencies highlighted by the staff in respect of the original project design. To augment the new facility, the hospital was indeed fortunate to secure the services of a livewire Director of Nursing, Robyn Greenfield, whose appearance on the scene was fortuitous in the light of the changes that were to be made possible with regionalisation.

Regionalisation has provided the community with an opportunity not previously available to it. The formation of the Gordonvale Health Action Group has developed in the community a new-found awareness of the hospital and the services it provides. The group—chaired by local businessman, Bob Hunt, and ably served by secretary, Karen Jacobs—has quickly got into its stride and come to grips with health issues in the district. Top of the long list of projects identified by the group was the need for a replacement full-time medical superintendent to be appointed. As a result of a public meeting and surveys conducted, the group lobbied the regional director, and Dr Gareth Goodier, who is fast earning an excellent reputation in the far north, moved quickly on its recommendations. Interim arrangements negotiated by the health action group saw a workable roster put in place utilising local private medical practitioners to cover the hospital 24 hours a day, seven days a week. Applications were called and, after an extensive interview process which involved a representation of the Gordonvale Health Action Group—a major break-through for the community—the town now has a young and active medical superintendent with rights to private practice.

Time expired.

Motion agreed to.

The House adjourned at 10.46 p.m.