TUESDAY, 4 AUGUST 1992

Under the provisions of the motion for special adjournment agreed to by the House on 18 June, the House met at 10 a.m.

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

ASSENT TO BILLS

Assent to the following Bills reported by Mr Speaker—

Superannuation Legislation Amendment Bill;

Local Government Superannuation Amendment Bill;

Financial Transaction Reports Bill;

Statute Law (Miscellaneous Provisions) Bill;

Gaming Machine Amendment Bill;

Art Unions and Public Amusements Bill;

Summer Time Repeal Bill;

Parliamentary Papers Bill;

Peaceful Assembly Bill;

Local Government (Planning and Environment) Amendment Bill.

SENATE VACANCIES

Mr SPEAKER: Honourable members, I have to report that I have received from the Honourable Senator Kerry W. Sibraa, President of the Senate, the following letter—

"President of the Senate
Parliament House
Canberra

4 June 1992

The Honourable D. J. Fouras, MLA
Speaker of the Legislative Assembly
Parliament House
BRISBANE QLD 4000

Dear Mr Speaker,

I transmit to you the text of a Resolution agreed to by the Senate on 3 June 1992, as follows:

That the Senate—

(a) believes that casual vacancies in the Senate should be filled as expeditiously as possible, so that no State is without its full representation in the Senate for any time longer than is necessary;

(b) recognises that under section 15 of the Constitution an appointment to a vacancy in the Senate may be delayed because the Houses of the Parliament of the relevant State are adjourned but have not been prorogued, which, on a strict construction of the section, prevents the Governor of the State making the appointments; and

(c) recommends that all State Parliaments adopt procedures whereby their Houses, if they are adjourned when a casual vacancy in the Senate is notified, are recalled to fill the vacancy, and whereby the vacancy is filled:

(i) within 14 days after the notification of the vacancy, or

(ii) where under section 15 of the Constitution the vacancy must be filled by a member of a political party, within 14 days after the nomination by that party is received,

whichever is the later.

Yours sincerely,

Kerry W. Sibraa."

REGISTER OF MEMBERS' INTERESTS

Mr SPEAKER: Honourable members, I lay upon the table of the House a copy of the Register of Members' Interests pursuant to the resolution of the House dated 27 November 1990, and also a copy of the third report on the Register of Members' Interests.

Ordered to be printed.

PAPERS TABLED AND PRINTED DURING RECESS

Mr SPEAKER: Order! Honourable members, I have to advise the House that the following papers were tabled during the recess in accordance with the list circulated to members in the Chamber—

"8 July: The Clerk of the Parliament received and tabled the following papers in accordance with section 46N of the *Financial Administration and Audit Act 1977*.

- Annual Report and Financial Statements of the Lang Park Trust 1991;
- Annual Report of the Board of Trustees of the Townsville Grammar School 1991;
- Annual Report of the Board of Trustees of the Ipswich Girls' Grammar School 1991;
- Annual Report of the Board of Trustees of the Brisbane Girls' Grammar School 1991;
- Annual Report of the James Cook University of North Queensland 1991;
- Annual Report of the University College of Central Queensland 1991;
- Annual Report of the University College of Southern Queensland 1991;
- Annual Report of the University of Queensland 1991;
- Annual Report Appendices and Financial Statements of the University of Queensland 1991.

9 July: Mr Speaker received and tabled the following papers in accordance with the resolution of Parliament of December 20, 1901.

- Report of the Parliamentary Committee for Electoral and Administrative Review, 'Review of the Electoral and Administrative Review Act'.

Ordered to be Printed.

13 July: Mr Speaker received and tabled the following paper in accordance with the Resolution of Parliament of December 20, 1901.

- Report of the Parliamentary Criminal Justice Committee, 'Report on the public hearing held on 25 June 1992 into allegations made by Mr Richard Chesterman QC (past member of the Misconduct Tribunals), on 23 June 1992 in the Courier-Mail and The Australian newspapers'.

Ordered to be Printed.

20 July: The Clerk of the Parliament received and tabled an explanation for the granting of an extension of time for the submission of an annual report in accordance with section 46N(3) of the *Financial Administration and Audit Act 1977*.

- Aboriginal Co-ordinating Council 1989/90 and 1990/91;
- Island Co-ordinating Council 1989/90 and 1990/91.

20 July: The Clerk of the Parliament received and tabled the following papers in accordance with section 46N of the *Financial Administration and Audit Act 1977*.

- Annual Report of the Aboriginal Co-ordinating Council 1989/91;
- Annual Report of the Island Co-ordinating Council 1989/90;
- Annual Report of the Island Co-ordinating Council 1990/91;
- Annual Report of the Island Industries Board 1/2/91 - 31/1/92.

28 July: Mr Speaker received and tabled the following paper in accordance with the resolution of Parliament of December 20, 1901.

- Report of the Parliamentary Criminal Justice Committee, 'Report on the committee recommendations of changes to the method of appointment and conditions of service of members of the Misconduct Tribunals'.

Ordered to be Printed."

DAILY HANSARD

Mr SPEAKER: Honourable members, following the passage of the Parliamentary Papers Bill, from tomorrow the *Daily Hansard* will be available to the press and the public. I therefore remind you of the importance of reading and returning your *Hansard* Greens to the Chief Reporter within the stipulated time in order to ensure that the *Daily Hansard*, although it is published as a proof and subject to correction, is, as far as possible, free from error.

PETITIONS

The Clerk announced the receipt of the following petitions—

Abortion Law

From **Mr J. H. Sullivan** (34 signatories) praying that action be taken to ensure that the law prohibiting abortion on request be enforced.

Community Legal Centres

From **Mr Fenlon** (12 signatories) praying that the Parliament of Queensland will continue to fund community legal aid centres.

A similar petition was received from **Mr Palaszczuk** (506 signatories).

Motor Vehicle Fee Exemptions for Disabled Persons

From **Mr Mackenroth** (44 signatories) praying that all disabled persons unable to use public transport be made exempt from payment of motor vehicle registration fees and/or stamp duty on the purchase of motor vehicles registered for their private transportation needs.

Referendum on Council Amalgamations

From **Mr Stephan** (1 186 signatories) praying that a referendum be conducted to determine the issue of council amalgamations, that the results be collected on an existing local authority boundary basis and that such results be binding on Government.

Funding of Non-Government Students

From **Mr Borbidge** (220 signatories) praying that the Parliament of Queensland will introduce the basket of services model for the funding of non-Government students.

State Education Department Subsidies Scheme

From **Mr T. B. Sullivan** (95 signatories) praying that sufficient funds be provided in the 1992-93 Budget to enable the State Education Department Subsidies (SEDS) scheme to provide various levels of subsidies for creches and kindergartens and to provide for further increase in salaries and wages of staff arising from award restructuring.

A similar petition was received from **Mrs Woodgate** (70 signatories).

Youth Curfew, Inala/Durack Area

From **Mr Palaszczuk** (33 signatories) praying that a curfew on all youths aged 5 to 17 be imposed in the Inala/Durack area seven days per week and the curfew be 10 p.m.

QEII Hospital

From **Mrs Sheldon** (3 477 signatories) praying that there be no restriction on facilities offered by the QEII Hospital and that no services or units be relocated to other hospitals.

Petitions received.

SUBORDINATE LEGISLATION

In accordance with the schedule circulated by the Clerk to members in the Chamber, the following documents were tabled—

Aboriginal Land Act—

- Aboriginal Land (Declaration of Areas of Transferred Land That Are Not Claimable Land) Order (No.1) 1992

Animals Protection Act—

- Animals Protection (Use of Animals for Scientific Experiments) Amendment Regulation (No.1) 1992, No.215

Art Unions and Public Amusements Act—

- Proclamation—Commencement of sections 3 to 60, section 75, sections 87 to 104 and sections 107 to 131—24 July 1992, No.231
- Art Unions and Public Amusements Regulation 1992, No.232

Associations Incorporation Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Associations (Natural Disaster Relief) Act—

- Queensland Driver Education Centre, Gympie Inc. (Natural Disaster Relief) Amendment Order 1992

Auctioneers and Agents Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Australian Financial Institutions Commission Act—

- Proclamation—Commencement of provisions not in force—1 July 1992, No.168

Bills of Sale and Other Instruments Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Building and Construction Industry (Portable Long Service Leave) Act—

- Building and Construction Industry (Portable Long Service Leave) Regulation 1992, No.187

Building Societies Act—

- Treasury (Variation of Fees) Regulation 1992, No.184

Business Names Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Carriage of Dangerous Goods by Road Act—

- Carriage of Dangerous Goods by Road Amendment Regulation (No.1) 1992, No.155

Censorship of Films Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Coal Mining Act—

- Coal Mining Exemption Order 1992, No.223
- Coal Mining Exemption Order (No.1) 1992, No.224

Collections Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Co-operative and Other Societies Act—

- Treasury (Variation of Fees) Regulation 1992, No.184

Co-operative Housing Societies Act—

- Treasury (Variation of Fees) Regulation 1992, No.184

Corporations (Queensland) Amendment Act—

- Proclamation—Commencement of provisions not in force—31 July 1992, No.233

Corrective Services Act—

- Corrective Services Amendment Regulation (No.1) 1992, No.239
- Corrective Services (Establishment of Prisons) Order 1992, No.216

Electoral Act—

- Proclamation—Commencement of provisions not in force—19 June 1992, No.160

Electricity Act—

- Articles of the Queensland Electricity Supply Industry Employees' Superannuation Scheme Amendment Order (No.1) 1992, No.131
- Electricity (QEC) Order 1992, No.171
- Electricity (Superannuation Scheme) Amendment Determination (No.1) 1992, No.132

- Electricity (Superannuation Scheme) Amendment Determination (No.2) 1992, No.133
- Electricity (Superannuation Scheme) Amendment Determination (No.3) 1992, No.134
- Queensland Electricity Commission (Transfer of Assets) Order 1992
- Revocation of uniform practice manuals pursuant to the provisions of the Electricity Act—15 May 1992

Equal Opportunity in Public Employment Act—

- Proclamation—Commencement of provisions not in force—4 July 1992, No.164

Factories and Shops Act—

- Sale of Motor Fuel Amendment Regulation (No.1) 1992, No.188

Fair Trading Act—

- Fair Trading (Infant Cushions) Order 1992, No.212

Fauna Conservation Act—

- Fauna Conservation (Open Season—Duck) Order 1992, No.208
- Fauna Conservation (Open Season—Quail) Order 1992, No.207

Financial Administration and Audit Act—

- Appropriations Redistribution Order (No.1) 1992
- Appropriations Redistribution Order (No.2) 1992

Financial Institutions Legislation Amendment Act—

- Proclamation—Commencement of provisions not in force—1 July 1992, No.168

Financial Institutions (Queensland) Act—

- Financial Institutions Amendment Regulation (No.1) 1992, No.182
- Financial Institutions (Queensland—Savings and Transitional Provisions) Regulation 1992, No.181
- Proclamation—Commencement of provisions not in force—1 July 1992, No.168

Fishing Industry Organization and Marketing Act—

- Fishing Industry (Closure of Waters) Amendment Order (No.1) 1992, No.191
- Fishing Industry Organization and Marketing Amendment Regulation (No.1) 1992, No.189
- Fishing Industry (Use of Nets) Amendment Order (No.2) 1992, No.190
- Fishing Industry (Use of Nets) Amendment Order (No.3) 1992, No.202
- Fishing Industry (Use of Nets) Amendment Order (No.4) 1992, No.203

Forestry Act—

- Forestry Amendment Regulation (No.1) 1992, No.192
- State Forest 311 (Extension) Order 1992
- State Forest 387 (Extension) Order 1992
- State Forest 406 (Extension) Order 1992
- State Forest 499 (Extension) Order 1992
- State Forest 561 (Extension) Order 1992
- State Forest 611 (Extension) Order 1992
- State Forest 832 (Extension) Order 1992
- State Forest 1645 (Extension) Order 1992
- Timber Reserve 179 (Extension) Order 1992

Friendly Societies Act—

- Treasury (Variation of Fees) Regulation 1992, No.184

Funeral Benefit Business Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Gaming Machine Act—

- Gaming Machine Amendment Regulation 1992, No.185

Gaming Machine Amendment Act—

- Proclamation—Commencement of provisions not in force—1 July 1992, No.169
- Proclamation—Commencement of provisions not in force—2 July 1992, No.213

Grammar Schools Act—

- Grammar Schools Regulation 1992, No.194

Griffith University Act—

- Griffith University (Gold Coast University College Student Representative Council) Order 1992, No.238

Harbours Act—

- Boating Facilities Order 1992, No.137
- Construction of Harbour Works (Fees) Regulation 1992, No.148
- Mackay Port Authority (Pioneer River Improvement Trust Contribution) Order (No.2) 1992
- Port of Brisbane Authority (Vesting of Crown Land) Order (No.1) 1992
- Port of Brisbane Authority (Vesting of Crown Land) Order (No.2) 1992
- Port of Brisbane Authority (Vesting of Crown Land) Order (No.3) 1992
- Reclamation of Land Amendment Regulation (No.1) 1992, No.149

Hawkers Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Health Act—

- John A.Bisby (Authorization to Conduct Scientific Research and Studies) Order 1992
- Poisons (Adoption of Standard) Notice (No.3) 1992
- Queensland Council on Obstetric and Paediatric Morbidity and Mortality (Authorization to Conduct Scientific Research and Studies) Order 1992

Health Services Act—

- Health Services (Public Hospitals) Fees and Charges Regulation 1992, No.211

Hospitals Foundations Act—

- Royal Brisbane Hospital Research Foundation Order 1992

Industrial Relations Act—

- Amendment of Rules of Court under the Industrial Relation Act 1990-1991 commencing 1 July 1992

Invasion of Privacy Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Jury Act—

- Jury Districts Order 1992

Justices Act—

- Justices (Fees) Order 1992, No.196

Land Act—

- Land Amendment Regulation (No.1) 1992, No.234

Lands Legislation Amendment Act—

- Lands Legislation Amendment Regulation (No.4) 1992, No.235

Liquor Act—

- Liquor Regulation 1992, No.162
- Proclamation—Commencement of provisions not in force—1 July 1992, No.136

Local Government Act—

- Flammable and Combustible Liquids Amendment Regulation (No.1) 1992, No.218
- Local Government (Penalty Notice) Order 1992, No.229

Local Government (Planning and Environment) Act—

- Local Government Court Rules Amendment Order (No.1) 1992, No.236
- Local Government (Planning and Environment) Amendment Regulation (No.1) 1992, No.230

Local Government Superannuation Act—

- Local Government Employees' Superannuation (Amendment of Articles) Order (No.1) 1992, No.199
- Local Government Superannuation Regulation 1992, No.166

Local Government Superannuation Amendment Act—

- Proclamation—Commencement of provisions not in force—1 July 1992, No.165

Marine Parks Act—

- Marine Parks (Cairns) Order 1992, No.209
- Marine Parks (Cairns Zoning Plan) Order 1992, No.210

Mineral Resources Act—

- Mineral Resources (Restricted Area 270) Order 1992, No.214

Mortgage Brokers Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Motor Vehicles Control Act—

- Motor Vehicles Control Amendment Regulation (No.1) 1992, No.151

Motor Vehicle Driving Instruction School Act—

- Motor Vehicle Driving Instruction School Amendment Regulation (No.1) 1992, No.152

Motor Vehicles Safety Act—

- Motor Vehicles Inspection and Safety Amendment Regulation (No.1) 1992, No.140

Motor Vehicles Securities Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Nature Conservation Act—

- Proclamation—Commencement of section 159 of the Act—1 July 1992, No.159

Offence Notices Legislation Amendment Act—

- Proclamation—Commencement of provisions not in force—1 July 1992, No.195

Partnership (Limited Liability) Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Pawnbrokers Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Pharmacy Act—

- Pharmacy Amendment By-law (No.1) 1992, No.161

Police Service Administration Act—

- Police Service Administration Amendment Regulation (No.1) 1992, No.237

Pollution of Waters by Oil Act—

- Pollution of Waters by Oil Amendment Regulation (No.1) 1992, No.150

Primary Industries Corporation Act—

- Proclamation—Commencement of provisions set out in the Schedule commence—19 June 1992, No.157

Primary Producers' Organisation and Marketing Act—

- Commercial Fishers (General Levy) Notification 1992, No.225
- Primary Producers' (Levy on Cane Growers) Notice 1992, No.158

Public Service Management and Employment Act—

- Public Service Management and Employment Amendment Regulation (No.3) 1992, No.222

Queensland Building Services Authority Act—

- Queensland Building Services Authority Regulation 1992, No.167

Queensland Industry Development Corporation Act—

- Queensland Industry Development Corporation (Capital of Corporation) Order 1992, No.175

Queensland Marine Act—

- Marine (Crewing) Amendment Regulation (No.3) 1992, No.146
- Marine (Registration, Survey, Equipment and Load Line) Amendment Regulation (No.1) 1992, No.141
- Motor Boat and Motor Vessel Amendment Regulation (No.2) 1992, No.147
- Private Pleasure Vessels Amendment Regulation (No.2) 1992, No.142
- Queensland Marine Amendment Regulation (No.1) 1992, No.221
- Queensland Marine (Air Cushion Vehicle) Amendment Regulation (No.1) 1992, No.145
- Queensland Marine (Crewing) Amendment Regulation (No.4) 1992, No.220
- Queensland Marine (Hireboat) Amendment Regulation (No.1) 1992, No.144
- Queensland Marine Regulation 1992, No.143

Queensland Nickel Agreement Act—

- Queensland Nickel Agreement Order 1992, No.180

Queensland Office of Financial Supervision Act—

- Queensland Office of Financial Supervision Regulation 1992, No.183

Recording of Evidence Act—

- Recording of Evidence Regulation 1992, No.197

Registration of Births, Deaths and Marriages Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Retirement Villages Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198
- Killarney and District Memorial Hospital Limited (Exemption) Order 1992
- Lutheran Church (Exemption) Order 1992
- Netherlands Retirement Village Association of Queensland Incorporated (Exemption) Order 1992
- The Baptist Union of Queensland (Exemption) Order 1992

- The Roman Catholic Trust Corporation for the Diocese of Rockhampton (Exemption) Order 1992
- Various Organisations (Exemption) Order (No.1) 1992

Second-hand Dealers and Collectors Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Sewerage and Water Supply Act—

- Sewerage and Water Supply Amendment Regulation (No.1) 1992, No.206

Small Claims Tribunals Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Stamp Act—

- Stamp (Grainco Mortgage Exemption) Order 1992, No.219

State Transport Act—

- State Transport Amendment Regulation (No.1) 1992, No.153
- State Transport Amendment Regulation (No.2) 1992, No.201

Statutory Bodies Financial Arrangements Act—

- Order in Council 2 April 1992, Treasurer on behalf of the Government of Queensland guarantees loan of Yambocully Water Board
- Order in Council 30 April 1992, amendment of Order in Council 2 April 1992 referring to loan of Yambocully Water Board
- Order in Council 14 May 1992, Treasurer on behalf of the Government of Queensland guarantees loan of Merlwood Water Board
- Order in Council 28 May 1992, Treasurer on behalf of the Government of Queensland guarantees loan of Yambocully Water Board
- Order in Council 18 June 1992, Treasurer on behalf of the Government of Queensland guarantees loan of East Deeral Drainage Board
- Order in Council 25 June 1992, Treasurer on behalf of the Government of Queensland guarantees loan of Glamorgan Vale Water Board

Statutory Instruments Act—

- Statutory Instruments Amendment Regulation (No.1) 1992, No.217
- Statutory Instruments Regulation 1992, No.135

Sugar Industry Act—

- Sugar Industry (Mill Peak Adjustments) Guideline 1992, No.240

Superannuation (Government and Other Employees) Act—

- Superannuation (Definition of Employee) Order (No.1) 1992, No.170
- Superannuation (Definition of Employee-Gladstone Port Authority) Order 1992, No.179
- Superannuation (Definition of Employee-SEQWB) Order 1992, No.177
- Superannuation (Government and Other Employees) Amendment of Articles Order (No.2) 1992, No.172

Superannuation (State Public Sector) Act—

- Superannuation (State Public Sector-Membership) Amendment Order (No.1) 1992, No.176
- Superannuation (State Public Sector-Membership) Amendment Order (No.2) 1992, No.178
- Superannuation (State Public Sector) Variation of Deed Order (No.1) 1992, No.174

- Superannuation (State Public Sector) Variation of Deed Order (No.2) 1992, No.173

Supreme Court Act—

- Supreme Court Arrangements Order (No.1) 1992
- Supreme Court Arrangements (Amendment) Order (No.3) 1992
- Supreme Court Arrangements (Amendment) Order (No.4) 1992

Tow-truck Act—

- Tow-truck Amendment Regulation (No.1) 1992, No.154

Trade Measurement Administration Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

Traffic Act—

- Traffic Amendment Regulation (No.2) 1992, No.139

Transport Infrastructure (Roads) Act—

- Notification—Access to the declared road be limited, Bruce Highway (Brisbane-Gympie)
- Transport Infrastructure (Roads) Amendment Regulation (No.1) 1992, No.138
- Transport Infrastructure (Roads) Amendment Regulation (No.2) 1992, No.200

Travel Agents Act—

- Department of Justice (Variation of Fees) Regulation 1992, No.198

University of Southern Queensland Act—

- University of Southern Queensland (Council) Proclamation (No.1) 1992, No.193

Water Resources Act—

- North Burdekin Water Board (Allocation of Water) Amendment Order 1992
- South Burdekin Water Board (Allocation of Water) Amendment Order 1992
- Town Water Supply, Sewerage, Sullage Disposal and Cleansing Charges Amendment Regulation (No.1) 1992, No.204
- Water Resources (Quarry Material) Regulation 1992, No.205

Wivenhoe Dam and Hydro-electric Works Act—

- South East Queensland Water Board (Vesting of Land-Wivenhoe Dam) Order 1992

Workers' Compensation Act—

- Orthopaedic Assessment Tribunal (Appointment of Alternate Member) Order 1992
- Orthopaedic Assessment Tribunal (Appointment of Alternate Members) Order 1992
- Workers' Compensation Regulation 1992, No.156

Workplace Health and Safety Act—

- A-C Sheeting Code of Practice Approval Notice 1992, No.226
- Workplace Health and Safety Amendment Regulation (No.2) 1992, No.128
- Workplace Health and Safety Amendment Regulation (No.3) 1992, No.186
- Workplace Health and Safety (A-C Sheeting) Exemption Notice 1992, No.227
- Workplace Health and Safety Special Standard 1992, No.228

PAPERS

The following reports were laid upon the table of the House—

(a) Mr W. K. Goss—

Report of the Royal Queensland Theatre Company for the year ended December 31, 1991.

Ordered to be printed.

(b) Mr De Lacy—

Report of the Brisbane Cricket Ground Trust for the year ended March 31, 1992.

(c) Mr Casey—

(1) Report of the Tobacco Leaf Marketing Board of Queensland and the Tobacco Quota Committee for the year ended December 31, 1991.

(2) Review of the Auditor-General's Report on Audits for 1989/90 Water and Drainage Boards, etc.

(d) Mr Milliner—

(1) Report of the Trust Company of Australia Limited for the year ended February 29, 1992.

(2) Reports for the year ended June 30, 1991—

Registrar of Commercial Acts on the Administration of the Building Societies Act 1985.

Registrar of Commercial Acts on the Administration of the Credit Societies Act 1986.

Registrar of Co-operative and Other Societies.

Registrar of Co-operative Housing Societies.

Registrar of Friendly Societies covering proceedings under the general administration of the Friendly Societies Act 1913.

Reports ordered to be printed.

(e) Mr Foley—

(1) Seven submissions received by the Parliamentary Committee for Electoral and Administrative Review on its review of the Electoral and Administrative Review Act 1989-1991.

(2) Minutes of all of the meetings of this Committee from March 22, 1990 to June 16, 1992 inclusive.

MINISTERIAL STATEMENT

Cabinet Handbook

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (10.10 a.m.), by leave: The *Cabinet Handbook* is a most significant document for government in Queensland. It provides, for the first time, a comprehensive description of the procedures and practices which operate in the development of policies and legislation. The handbook formalises the processes of Cabinet consultation and decision making and provides rules and guidelines for Ministers and departmental officers in developing proposals. It draws on the best of Cabinet procedures applying in other jurisdictions. The previous Government operated with very limited guidelines which were not publicly available. The production and tabling of the *Cabinet Handbook* is evidence of the Government's commitment to open and accountable procedures for Queensland.

The handbook is made up of a number of sections. The first part introduces the principles of Cabinet and Executive Government. It outlines the convention of collective responsibility of Ministers for Cabinet, which is fundamental to all Governments

operating under the Westminster system. It also describes the function of such bodies as Cabinet committees, Executive Council and the Office of the Cabinet.

Mr Borbidge: Have you changed who is accountable in your own department?

Mr W. K. GOSS: The Leader of the Opposition will be able to read this document. He will get a copy. The second part outlines the types of matters which should be considered——

Mr SPEAKER: Order! I ask the Leader of the Opposition to refrain from interjecting. I do not think it is appropriate.

Mr W. K. GOSS: The second part outlines the types of matters which should be considered by Cabinet. The third part describes and details Cabinet procedures, including the preparation of submissions and consultation requirements. The fourth part describes and defines the role of Executive Council in some detail. The fifth part deals with the preparation of legislation for consideration by Cabinet and introduction into the Parliament. This includes an outline of the development of the Government's legislative program and the factors to be taken into account when preparing legislation, including the fundamental legislative principles which were recommended by EARC and are set out in the recently passed Legislative Standards Act. The role of the Office of the Parliamentary Counsel also receives due weight. The remaining sections deal with the caretaker conventions and other pre-election practices and set out a ministerial code of ethics.

In relation to the conventions and practices which apply to the operation of Executive Government—for the first time in Queensland, these will be available. They set out the situation immediately prior to a general election. They are available to the public and to the Opposition. In other words, this document sets out the rules for the forthcoming election—and in plenty of time. By convention, the Government assumes a caretaker role from the time that the Legislative Assembly is dissolved until the election result is clear or, in the event of a change of Government, until the new Government is appointed. This practice recognises the fact that, following dissolution, there is no popular chamber to which Executive Government can be responsible and ensures that decisions are not taken which would bind an incoming Government. The conventions provide that, during the caretaker period, the Government should avoid making significant appointments, entering into major contracts or undertakings and implementing new policies.

The *Cabinet Handbook* includes guidelines for consultation by the Opposition with departmental officers. These consultation guidelines, which are based on Commonwealth procedures, apply as soon as the election is announced. They are designed to facilitate a smooth transition in the event of a change of Government. The guidelines represent a significant departure from the practice of the previous Government, which failed to allow any pre-election consultation by the Opposition with departmental officers.

An Opposition member interjected.

Mr W. K. GOSS: I was refused. Under the guidelines, the Opposition spokesperson may make a request to the relevant Minister for consultation with departmental officers on matters relating to the machinery of Government, administration and resources generally available in the portfolio area as they relate to the implementation of Opposition policy. The discussions held with departmental officers are confidential to the participants, but the officers are not authorised to discuss the merits of policies of either the Government or the Opposition.

The handbook also includes a Ministers' Code of Ethics. The code outlines, in a form that is broadly consistent with EARC's recommendations in its report on Codes of Conduct for Public Officials which was released in May 1992, a set of principles requiring high standards of probity and regard for the public interest on the part of Ministers of the Crown. Obviously, the Government reserves the right to review the details of this code following the consideration of EARC's report by the Parliamentary Committee on Electoral and Administrative Review. The handbook will be published by

the Government Printer and will be widely available at a reasonable price to members of the general public as well as Government officials.

I lay on the table of the House the *Cabinet Handbook*, and move that it be printed.

Ordered to be printed.

MINISTERIAL STATEMENT

Cooke Inquiry Reports

Hon. K. H. VAUGHAN (Nudgee—Minister for Employment, Training and Industrial Relations) (10.17 a.m.), by leave: Honourable members will be aware that my predecessor, Mr Warburton, tabled in this House a number of reports of the commissioner appointed to inquire into the activities of particular Queensland unions. On the advice of the Solicitor-General, supplements to a number of those reports were not made public. This was based on the Solicitor-General's concerns about a number of issues, namely, fair trials, defamation and contempt. The Attorney-General has sought the advice of the Director of Public Prosecutions on the appropriateness of now making this material public. The advice from the director is that as a number of people have been dealt with by the courts, much of the material relating to them can now be released under parliamentary privilege. However, the director further advised that at least two cases are yet to go to trial and other cases are still under investigation. On the director's advice, material relating to these individuals remains deleted from the supplements. On completion of those proceedings, on the director's advice, that information will be made public.

In the interests of fairness, I believe that it should be noted that just because the commissioner has made negative statements about an individual, it in no way implies that the individual has committed an offence. For example, the commissioner makes some very negative comments in his report on the Federated Clerks Union about Mr D. J. G. Mapstone. However, the commissioner did not recommend the laying of charges against Mr Mapstone, saying that it would be difficult to successfully prosecute. The Director of Public Prosecutions went even further. He also examined the evidence and advised the Attorney-General that not only would it be difficult to prosecute but also, in fact, all of the evidence went the other way. I wish to make one point very clear: this Government has nothing to hide. The people of Queensland elected us because they wanted honest, accountable government after years of corruption. We have delivered what we promised—honest and open government. Let me make one point absolutely clear——

Mr Cooper interjected.

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

Mr VAUGHAN: Let me make one point absolutely clear: this Government will pursue illegal, improper and corrupt behaviour wherever it may exist. We are beholden to no one group in society and we will continue to operate on a basis of fair dealing and equal treatment for all. Members opposite have sought to compare the Cooke inquiry with the Fitzgerald inquiry, which is a comparison that is clearly not valid. Mr Fitzgerald had the foresight to deliberately omit evidence which could have been used in court cases against individuals. This allowed the publication of his report in full. In comparison, Marshall Cooke, QC, not only included evidence, but also went so far as to weigh that evidence and comment about whether or not he considered a person had committed a criminal offence. To refresh the memory of members of the Opposition, Mr Fitzgerald stated in his report—

> "The community would be badly served by any unnecessary departure from the presumption of innocence to which each citizen is entitled unless and until tried and convicted."

Mr Fitzgerald stated further—

"The chance that some persons might not be able to be tried because of the proceedings of this inquiry should not be unnecessarily created or increased by non-essential findings against individuals."

I table the supplements to the first, second, third and fourth reports of the commission, and move that they be printed.

Ordered to be printed.

MINISTERIAL STATEMENT

Absence of Ministers during Question Time

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.20 a.m.): I have to inform the House that the Honourable the Deputy Premier will be absent during question time this week as he is reporting and inspecting inner-city housing developments. The Honourable the Minister for Resource Industries will be absent from question time today owing to ministerial business.

APPROPRIATION BILL (No. 2)

All Stages; Allocation of Time-limit Order

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (10.21 a.m.) by leave, without notice: I move—

"(1) That, notwithstanding anything contained in Standing Orders, the Budget Estimates for the 1992-1993 financial year for the purpose of debate in the Legislative Assembly shall be in the form of an Appropriation Bill (No. 2) only. Such Bill shall contain all departmental Estimates in a Schedule to the Bill.

(2) The Appropriation Bill (No. 2) shall be introduced by the Honourable the Treasurer on Tuesday, 25 August, and debate adjourned until Thursday, 27 August, when debate on the second reading shall be resumed.

(3) Debate on the Appropriation Bill (No. 2) shall commence at the following times on the following sitting days—

Thursday, 27 August, at 11 a.m.

Tuesday, 1 September, at 12 noon

Wednesday, 2 September, at 3.30 p.m.

Thursday, 3 September, at 11 a.m.

and shall take precedence over all other business.

(4) If the Bill has not passed all stages by 11 p.m. on Thursday, 3 September, then all remaining questions necessary to pass the Bill shall be put by Mr Speaker or the Chairman of Committees, as the case may be, without amendment or debate."

Mr De LACY (Cairns—Treasurer) (10.22 a.m.)**:** I second the motion.

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (10.22 a.m.): Members of the Opposition oppose the motion before the House. We received no prior warning of it and were not consulted by the Leader of the House in respect of it.

Mr Mackenroth: You must not be too bright if you could not work it out.

Mr BORBIDGE: No. After the Government hands down its Budget, it is going to close down Parliament without having an Estimates debate. The Government is not adopting the level of accountability that has been observed in this Parliament year after year after year. This Government wants to hand down its Budget, close down the Parliament and get out of here without observing the proper and appropriate standards

of accountability and without each Minister having to defend his or her own performance, Estimates, budget, issues and accountability. As a result of this motion, members will take part in a shonky Budget debate—a censored Budget debate—because this Government does not want each of its Ministers to be subjected to an Estimates debate prior to a State election. When the Standing Orders of this House were changed, the Premier made all sorts of promises. He said that the rules that applied in the past were not good enough for him. For the first time during my 12 years in this place, the Budget will be put to the Parliament and the people of Queensland without the Estimates of one department being subject to the scrutiny of the House.

Mr FitzGerald: None of the Ministers will speak.

Mr BORBIDGE: None of the Ministers will speak; they will not outline their departmental programs. The motion represents the curtailment of the parliamentary process and the accountability process so that this Government can present its Budget, curtail debate and get out of here. The Opposition opposes this motion.

Mrs SHELDON (Landsborough—Leader of the Liberal Party) (10.24 a.m.): The Liberal Party similarly opposes this motion. Members will see fudged Budget figures—no doubt in a fraudulent document—and will be given no opportunity to debate the Budget in this House. The Government is running away from its financial responsibilities. This State will be told a whopper about how great this Labor Party is, what it is doing and how fiscally responsible it is, but there will be no debate from members on this side of the House. What a sham—a la Cooke inquiry style financial reports!

Mr BEANLAND (Toowong) (10.25 a.m.): I support the Leader of the Opposition and the Leader of the Liberal Party in opposing this outrageous, scandalous motion. But this is what members have come to expect from the Goss/Keating Labor Governments. This year, this Parliament has sat for an astonishing 19 days. And now, members have this slammed up to them! The Budget will be brought into this Parliament on Tuesday, 25 August. The replies will be given on the Thursday, and the Budget will be rammed through the House after only four days of debate. What a shocking, scandalous situation. I believe that it speaks for itself. It is no wonder that this Government sat after midnight on more nights than did any other Government in the history of this State. The Budget debate will be guillotined—nothing more and nothing less. Mr Goss knows that quite well. It is no use his smirking, because that is the sort of thing that his Federal leader, Mr Keating, does. Mr Goss has followed his example in relation to this issue.

I believe that there is no need to rush the Budget through the Parliament. This morning, no reason for this was given by the Leader of the House. He simply moved the motion to guillotine this year's Budget. Members know that, in order to prop up the Budget and make it balance, the Government is robbing hollow logs, milking sacred cows and taking money from the Auctioneers and Agents Fund and other funds. This morning, the Leader of the House gave no reasons for ramming the Budget through the Parliament in such a short period.

There is no doubt that, with election fever, Mr Goss is really concerned about this Government being put under scrutiny in this Parliament. As I said, to date this year, this Parliament has sat for only 19 days. That must be one of the shortest sittings on record for this Parliament. That is hardly something of which the Premier can be proud. To top it off, he intends to ram through the Budget without any scrutiny of this Government's lack of ability to create jobs and to get the business community in this State functioning again and without focusing on the crime issues that confront this State. In recent times, crime statistics in this State have skyrocketed. But the Premier does not want to talk about those issues, and I can understand why. This State's crime record is worse than that of most other States in this nation. And as to the numbers of jobless people in Queensland—the figure applying at the beginning of this Government's term has ballooned out to 11.1 per cent. Clearly, this Government is on the run. It is concerned and it is scared.

Government members: Oh, Denver!

Mr BEANLAND: Yes, it is very much on the run. The Premier is trying to guillotine the Budget. He does not want to face the people on a full-length Budget debate. Perhaps he will hold a short, sharp election after all. Recently, on the Rod Henshaw program, he promised that he would not do that. Perhaps he will do that after all. Perhaps Queensland will see a late September election before the Premier's friend Joan Kirner goes to the polls in Victoria. Mr Goss is on record as saying that he supported John Cain and that he wants to do for Queensland and Queensland business what John Cain did for Victoria. What a scandalous situation! This Premier wants to sneak around and to distance himself from his heroes in Victoria. I would not be surprised if he breaks the promise that he made on that program.

No reason has been given for rushing through this Budget. Members want some real debate about the increasing and skyrocketing taxes in this State. Over 3 000 taxes and charges have increased beyond the inflation rate. Time after time, the Premier has broken his election promises. As well, the Government has introduced new taxes and charges. The Premier cannot hide behind the issue and guillotine the Budget through the House. The figures are there for all to see, as is the 1 000 per cent increase in land tax for which the Government has been responsible over the past three years.

This morning, one of my colleagues reminded me that, four years ago during Expo, Queensland was quiet and peaceful and a law-abiding place. He mentioned also that, under this Government, crime has run riot; it has run rampant. The Government wants to sweep those issues under the carpet. I am waiting for the excuses from the Leader of the House for the Government's shortcomings. Why does he want to ram the Budget through the Parliament unnecessarily quickly? There is plenty of time in September for an Estimates debate. The program that was promulgated lists proposed sitting dates of Parliament in September and October. The Opposition has been given no reason why the Budget has to be slammed through—guillotined—in this manner. One is left with no alternative than to suspect that the Government will have a snap poll. The Premier does not want a debate on the Government's pathetic record of the past three years. He does not want to face the people of Queensland on his pathetic record.

Mr SLACK (Burnett) (10.31 a.m.): I support the Leader of the Opposition, the Leader of the Liberal Party and the member for Toowong and express my opposition to the motion and the disgraceful way in which it has been put before the House. If the motion is accepted, the Parliament will discuss the Budget for only four days. The Leader of the House moved his motion without explaining why he would confine the important Budget debate to four days. As time is passing and the Opposition has only an hour to ask questions, members of the Opposition are precluded from voicing their strong objection to this disgraceful move by the Government. I am very surprised that the Premier, who supposedly has such a high rating in this State, could be party to such a decision by the Government.

Hon. N. J. HARPER (Auburn) (10.32 a.m.): I rise to speak against the motion and to express my concern at the decision taken by the Premier and his Treasurer to limit the debate on the Budget. If the Premier and his Treasurer were as good as they have been claiming to be over the last couple of years—particularly in recent weeks—they would not be running scared of having a full Budget debate, with Estimates being debated and Ministers being queried and checked. No-one could dispute that the Goss Government has maintained financial stability in Queensland only because of the solid foundation laid by previous Governments. The Government has maintained financial stability, but it is something that it inherited. If one examines the Government's track record carefully, one will realise that fact. However, the Premier is not prepared to allow a full debate on the Estimates of departments for the next financial year.

Yesterday, on the Henshaw radio program, we heard the Premier ridiculing the Leader of the Opposition, claiming that he did not understand what it was all about. The Leader of the Opposition clearly understood what it was all about. Prior to the last election, the people of Queensland were told that the Premier would follow the lead of Cain and take Queensland down the Victorian path. That is exactly what he has been

doing. He has been "milking" the hollow logs. Yesterday, the Premier made a ridiculous statement about the issue raised of the Government's milking the trust fund established under the Auctioneers and Agents Act. He said, "Oh, but we used it for housing." He claimed that that was a justifiable use for those trust fund moneys. It was not justifiable to milk the Auctioneers and Agents Trust Fund to provide moneys that should have come from Consolidated Revenue. That is the type of exercise that the Government will be hoping to get away with by limiting the debate. We will not have an opportunity to examine which hollow logs the Government intends to "milk" in the next 12 months. The Government's conduct is outrageous. I protest strongly to the Premier and ask that the Government reconsider its attitude.

Question—That the motion be agreed to—put; and the House divided—

AYES, 49		NOES, 35	
Ardill	Mackenroth	Beanland	Slack
Barber	McElligott	Booth	Springborg
Beattie	McLean	Borbidge	Stephan
Bird	Milliner	Connor	Stoneman
Braddy	Nunn	Coomber	Turner
Bredhauer	Palaszczuk	Cooper	Veivers
Briskey	Pearce	Dunworth	Watson
Campbell	Robson	Elliott	
Casey	Schwarten	FitzGerald	
Clark	Smith	Gilmore	
Comben	Smyth	Goss J. N.	
Davies	Spence	Gunn	
De Lacy	Sullivan J. H.	Harper	
Dollin	Sullivan T. B.	Hobbs	
Eaton	Szczerbanik	Horan	
Edmond	Vaughan	Johnson	
Elder	Warburton	Katter	
Fenlon	Warner	Lester	
Flynn	Welford	Lingard	
Foley	Wells	Littleproud	
Gibbs	Woodgate	McCauley	
Goss W. K.		Perrett	
Hamill		Randell	
Hayward	*Tellers:*	Rowell	*Tellers:*
Hollis	Prest	Santoro	Neal
Livingstone	Pitt	Sheldon	Quinn

Resolved in the affirmative.

MR SPEAKER'S RULING

Motion of Dissent

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (10.41 a.m.): Mr Speaker, on 7 May I moved that your ruling in respect of a question raised by the honourable member for Moggill on that day be dissented from. The debate on that motion was adjourned to a future sitting on 20 May. I have received advice that there are no grounds why that debate could not and should not proceed. I now intend to move a fresh motion which will allow that dissent motion to be debated in this place, including certain matters expunged from *Hansard,* within three days. I give notice that tomorrow I will move—

> "That Mr Speaker's ruling in respect of questions by the honourable member for Moggill on 7 May be dissented from."

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

Submissions and Minutes

Mr FOLEY (Yeronga) (10.43 a.m.): I lay upon the table of the House the seven submissions received by the Parliamentary Committee for Electoral and Administrative Review on its review of the Electoral and Administrative Review Act 1989-1991. The committee's report on this matter was presented to the Speaker and the Clerk of the Parliament, deemed tabled and ordered to be printed on 9 July 1992. I also lay upon the table of the House the minutes of all of the meetings of this committee from 22 March 1990 to 16 June 1992 inclusive.

QUESTIONS WITHOUT NOTICE

Official Misconduct by Union Officials

Mr BORBIDGE: In directing a question to the Premier, I refer to the fact that Commissioner Cooke recommended clearly and unequivocally that the CJC's anti-corruption role should be extended to trade unions. He put that recommendation in simple language on page 19 of his final report, which states—

> "I . . . recommend that the Criminal Justice Act 1989 be amended to empower the Criminal Justice Commission to receive and investigate complaints of official misconduct from members of the public and members of the Queensland's registered industrial organisations concerning this conduct by union officials."

I ask: will the Premier abide by this specific recommendation?

Mr W. K. GOSS: The short answer is, "No". The reason is that the recommendation is wrong; it is flawed. If this is such a great idea and an appropriate policy response, can honourable members tell me why the Liberal/National Party Government in New South Wales has not made the union movement subject to ICAC? It has not for the very proper reason that this Government has not adopted that response, either. The thing that we need to remember is that it is this Parliament that makes the decision, not highly paid or, dare I say, overpaid lawyers. The CJC is a public sector body, and we propose to maintain its role in that regard. As I said, in New South Wales, ICAC does not investigate unions. There is no provision for such a watchdog in other jurisdictions. The Industrial Commission is the appropriate avenue for complaints associated with electoral or financial misconduct.

Mr Elliott interjected.

Mr SPEAKER: Order! The honourable member for Cunningham!

Mr W. K. GOSS: Much of the superficial comment that is passed in our media fails to recognise the changes that were introduced by this Government and by Mr Warburton, who was the Minister for Employment, Training and Industrial Relations in 1990, which significantly enhanced the powers and the role of the commission and of the court. Other reforms have been undertaken by this Government, particularly in the important area of electoral reform.

In relation to the other query that is raised in the media and as a result of a recommendation in the Cooke report that the Auditor-General audit unions—once again, that is a flawed, incorrect and inappropriate recommendation and one which was rightly rejected by the Auditor-General. In conclusion, we are not going to deal with it, because it is inappropriate. Every other State has an approach similar to ours. New South Wales has a comparable watchdog, but it has not applied it to unions because it is a public sector body. The CJC is a public sector body. We propose to leave it at that. The CJC has more than enough work to do.

The other thing that needs to be remembered is that in all this fake comment about Cooke being comparable to Fitzgerald, there is no comparison. It is comparing A grade with C grade, and that is being kind. A point that needs to be made is that a lot of the concern that has been generated by certain media commentators, who do not know the background and have not actually read the reports, would be alleviated had they

realised that we have had this problem over the secret sections of the report. That secrecy has been used as something of a point of controversy by the Opposition to stir up controversy where there is none. Despite the million dollars that Marshall Cooke got out of the taxpayers, the problem is that he failed to follow the proper format of the Fitzgerald report. If he had done his report in the form the Fitzgerald report had followed, then we could have happily tabled the lot. As it was legally defective, we have had to clear up the mess, using the advice of the Solicitor-General and waiting for the relevant trials to pass. This Government has absolutely nothing to hide and no embarrassment to fear from the tabling of these reports. Anybody who reads the reports will see that what this $6m "Cooke's tour" revealed was a bit of corruption in two unions. No endemic corruption was revealed.

Opposition members interjected.

Mr SPEAKER: Order!

Mr W. K. GOSS: They clearly did reveal some corruption and matters that needed to be dealt with.

Opposition members interjected.

Mr W. K. GOSS: Of course, the matters that it revealed——

Opposition members interjected.

Mr W. K. GOSS: I have got all the time in the world.

Mr SPEAKER: Order!

Mr W. K. GOSS: The matters that it revealed in terms of illegal or criminal conduct had, in the main, if not completely, already been revealed by other court proceedings. That reveals the Cooke inquiry for what it was—a politically motivated move by a then desperate Government rightly on its way out.

Cooke Inquiry

Mr BORBIDGE: In directing a further question to the Premier in respect of the Cooke report, I refer in particular to his AWU power base and the $5.2m that it looks after each year. I refer specifically to the recommendation of Marshall Cooke at page 12, where he stated—

> "The new Industrial Relations Act 1990 (Qld)"—

which the Premier has used as his defence—

> "and regulations should have a similar level of accountability for trade unions as for other accounting and reporting entities such as corporations."

I ask: why is it that in his Queensland a person such as Bill Ludwig and an organisation such as the AWU do not have to have the same degree of legal accountability as the director of a private company?

Mr Elliott interjected.

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

Mr W. K. GOSS: There will be a need for improvement in the financial accountability of unions in this State, and that will occur. There are ongoing consultations.

Mr Littleproud interjected.

Mr W. K. GOSS: They are in the 1990 legislation, which the honourable member obviously has not read. The Minister is continuing discussions——

Mr Borbidge interjected.

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

Mr W. K. GOSS: The Minister is continuing discussions with relevant parties, including the Commonwealth, because we believe that more attention should be paid to this area. Final decisions will be made by this Government when consultation with other parties and the Commonwealth Government, in terms of the importance of having complementarity and consistency of legislation, is completed.

Business and Economic Performance of States

Mr PREST: I ask the Premier: is he aware of the recent survey of leading Australian economists about the business and economic performance of the Australian States?

An Opposition member interjected.

Mr PREST: If so, can the Premier inform the House of the results of that survey and whether that survey accords with the findings of other recent reports?

Mr W. K. GOSS: I was interested to hear the interjection when a member rose to ask a question about employment, unemployment and the economy, which is the most important concern of the general public of this country at present. The interjection from the member for Landsborough was, "Boring, boring".

Opposition members interjected.

Mr W. K. GOSS: That is absolutely right.

Mrs SHELDON: I rise to a point of order. My interjection was, "Bring out the violins."

Mr W. K. GOSS: That kind of reference is generally used by people who do not want to hear and who regard the subject as boring. The Government regards economic growth and development in this State and the creation of new jobs as the No. 1, No. 2 and No. 3 issues. If the Leader of the Liberal Party is interested, that was a Freudian slip on her part and she will be dammed by the electorate for it.

Time after time in this Parliament, we have heard members of the National Party claim credit for the state that the economy is in now and for the position that it will be in in the future. We never hear those members claim credit for the underfunded state of our education system three years ago. We never hear them claim credit for the appalling disrepair of our hospital system. We never hear them claim credit for the fact that, three years ago, our police force was 1 200 down in terms of the number of staff that it needed. National Party members never claim credit for that. In terms of what has happened in economic growth and development and new job creation over the past three years—this Government can and does take the credit. Furthermore, next month or the month after, the question that Queenslanders will ask themselves is: who is best?

An Opposition member: Whoops!

Mr W. K. GOSS: Or the month after that. Where are we? Is this August? Queenslanders are concerned about where current Government policies are taking them. That other mob has nothing to offer. One does not need to take my word or the word of Ministers for that. This week, a series of independent reports was released. Price Waterhouse stated—

> "Queensland consistently rates well over five economic indicators in both the current financial year and over the next five years.
>
> . . .
>
> Despite the recent political controversy in N.S.W., the panel perceives economic management in that state to have been good and only surpassed by that in Queensland."

PRD Consulting stated—

> "Factors which encourage Australians to move northwards are not likely to change—better business environment, warmer climate and lower State taxes."

I will guarantee all three. What did the independent Access Economics—the friend of members opposite—say? A recent report stated—

> "If current trends persist, the Queensland economy could move from around half the size of Victoria in the late seventies to nearly two-thirds of its size by the year 2000. The Queensland economy is now larger than that of New Zealand, despite having a million less people, and will overtake Victoria sometime next century."

In the past two weeks, CEDA held its conference. That body consists of independent organisations. I will not quote all the material from that conference. There is just too much in the way of glowing reports. This is one quote—

> "Queensland stands out as the area least affected and where the signs are more evident that a break to better prosperity is imminent.
>
> . . .
>
> Queensland is attractive for new investment, with the requirement for sound management practices in all government agencies."

Lastly, let us see what our own Queensland business community thinks. That is the constituency of members opposite. At the Top 400 conference, the top 400 companies in the Queensland business community were surveyed on their opinion of the performance of this Government. All the indicators on the graph are in the "fair job", "good job" and "very good job" categories. The Government hardly rates a mention in the "poor job" category. The companies were also asked to give their opinion of the performance of the Queensland National/Liberal Party Opposition. That was after Mr Borbidge had spoken at the conference. All the black print on the graph in relation to the Opposition is in the "poor job" and "fair job" categories. The Opposition barely makes it into the "good job" category. That mob has no policies, no stability and no hope.

Queensland Development Authority

Mr PREST: In directing a question to the Treasurer, I refer to the Opposition Leader's new-found solution to unemployment, called the Queensland development authority, and I ask: has that model been trialled elsewhere and, based on the experience elsewhere, what impact would such an authority have on the Queensland economy?

Mr De LACY: I could not believe my ears when the main economic statement coming out of the big conference on the Gold Coast, when Opposition members were not talking about the colour of suits or the colour of socks and when they were not arguing with their coalition partners, was that they were going to have a Queensland development authority—another quango. That is the quintessential National Party. When it does not know what to do, it creates a quango—the Queensland development authority. The member for Port Curtis asked whether such an authority had been trialled before. The answer is that it has been trialled before. Victoria trialled it with the Victorian Economic Development Corporation—the VEDC. Here we are in the 1990s, and the National Party is going into the future in the same way as the Victorian Government. I could not believe my ears. Apart from that, when Mr Borbidge stood up to speak at the conference, I thought that he would say something special. He said, "Mr Stoneman has been working on this for weeks." He came up with the Queensland development authority. Now, the Leader of the Opposition is running around the State launching new enterprise zones, such as the north Queensland enterprise zone. I am told that he has a Darling Downs enterprise zone and even a southern Darling Downs enterprise zone. It is a good thing that he does not go out to the bush, as Tom Burns and Ed Casey do. If he did, how many enterprise zones would we have around the State?

Mr W. K. Goss: If you listen to Mr Coomber, he needs a Surfers Paradise enterprise zone.

Mr De LACY: I suppose that he feels a bit left out. We still do not have a Surfers Paradise enterprise zone.

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

MATTERS OF PUBLIC INTEREST

Cooke Report

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (11 a.m.): If the Opposition had the opportunity in this place to debate the Government, it would certainly welcome it. But what we have seen today in this Parliament, for the first time in living memory, is the Budget debate being censored because this Government does not have the guts when it comes to accountability.

Today, I will show that, when it comes to looking after its mates, to blatant hypocrisy over who and what gets reformed in Queensland, and to not facing up to corruption post-Fitzgerald, the Australian Labor Party in Queensland has absolutely no political peer. The up-front attitude is endless moralistic posturing. The reality is that beauty, as always, is just skin deep. Labor can, and does, posture endlessly about accountability. It can, and does, posture endlessly on honesty. It will, and does constantly, posture on reform. When it comes to reality, the Labor Party's position is crystal clear—unchanged down the years, despite Fitzgerald. That policy is, "Protect your mates. At all costs, protect your mates!" Last week, a year after Marshall Cooke, QC, delivered his final report on union corruption, the Government belatedly gave its response. The commissioner, by any reading of his report, had unearthed a real can of worms. The Premier said that it is insignificant. What is insignificant?

Mr Gilmore: "A little bit of corruption."

Mr BORBIDGE: "A little bit of corruption." Cooke discovered that ballot rigging in union elections in Queensland and, indeed, throughout Australia, was widespread. He found that security measures to prevent that ballot rigging were almost nonexistent. He found that a general lack of budgetary control in relation to union finances was so profound that a former senior vice-president of the Australian Labor Party was gaoled for corruption over the purchase of a Gold Coast unit with union funds. What Cooke found spoke for itself. Labor had never wanted to acknowledge the Cooke inquiry. It wanted to believe it was a Fitzgerald diversion, and it clings to that self-deception today. In the words of the Premier, it was "a little bit of corruption". All I can say to anybody who still clings to that view is this: read the report and examine the record. The results speak for themselves, as does the formal response of the Australian Labor Party in Government. The fact is that Cooke had to fight the Labor Party every inch of the way to get at the truth. That is not the National Party's judgment; it is not the Liberal Party's judgment; it is the judgment of a former senior vice-president of the Australian Labor Party.

Ken Goodhew, gaoled for corruption, boasted that he had held up the inquiry, that he had stalled it, for the benefit of Wayne Goss and the Labor Party. In January 1990, Ken Goodhew told the press—

> "They know"—

and he was referring to party officials—

> "that Goss wouldn't be Premier today if I hadn't kept Cooke at bay before the State election."

Ken Goodhew, former senior vice-president of the Australian Labor Party admitted—"boasted" would be a better word—

> "I'm the bloke who kept the Cooke inquiry at bay in the lead-up to the State election by diverting things to the Federal Court.

> If I hadn't stalled things, and all the accusations about me and other union members had got out before the election, you can bet that Goss wouldn't be Premier today.
>
> There is no way they would have won without my tactics."

That was said by the soon-to-be-gaoled senior vice-president of the Labor Party in Queensland.

Mr Stoneman: A little bit of corruption. A little mate.

Mr BORBIDGE: A little bit of corruption; a little mate of Premier Goss, a little mate of Industrial Relations Minister Vaughan, a little mate of those five members in the Cabinet who have all held union posts. When Marshall Cooke, QC, wrote in his final report that there was "tension" between the Government and the inquiry because of the links between the union movement and the ALP, he was speaking advisedly. The response we got last week to Mr Cooke's findings was pathetic. It showed that, when it comes to reform, this Government's approach is so highly sensitive as to destroy any claim to honesty, accountability and a genuine commitment to reform, although reform is acceptable and supported by the ALP in Government when it serves a political purpose for the party and the Government. After an inquiry lasting 22 months, involving 188 sitting days and nearly 13 000 pages of transcript, Mr Cooke reached a number of general conclusions.

The shortcomings he found in the administration of some unions—and I emphasise "some unions"—led him to make a series of recommendations that he believed should be applied to all unions. These recommendations were in three streams. The first involved election reforms to overcome what Mr Cooke described as widespread ballot rigging. The second involved financial accountability to overcome what Mr Cooke described as "a general lack of budgetary control in relation to union finances". The third involved the establishment of an anti-corruption watchdog. The Government would have us believe that it has adequately addressed just one of these recommendations. Union elections should be fairer as a result of some welcome reforms in that area. But that is the beginning and the end of the Government's plan in relation to Mr Cooke's recommendations. On the issues of financial accountability and on the establishment of an anti-corruption watchdog, the Government has not even pretended to comply with the recommendations. Mr Cooke's clear, unequivocal recommendation on financial accountability was that trade unions and their officials should be treated before the law exactly as are companies and their officials. Unions, he said, stating the obvious, are big business. They handle millions of dollars each year.

The Australian Workers Union—the Premier's privileged political power base—the union which was instrumental in dumping Neville Warburton to elevate Wayne Goss, and whose bosses still call the tune in George Street, has an annual income of $5.8m from membership fees alone. The Government's response to this call for financial accountability for unions on a par with other businesses in Queensland was to announce that the Auditor-General will prepare some guidelines for union auditors and for the Industrial Registrar. Mr Cooke's straightforward recommendation, given what he found, was for the provisions of the Companies Code to apply to unions and officials via amendments to the Industrial Relations Act of 1990. Nobody, except this Premier and this Government, could effectively argue that such a move was not thoroughly appropriate. Instead, we are going to stick with the ALP's Industrial Relations Act, which provides that a union official who fails to keep proper accounts is liable to a fine of $2,400, while under the Companies Code a company official convicted of the same offence is liable to a $5,000 fine or a year in gaol, or both. So much for equality before the law in "Wayne's World". So much for increased financial accountability for unions, in line with the Cooke report recommendations. If a company official makes a false or misleading statement in accounts, he is liable to a $10,000 fine and/or two years in gaol. In Queensland, under Wayne Goss' legislation, a union official convicted of a similar offence is liable to a fine of $2,400. So much for accountability from this Government for its little mates in the union movement!

What about the anti-corruption watchdog, which was called for explicitly by Mr Cooke to bring unions under the umbrella of the Criminal Justice Commission. What did we get from a Cabinet with five former union officials in its ranks? What did we get from the Minister, Ken Vaughan, who is one of the two former assistant secretaries of the ETU in the Cabinet? We got the State Industrial Relations Commission as the union watchdog, with help from the Industrial Registrar. The commissioner specifically recommended against the Industrial Registrar being involved in any watchdog role, in part because of his links with the Industrial Commission. The Government has decided to impose exactly what the commissioner recommended against, on the evidence presented to him and the corruption exposed by him. The Minister even had the guile to suggest that, in so doing, he was meeting the commissioner's requirements. Mr Cooke ruled out both actions clearly and unequivocally. He stated—

> "The prescribed functions of the State Industrial Registrar and his particular relationship with the Industrial Relations Commission confirms the view that the State Industrial Registrar should not, as one of his functions, operate as a union watchdog."

Mr Cooke's recommendation that the CJC take on the watchdog role is stated just as clearly in his report. Yet, today, the Premier himself states that it is all right to have a little bit of corruption, provided it is only a little bit of corruption and is on the Labor side of politics. As was stated in this House today—according to this icon of accountability—if it comes out of Trades Hall, a little bit of corruption is okay.

Criticism of Government Reforms

Mr FOLEY (Yeronga) (11.10 a.m.): I draw to the attention of the House an alarming case of brain death amongst certain Queensland academics, who have described the Goss Government's reforms as "cosmetic". It is important, in the interests of their wellbeing and in the interests of truth, that this odd aberration should receive correction. In the reform of Queensland society, it is important that we deal not merely with the structural issues, the power issues, but also that we address the issues at the level of ideas. It is odd that one hears such criticism of the reform process by the academics who wrote in the journal *Social Alternatives*, as reported in the *Courier-Mail* of Friday, 24 July. It is almost as though they suffer from the calamity of those who have wandered in the desert for too long during the long, hard years of Bjelke-Petersen and, when they come upon the oasis that the Goss Labor Government has been, they are too wary of it to acknowledge its existence, but instead prefer to tell themselves that it is merely a mirage. In some quarters, it may be seen as clever and chic to describe the Goss Government's reforms as cosmetic. However, I challenge anyone who analyses the evidence to criticise the pace and dimensions of reform. In short, the synopsis of the academics' articles in *Social Alternatives*, as set out in the *Courier-Mail*, pays scant regard to the progress in human rights and fundamental freedoms achieved during the term of this Government. It pays scant regard to the achievements for workers and for the ageing, or to achievements on social issues. Its analysis of the politics which it describes as "cautious" fails to have regard to the massive reform of institutions. Most seriously, the allegation that there has been merely cosmetic concern for cleaning up endemic corruption is unsustainable in the light of the evidence.

I will deal in turn with those issues. It is inconceivable that one should describe the record of the Goss Government as "cosmetic" when one looks at the human rights and fundamental freedoms which have been restored during the term of this Government. I refer to the right of peaceful assembly set out in the Peaceful Assembly Act. Indeed, one of the first achievements of this Government was to abolish the Special Branch. Through the legislation which passed through this Chamber some months ago, Queensland now leads Australia in having a statutory right of peaceful assembly.

Secondly, in the area of human rights and fundamental freedoms, Queensland now enjoys a fair and honest electoral system.

Government members: Hear, hear!

Mr FOLEY: The right of equal suffrage is a right for which the nations of the world have striven long and hard. Is this right to be thrown off by self-satisfied critics as merely cosmetic? I think not.

A further new right has been established in Queensland—under the Judicial Review Act a right of citizens to reasons for administrative decisions affecting them. That puts behind us the dark years, in which Joh Bjelke-Petersen could simply make a decision and say, "Don't you worry about that."

Mr Welford: Corruption in secrecy.

Mr FOLEY: Corruption in secrecy, as my learned friend points out. Moreover, there is before this House freedom of information legislation, which will open up Government information to the citizens. These human rights and fundamental freedoms are profound changes in the ground rules of Queensland society. I reject as shallow and misleading the analysis of those academics who wrote in that learned journal. I describe the journal as "learned" because, some years ago, it had the good taste to publish one of my own articles. However, I do not blame these academics. They have had a hard time. For many years, the capacity to think in Queensland had been eroded by the Bjelke-Petersen regime. Whatever Joh said had to be wrong, so one did not need to think too much; one simply rejected it. The challenge to academics is to think. They must consider the evidence and analyse it. It is simply not good enough to say, "Whatever the Queensland Government says has to be wrong." That is a habit. Part of the reform process is breaking bad habits. It is the same whether one is a parliamentarian, a police officer, a public servant, or an academic.

What about reforms for the ordinary workers? The abolition of those despised so-called voluntary employment agreements was welcomed by unions throughout the length and breadth of this State. It restored the role of unions to a legitimate place in the establishment of awards. What about reforms to give rights to the ageing? The enduring power of attorney gave people the right to arrange for the orderly management of their affairs. Because those reforms received little publicity, some academics do not have regard to them in their analysis.

Reference was made to an alleged lack of progress on social issues, which reinforces the old Irish maxim that if one is going to tell a lie, one may as well tell a whopper. One should consider this Government's record on social issues such as homosexual law reform, anti-discrimination laws and equal opportunity laws. For example, consider ordinary citizens and their dealings with the medical profession and health services. Health consumers now have the right to make complaints to the Health Rights Commission. As to children's rights—for the first time, children who are born out of wedlock are treated the same as children who are born in wedlock. The National Party and the Liberal Party maintained a pernicious distinction against children born out of wedlock by refusing, year after year, in the name of State's rights to give jurisdiction over them to the Family Court.

Public housing tenants now have rights. Those people may not attend the University of Southern Queensland. Many ordinary working families live in houses owned by the Department of Housing and Local Government. Under the Commonwealth and State Housing Agreement Act, they have certain rights to challenge decisions and they have rights to participate. Women and children have rights to counter domestic violence through safeguards under the Weapons Act. As to social issues—in a very short time, reforms in education have increased Queensland's education spending from the lowest in Australia to a figure equal to the national average.

It has been suggested that the Goss Government has evaded political conflict and has not tackled the hard issues. If one considers the powerful institutions in Queensland, such as the Police Service, the public service, local government, and the court system, during Labor's first term of office, in each of those areas major structural reform has been undertaken. Reforms to the Police Service were achieved through the implementation of the Police Service Administration Act, and major reforms of the public service through the Public Sector Management Commission. Reforms were also made to local government. I pay tribute to the learned author of that *Social Alternatives* article

who referred to the possible problem of inquiry overkill, and who gave credit where it was due. The establishment of the Court of Appeal established major reform of the deep-seated structures of power in Queensland.

The so-called cosmetic concern for cleaning up endemic corruption is unfounded. Queensland now has a fair electoral system. Shortly, it will have freedom of information. This Government has given protection to whistleblowers. It has also abolished the Police Complaints Tribunal and replaced it with effective investigation of police by the CJC. This Government has established a pecuniary interest register. Those reforms are attacks upon the deep-seated issue of corruption.

Time expired.

Law and Order

Mr SANTORO (Merthyr) (11.20 a.m.): Queensland is facing a crisis. Jobless people are becoming desperate and are turning to crime. However much Government members may choose to close their eyes and ears, the evidence is indisputable. Queensland's crime rate has skyrocketed, in tandem with its dole queues. The social cost of the ALP's economic mismanagement is completely unacceptable. Before the ALP came to power, in relation to law and order it promised—

> "Law abiding Queenslanders rightly expect a safe and secure environment in which to live and bring up their families. This is the first responsibility of government."

The Labor Party also went on to say—

> "Labor believes that law and order in this state is at present under significant threat. That is the product of several factors:
>
> — sustained high levels of youth unemployment
>
> — the failure of the present sentencing system including inadequate powers given to judges.
>
> Runaway crime throughout Queensland has caused most Queenslanders to feel under siege in their own communities.
>
> . . .
>
> A Goss Government will provide more mobile and foot patrols.
>
> . . .
>
> Until we have a criminal law which lets people out of jail only if they are reformed, and does not let them out until they are reformed, we are not going to have a criminal law which actually protects society."

To top it all off—

> "A Goss Government will abolish all existing schemes of remission and early release.
>
> . . .
>
> A Goss Government will speed up the processes of criminal justice by appointing additional court staff including Judges so that accused persons spend less time on remand.
>
> A Goss Government will abolish the present system whereby fine defaulters are jailed."

One or two of those very cosmetic promises have been implemented, but all the real ones certainly have not.

Let us have a look at the record of this Government. The Criminal Justice Commission's recent public survey showed that last year, 360 000 Queenslanders were victims of crime. During the 1990-91 financial year, compensation payments to crime

victims rose by more than 700 per cent to $1.86m. That figure reached $2.1m in the 1991-92 financial year.

Clearly, crime is Queensland's No. 1 growth industry. It now has the highest rate of serious assault in Australia—160 serious assaults per 100 000 people. By comparison, the national average is only 102. In the north Brisbane police region, major reported crime is up by 50 per cent on the 1989 figures. In 1991, there were 54 198 major crimes reported. No doubt, it will increase again this year. This trend can be directly traced to the increase in unemployment in our State since 1989. The latest jobless figures—for June 1992—show that 11.1 per cent of the Queensland labour force is out of work. That percentage is the worst since the Australian Bureau of Statistics began collecting data. That means that 165 800 Queenslanders were registered as looking for work in June—an increase of 12 500 for the month. This amounts to 600 new Queenslanders losing their jobs and looking for work each working day. Youth unemployment is now running at 29.5 per cent. Almost one-third of our teenagers who want a job are unable to find one. Those are just the official figures. The experts say that there are probably another 50 000 people who are not registered as unemployed but would work if the jobs were available. Those people have simply given up. They are the forgotten people for whom this Government does not care. The situation in Queensland is getting worse. For some time, Queensland had been performing better than most other States. But those June figures put us right back in the pack, level with the Australian average. No longer can members opposite claim that Queensland is forging ahead and is better off than the other States. Since the Goss Government came to power, unemployment has risen by 75 per cent. In December 1989, at the time of the State election, 93 900 people in Queensland were unemployed. There are now 165 800 people unemployed—an increase of 71 900. These are the official Bureau of Statistics figures and they cannot be disputed.

Similarly, job creation in Queensland is not the fairy story that the Premier and his Treasurer would have us believe it is. Constantly, we hear from this Government that it has created 60 000 jobs since 1989 and, more specifically, 40 000 jobs in the last year. Let us look at those figures. In December 1989, 1 322 400 people in Queensland were employed. In June 1992, there were 1 328 900 jobs. That means that there are only 6 500 extra jobs in Queensland. Since 1989, 6 500 jobs have been created in Queensland. That is hardly the same as the Government's rubbery figures. Yes, I know that the Government will attempt to argue that it has created 60 000 new jobs. But it will not tell us and the public of Queensland that 53 500 former jobs have been destroyed by ALP policies. The indisputable truth is that there are now only 6 500 more jobs in Queensland than there were in December 1989. The Government's job creation claims are an absolute fraud. Members opposite are trying to con the people of Queensland. This is a disgrace.

Apart from the truth of the numbers that the ALP quotes, the other fraudulent claim is that the Government somehow creates jobs. The only jobs that the Government creates are those in the public service. This Government has certainly created quite a few of those for its ALP and union cronies. But the vast majority of jobs are not created by Government, they are created by private enterprise. Government can create a climate in which business can flourish and succeed, because then business will create jobs and employ people. That is the whole problem with the typical Labor approach to employment. The ALP just does not see that the key to getting more Queenslanders working is by giving business a fair go.

The Goss Government has hiked up every possible tax or charge that applies to business. Previously, my colleague the member for Toowong has outlined all of those increases. In the regulations tabled this morning, members saw just how many more taxes and charges have been increased by simple regulation. The Liberal Party has outlined what needs to be done to get business moving again, but the Premier and his Government just do not want to know. Business cannot employ people while there is a tax on employment in this State. That is what payroll tax is. There is no economic or social justification for payroll tax. The Premier and his deputy are only now floating the idea of reducing payroll tax for companies that employ young people. So even the ALP

understands that payroll tax is preventing business from employing people, but this Government refuses to abolish it. Although it agrees with the principle, it does not have the courage and economic common sense to put it into practice.

The Liberal Party is committed to the abolition of payroll tax. We are committed to allowing business to employ people, free of Government imposts for doing so. After coming to power, the Liberal Party will immediately reduce the level of payroll tax and abolish it completely within two years, in line with the reforms of the Fightback package. The Liberal Party estimates that this one reform alone will directly lead to another 30 000 jobs in Queensland. Of course, once those 30 000 people start earning and spending money, demand will increase, and that in turn will lead to an increase in production. That means that even more jobs will be created, all through the abolition of just one tax. The abolition of land tax is also a key plan of Liberal policy, because land tax represents another nonsensical impost on employers. If we are to have a land tax, we might as well have an air tax and charge people for breathing.

Labor's economic policies are like a cancer: they start slowly and cautiously, but eat away little by little until something goes wrong in a big way. I remind members that it took seven years before Labor's policies in Victoria and other States bore their fruit of destruction. We all know how the Premier told us that he would do for Queensland what his hero John Cain did for Victoria. The process of economic vandalism has begun in this State, and its momentum will grow just as it did in Victoria, South Australia and Western Australia, unless Queenslanders put an end to it at the ballot box.

We all must realise that there are two issues which all the polls tell us are uppermost in people's minds. Those two issues—jobs and crime—are inextricably linked. Of course, the vast majority of unemployed do not turn to crime. But the desperation of some—perhaps with both husband and wife out of work, and a family to feed, clothe and shelter—is understandable. The Premier and the Labor Party do not recognise this in their policies. Once people have jobs, they are no longer desperate and no longer have to turn to crime to survive. That is the first component of the Liberals' law and order policy. Without jobs and the security that they bring, there can be no law and order in our streets. Without law and order in our personal and family lives, there can be no law and order in the wider community.

In addition, the Liberals will take a much harder line against criminals and target drug dealers and organised crime. We will introduce truth in sentencing, so that a five-year term means that five years will be served, and a life sentence will mean just that. More police will be inducted and instructed to do their job on the beat. The ALP constantly tells us what it has done for the police and how their numbers are improved. But it neglects to mention that, with the introduction of the 38-hour week, rostered days off every fortnight and a blanket reduction in overtime, we are no better off. In fact, many police believe that, in the past three years, the standards of service have deteriorated because of a real lack of proper funding.

Under Labor, Queensland and Queenslanders are suffering. With unemployment comes crime. But Wayne Goss and Labor do nothing about it. We were told that Labor would be a change for the better. But for those 165 800 Queenslanders, the experiment with Labor has been a change for the breadline. The Liberals' policies will ensure that business is competitive and can take on new workers. By the end of the decade, our policies will at least halve the unemployment rate through an integrated set of economic policies, tax cuts, and the removal of Government burdens on business. We will provide financial assistance to small businesses that want to take on young people, to create 3 000 full-time jobs under the youth employment assistance scheme proposed by the Liberals. All of those schemes can be fully funded, as can the Federal Fightback package, which has so many Labor members deeply worried. It is time for action; not more hollow words from this Labor Government. Only the Liberals have the courage to implement policies which will lead to job creation and less crime on our properties and in our streets. Crime is the No. 1 growth industry in Queensland.

Time expired.

Health Services in Far-north Queensland

Mr BREDHAUER (Cook) (11.30 a.m.): Since the election of this State Government in 1989, considerable effort has gone into restructuring Queensland's health services. The primary aim has been to focus the attention of Queensland Health upon meeting the needs of health consumers. On 1 July 1991, the Government launched its most ambitious reform of health delivery, that of regionalisation. A little over 12 months down the track and representing some of the most remote parts of Queensland, I would like to make some assessment of how those changes are affecting people in the Cook electorate and comment on the progress which is being made.

Since Parliament last sat, I have been travelling extensively throughout the electorate and have met with numerous health administrators, health workers and members of the community to discuss a range of those issues. In particular, about three weeks ago in Weipa I met with Bill Glavin, the executive officer of the Cape York sector in the peninsula and Torres Strait health region, and Peter Heath, the manager of administration and finance. I appreciate the comprehensive briefing they provided to me. Much of the information I will impart today was supplied to me by those people. I thank them for their efforts.

The Cape York sector services a population of a little over 8 000 people who are spread out over an area of approximately 75 000 square kilometres, which contains the major population centres of Weipa, Kowanyama, Aurukun, Napranum, Pormpuraaw and Lockhart River, as well as many smaller towns such as Coen, grazing properties, small mining operations and the like. At present, the health sector employs 85 full-time and part-time staff, including registered nurses, health workers, community health workers, ancillary staff and others. Importantly, though, current staffing provides for only one medical officer in that large area of 75 000 square kilometres. Given the remoteness and the high cost of providing services in remote areas, one of the obvious problems experienced in the sector is the limited range of health services. Apart from the fact that only Weipa has a resident medical officer in the sector, the range of specialist services is also extremely limited. One service which has been available in remote communities for some time is that of a thoracic physician. Dr John Thompson is well known and highly respected throughout Cape York Peninsula for the years of hard work he has dedicated to practising his specialty in remote areas, often under difficult circumstances. I would like briefly to commend John Thompson for his efforts. He is a personal friend of mine and I know he has worked very hard, particularly with the Aboriginal communities throughout the peninsula. He has carried out a terrific job and he is recognised for that.

The ophthalmological service—or the "eye team", as it is locally known—has also been operating for many years. Its work is, likewise, recognised here by me and by people throughout Cape York Peninsula. Some physician services are also available in the sector. As well, recently, part-time physiotherapy services have been made available. We are looking at expanding those services in Weipa and Napranum.

In recent times, one key initiative has been the far-northern region's obstetrics and gynaecological service, known colloquially as FROGS. That service was launched recently in Cairns by the Health Minister, Ken Hayward, and involves Dr Michael Humphrey visiting remote areas and providing obstetrics and gynaecological services. About three weeks ago, I met Dr Humphrey in Weipa. He has visited many centres, including Aurukun. He has also visited the northern peninsula area, and Thursday Island. His visits in remote areas have been well patronised and very well received. I believe they will be both cost effective and, hopefully, will provide a role model for other specialties. In the past, when people required those services, they had to travel to Cairns. Michael Humphrey takes the specialty services to the remote areas and provides them to people in their home communities where they feel more comfortable and more secure. Their families are around them if they are required. A whole range of benefits accrue from that service. I believe that the service will be cost effective and will be examined closely in the near future by other specialties.

Other progress in those types of services has been the commencement of outstation visits by registered nurses and health workers at Aurukun. That is in keeping with the State Government's general policy on Aurukun—to try to provide a coordinated State Government response. The Government is aiming at providing health services where the people live and require the services. A large number of people from Aurukun spend a considerable portion of the year at outstations. Until recently, if they required medical treatment or needed to consult health workers, they had to go into Aurukun. Recently, the services have been taken to the outstations. From my two visits in the past month to Aurukun, I know that the people there very much appreciate the initiative that has been taken by Queensland Health and by the Cape York sector in that regard. We are working towards achieving a ratio of 1 to 150 people with new health worker positions in the sector. As well, in the near future a full-time medical superintendent will be appointed at Weipa.

Considerable progress has been made on health facilities. Another legacy with which the region was left was the hopelessly inadequate standard of health facilities. At Lockhart River, repairs and re-equipment of facilities are about to occur. The clinic or the hospital is about to undergo a major upgrading program. Kowanyama and Pormpuraaw have had major upgradings with the provision of new X-ray rooms. Extensions are planned for the Napranum health clinic. All the health facilities have been, or are in the process of being, re-equipped. Facilities at Weipa have been upgraded, including the provision of theatre and birthing facilities. In all the health clinics throughout Cape York Peninsula, a major capital injection has contributed to improving facilities. I recognise that much still needs to be done, but it takes more than three years to overcome 30 years of neglect in the area and the appalling standard in which those facilities were left by the previous Government.

Another major issue in the area of capital works is the provision of accommodation for nurses, health workers and doctors. That area had been allowed to deteriorate into an appalling state. We have done a lot of work to try to upgrade the standard of accommodation in the health sector. Accommodation has been acquired in Weipa and accommodation has been handed over from the Department of Family Services and Aboriginal and Islander Affairs at Lockhart River. Requests have been sent to that department for the handing over of accommodation at Kowanyama and Pormpuraaw, and we are also looking at building accommodation at Aurukun, Kowanyama and Lockhart River. An important issue for the health workers in those areas, as for any public servant in a remote area, is that they have a reasonable standard of accommodation. We are working hard to try to redress that issue.

Some of the initiatives which are currently being undertaken or planned include the integration of hospital and community-based services. This has been under way for some time. The Government has established health action groups in all of the communities, and it is helping those action groups to play a constructive role in the delivery of health services through workshops. It is providing workshops for health professionals. A blood donor panel has been established in Weipa. In case of emergencies, we will have people who are identified as potential blood donors. Activities that are planned for the sector include the provision of medical officers at Aurukun and Kowanyama, counselling services at Weipa and paediatrician and surgeon facilities. In the very near future, this Government will attempt to provide low-risk birthing facilities at Weipa. Demands have been made by women throughout Cape York Peninsula to have the opportunity to have their children in their home communities. An important initiative is to have low-risk birthing in Weipa in the near future.

I could go on at length about other improvements and changes that have been made, but time does not permit me to do so. I would like to commend the current Health Minister, Mr Hayward, for the time and effort that he has put into not only capital works but also programs, human resources and health facilities in the Cook electorate and throughout the remote parts of the State. I also acknowledge the contribution of his predecessor, the former Health Minister, Mr McElligott, who paid a lot of attention to the needs of people who live in remote areas. I notice that both honourable members are in the House today. I sincerely thank them for the efforts and contributions that they have

made towards ensuring that people who live in the most remote parts of Queensland and also people who comprise one of the most disadvantaged groups in our society, Aborigines and Islanders, have reasonable access to health facilities.

Time expired.

Media Coverage of Government Actions

Hon. N. J. HARPER (Auburn) (11.40 a.m.): As a result of the conduct of the Labor Government in the House today and, particularly, the conduct of the Premier in turning his back and his Government's back on Labor's major election plank of open and accountable government, I do hope that the media will at last acknowledge that for nearly three years Labor has duped the people of Queensland. I hope that the media will tell the people of Labor's inadequacies. In a similar vein, it will be convenient for the Government if those of its inadequacies and failures which contributed significantly to the recent controversy surrounding Police Commissioner Newnham were allowed to rest without adequate public disclosure. The matters to which I refer are deserving of more attention than the media has so far been prepared to give them.

Although it is five months since the retirement of Mr J. P. Barbeler as a member of the Criminal Justice Commission, that vacancy still has not been filled. The requirements of the Criminal Justice Act in regard to membership of the Criminal Justice Commission have not been met by the present Government. Despite the fact that the Act requires one member of the commission to be a person in actual practice as a legal practitioner, the commission has been without such a member for five months due to the lethargic—indeed, at times, antagonistic—attitude of this Government to the Fitzgerald process. Of course, that was clearly demonstrated again today by the Government's response to the Cooke inquiry report. The lack of an appointment of a replacement for Mr Barbeler, who retired five months ago, should not have gone unnoticed, or at least unreported, in the media. The whole sorry, unprecedented, vitriolic attack on the Criminal Justice Commission and its chairman would almost certainly not have occurred had this Goss Government acted in accordance with the spirit—indeed, with the requirements—of the Criminal Justice Act by appointing a legally qualified person to replace Mr Barbeler as a member of the Criminal Justice Commission.

In the context of the present Government's antagonism towards the so-called reform process, it was interesting to read recently in an independent newspaper a report about attempts to influence the media against the CJC and its Chairman, Sir Max Bingham. It is worth quoting from that report, which had the large heading "Media feel anti-CJC pressure". The report states that *Sunday Mail* journalist Pat Gillespie said—

> "The message has got through to the majority of journalists that somehow the CJC are the bad guys."

The report states further that ABC radio current affairs presenter Cathy Job said—

> "We've been taken out to lunch and been told that Sir Max wasn't really up to the job."

That is the response of the "accountable" Goss Labor Government to the recommendations of Fitzgerald and the Criminal Justice Commission.

During the recent controversy, we witnessed and heard usually objective political commentators and others, including lawyers and politicians—from both sides of the House, I regret to admit—demonstrate not only a lack of understanding of the facts at issue but also a lack of understanding and knowledge of the Criminal Justice Act. Indeed, we witnessed the Premier making outrageous statements and demonstrating a degree of animosity not only towards the Parliamentary Criminal Justice Committee and its chairman but also towards the Criminal Justice Commission. The attitude of the Premier and the statements made by him certainly belie any claims that he has made, and that he may make, of support for the Fitzgerald recommendations. Yet another demonstration of that attitude is his refusal to act meaningfully in regard to the Cooke recommendations on trade union accountability. This morning we heard the Leader of

the Opposition outline at length the lack of response by this Government to the Cooke inquiry. When will the media pursue that issue with the same vigour that it directed at the issue of the conservative leadership? When will the media tell the people of Queensland about the inadequate response by this Goss Labor Government to the recommendations of Cooke?

In the time available to me, I want to touch on yet another matter that is deserving, but not gaining, reasonable media coverage. Of course, I could go on at length. There are many important issues, from the Opposition's point of view, that are not gaining coverage by the media. One important issue, from the point of view of every Australian, not only every Queenslander, is the attack on our Constitution by elements particularly within the Labor Party, and by sections of our Federal judiciary, by what can reasonably be described as amendment to the Australian Constitution without reference to the people of Australia. Probably due to a perceived sanctity of the High Court of Australia, there is little, if any, debate on the role it is taking in changing the accepted intent of our Constitution without reference to the people. Surely, this is an area in which those responsible elements within the media should engender debate. It is high time that the media directed some of its efforts in a constructive and positive way to this issue.

In the development of our Constitution 100 years ago, our intelligent and most perceptive founding fathers obviously had a fundamental concern in regard to the distribution of power—perhaps, in the main, the distribution of power between the proposed federation and the States. The architects of our Constitution were at pains to provide within its framework safeguards against the abuse of power. Progressively over more recent decades, we have witnessed within our judicial and quasi-judicial systems an abuse of power which is undermining the judicial process. In the High Court it seems that quite momentous judgments often reflect what are claimed to be fundamental values but which, in reality, simply reflect values espoused by individual judges rather than a dispassionate legal interpretation of the law as it has been enacted by the voice of the total community through the Parliament or, even more importantly, through the Australian Constitution. Perhaps the Mabo case is a classical example. It is unfortunate that the ramifications of that case are only now being appreciated by even those Australians who are normally prepared to give some thought to such events. More than a decade ago, we in the Bjelke-Petersen Government recognised the significance of the Mabo claims and the ramifications they might have on the fundamental rights or values of all Australians. Here again, the media has not recognised these important factors. The matter has not attracted headlines. Nothing has appeared in the media to bring to the attention of the people of Australia what is happening to our Constitution by subterfuge and initiatives being taken at so many levels.

Perhaps those of us who serve in this and other Parliaments have, to a degree, abrogated our responsibilities and at the same time engendered aspirations in at least some of our judges and senior counsel that it is they who should decide what reflects those fundamental values, those aspirations, of the total community. In any event, we seem to have a body of legal academics taking it upon themselves to amend our Constitution, as I have said, without the sanction of the people, without it being agreed to through the process demanded in that very Constitution. The question is when will we, the spokesmen for the people in the Parliaments of Queensland, the other Australian States and the Federation—because, after all, it is a Federation—say, "Enough is enough"? When will the media take a positive role? Will we, and they, continue to allow developments which inevitably are destined to lead to a division of the Australian nation, as we know it, into a number of separate nations, with the inevitable conflict which we continue to witness in other larger continents where separate nations exist? When will we lose the peace and stability that we enjoy in Australia as a united nation? When will the media tell the people of Australia that we are facing a situation which could lead to the same sort of unrest and difficulties that are being encountered in other continents?

Time expired.

Conductive Education

Mr J. H. SULLIVAN (Glass House) (11.50 a.m.): Meeting beautiful Morayfield seven-year-old Monique Simpson has drawn my attention to the work of Hungary's Andreas Peto State Institute of Conductive Education, and it is about conductive education that I wish to speak today. Monique has multiple disabilities, the major one being the motor disorder, cerebral palsy, to the degree known as spastic quadriplegia. Her parents, Dan and Maree, had been satisfied with the services provided for Monique until they saw a documentary on conductive education screened by the *Sixty Minutes* program. Inspired by the documentary and enthused by the results of the quasi conductive education program in which Monique had participated, the Simpsons set out to provide their daughter with the benefits of conductive education. To date, Monique has twice visited the Peto Institute in Budapest, thanks to the sacrifice of her parents and their immediate families and friends, and to the generosity of supporters such as the Caboolture Lions Club, Singapore Airlines, Burns Philp Limited, Peninsula Travel Pty Ltd and the Brisbane Port Association, to name just a few.

Monique's first visit resulted in her being able to do things that in Australia her parents had been told she would never do: simple things such as walking a few steps independently, mastering the use of a two-handled cup, and being able to use a spoon. The family knew for the first time the joy of sitting down to a meal together when Monique was able to feed herself. It seems inconceivable to me that a program able to produce results like this is not available in Australia. Tragically, I find that one of the least attractive aspects of the Australian character has rather a lot to do with that. We as Australians are quick to import ideas that have been discredited and failed overseas, ideas such as airline deregulation, yet we refuse to import successful ideas until we have modified them in some way, designed no doubt to compensate our ego for not having had the idea in the first place.

In Hungary, conductive education is a demonstrable success. It has been developed over a great many years and has helped children and adults of a great many nationalities, including Australians. It works. It is the best in the world. However, Australians in Australia are being denied the benefits of conductive education by a failing in the Australian national character. In the December 1991 issue of *Centre News*, the newsletter of the Queensland Spastic Welfare League, a letter from Gregory Dudfield, the Honorary Secretary of the National Association of Conductive Education, known by the acronym NACE, was printed. In that letter, Mr Dudfield stated—

> "This body . . . has also set a goal of enabling the provision of 'Conductor style' training in Australia.
>
> . . .
>
> It remains to be seen if the Hungarian format can be emulated. Perhaps it may be more appropriate to use Conductive Education as practised in Hungary as a model and marry the principals with our current systems of practice."

I cannot understand why all of our kids whose disability is cerebral palsy cannot be given the same opportunities as those given to the Hungarian children with the same disability. If the NACE opinion prevails, only those Australian children whose parents, because of their financial position, are able to travel to the Peto Institute in Budapest will be able to access conductive education. Why would NACE see conductive education as being something that needed modifying before it was available to Australian children in Australia?

In 1985, the basic program of transferring conductive education out of Hungary to the United Kingdom was established. In recent years, the Birmingham University has established a very successful UK-based conductive education program, in close consultation with the Peto Institute in Budapest. The British Government is financially supporting the construction of a new international wing at the institute in Budapest to the tune of five million pounds, guaranteeing the British places for 22 trainee conductors and 31 children participants at any one time. Yet, when Australia's National Health and Medical Research Council issued its initial report on conductive education and its applicability in Australia, it did not speak to anyone at the Peto Institute or, for that matter, Birmingham University, nor was the institute aware that the NHMRC had any

interest. The final report is now imminent, and one can only hope that input hurriedly provided by the institute has been taken on board in the preparation of that final report.

Conductive education is best known for its results as an early intervention program of which the parents are an essential and integral part. The system is planned, implemented and evaluated by trained conductors, and it evolved 40 years ago under the direction of Professor Andreas Peto in Budapest. Conductive education for the motor disordered is precisely that. It is an education. It is not a therapy but a pedagogy aimed at creating new skills and mental structures. Conductive education understands motor disorders as a problem of learning; therefore, one of teaching and education. It is not training or instruction, as such, because learners take on active conscious roles in their own development, shaping their own interpretations, meanings and goals as they progress. It involves development of the whole personality rather than only skills. Dr Hari, who now heads the institute, has said—

> "Our aim is not to teach functions, muscle movements, but to educate how to live to solve problems."

Understanding conductive education depends upon understanding the role of the conductor. The conductor is a transdisciplinary generalist who plans and integrates all professional activities necessary for rehabilitation. In Australia, we train specialists and then find problems for them to solve. The Hungarians recognised a problem—motor disorders—and then trained specialists to treat that whole problem. To become a conductor requires four years of tertiary-level study and practical hands-on experience in the several disciplines that make up the role of conductor. Conductors are responsible for the total needs of the child—physical, emotional, cognitive and educational. Their role is to lead, to motivate and to encourage the children to discover solutions to their own unique problems. The emphasis is on guidance and support, and direct help is provided only as the last resort. Conductors use teaching methods to reach the goals they set. The curriculum, timetable and methods of teaching are all shaped by the conductor to ensure that the child achieves, through learning activities, the intended eventual outcome.

In essence, conductive education is no different in that respect from general education. Andrew Sutton, who heads the British conductive education project, states—

> "Conductive education is essentially good teaching. It has a special emphasis on the teaching of movement but it is concerned of necessity with the development of the whole personality."

The way that conductive education works in individual cases varies enormously. As a cardinal principle, individuals must form their own goals and devise their own paths to achieving them. Each different condition demands its own particular emphasis, and different age stages demand different approaches. In stark contrast to the Western practice of individual therapy for the motor disabled, conductive education uses a group setting as its means of teaching. In fact, the group is seen as an essential part of conductive education. The group must be large enough to permit individual differences and the formation of subgroups around similarities. Working in a group is more than merely training group spirit and a sense of responsibility for others; it sets the stage for the activities in which the members of the group learn to find ways to solve their problems. Every activity in the daily program is arranged to take place in a group, which works collectively as a social unit for all children having responsibility to support and encourage each other. The group acts as a powerful motivating force and assists in fostering group spirit and a sense of responsibility for others.

Motor skills are developed indirectly through everyday living skills, for example, toileting, washing, dressing, eating, standing, walking, and academic pursuits. The general aim of the program is orthofunction, a state in which an individual can meet successfully the psychological, physical and social demands appropriate for a particular age group. Involvement in a program of conductive education does not automatically prescribe a time limit, due to the fact that every child is an individual in aspects such as

personality, degree of dysfunction, age of commencement and rate of development. Certainly, the earlier that conductive education begins, the better the results.

For Monique Simpson, contact with conductive education and the Peto Institute has meant a significant advancement in living skills. If all Australian children with motor dysfunction are to experience the same opportunities that the conductive education philosophy can provide, the methods, intensity and variety of education provided for conductors in Hungary must be made available to Australians. Through the efforts of Monique's parents—and at a cost of more than $30,000—Australia's first official "camp for kids" is being run by three senior Hungarian conductors on secondment from the Peto Institute. It is being held at the Dakabin State Primary School and concludes on 14 August. Of the visitors to this country in the past 200 years, I regard those three women as among the most important. One of those women chose to come to Australia to help our children, despite the fact that her own child is currently competing in the Barcelona Olympics. She therefore misses the opportunity to watch those Olympics.

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

AUDIT AND PARLIAMENTARY COMMITTEES (MISCELLANEOUS AMENDMENTS) BILL

Second Reading

Debate resumed from 18 June (see p. 5883).

Mr BORBIDGE (Surfers Paradise—Leader of the Opposition) (12 noon): In speaking to the Audit and Parliamentary Committees (Miscellaneous Amendments) Bill, it is the view of members on this side of the House that the Office of the Auditor-General has served Queensland faithfully and well. The first Auditor-General was appointed after a select committee inquired into the various workings of the different departments of Government which included the position of Auditor-General. Prior to that, the first Premier and Colonial Secretary, R. G. W. Herbert, said that there was a need for an Auditor-General who should properly be independent of the Government and secure in position by an Act of Parliament. Some 132 years later, the principles of an independent and secure Auditor-General are the basic maxims which are reflected in the Financial Administration and Audit Act of 1977. Under this Act, Parliament is assured by a fully independent Auditor-General that the Executive and administrative arms of Government adequately account for their stewardship with respect to financial administration. It is interesting to note that, in the time since the 1989 State Budget, there does not appear to have been much change in staff numbers. It still hovers around 150 persons.

This Bill has its origin in the report of a commission of inquiry which said that one of the priorities for the Electoral and Administrative Review Commission to report on was the "improved reporting to Parliament by the Auditor-General and proper resourcing of the Auditor-General's office". The commission said that "self-imposed limitations should be reviewed if the Auditor-General is to become an effective check on the abuse of public money". EARC released an issues paper in December 1990 and reported in September 1991. On 3 December 1991, the Parliamentary Committee for Electoral and Administrative Review tabled its report which endorsed almost all of EARC's recommendations. This Bill, in the main, deals with just two issues from some 20 pages of EARC's recommendations. They are the tenure of the Auditor-General and restrictions on the powers of the Public Accounts Committee. The Bill before the House is just a mere shadow of the recommendations contained in the EARC report. In his second-reading speech, the Premier said that the Government "is currently considering a large number of other issues . . . in detail". The Treasurer is also on record as saying that the Government's response to EARC's report was expected "within the next few weeks".

These statements from the Premier and the Treasurer have all the shades of the Labor Government's response to EARC's recommendations on freedom of information. For example, the Government stonewalled the introduction of the Freedom of

Information Bill and now it is frustrating the progress of the Bill through the Parliament. That legislation is languishing on the business sheet while the Government claims it as an achievement. Queensland will not see freedom of information legislation through the Parliament until this Government is sure, or at least tries to maximise its opportunity, that no Government information will be obtained prior to the State election. Members of the Government—the Premier, Ministers and backbenchers alike—speak as though freedom of information is a fact of life. The member for Mansfield included it as an achievement. This is blatantly untrue. Government members have referred to it as the Freedom of Information Act. It is a Bill and it floats from one end of the business sheet to the other according to the whim of the Premier. It has hit the top of the business sheet but has obviously not been debated. However, I understand, Mr Deputy Speaker, that we may see some progress later this week.

It seems that the same stonewalling treatment is being meted out to the main recommendations of EARC pertaining to the Auditor-General. The Government's strategy is clear. It wants to increase its strike rate on the introduction of Fitzgerald reform but is not interested in genuine accountability, particularly when it comes to the scrutiny of its own records. The Government is not interested in genuine reform; it is motivated by gloss. The Government has attempted to usurp the authority of Parliament and to politicise the selection of the Auditor-General. The Auditor-General is an officer of the Parliament, not a public servant. However, the advertisement calling for applications for the position for the seven-year period as set out in this Bill stipulated that replies should go to the Premier's Department. If we are to apply the recommendations of the EARC report, this is clearly wrong. The replies should have gone to the Speaker or to the Parliamentary Service Commission. There are no excuses, and it is not good enough for the Premier and his sycophants opposite to grope back into the past to look at past practice. EARC changed the rules, and that is the standard by which this Government must live. The Government accepted the new rules and the Opposition accepted the new rules. We must all live by them and not mould them to suit political expediency by the Government of the day.

Until last week, it would have appeared that the Parliament was not going to have any person on the panel to select the Auditor-General. It seems that now the Government has appointed the Chairman of the Parliamentary Public Accounts Committee to head the panel to select the next Auditor-General. It is understood that applications are now in the process of being assessed, presumably by the very politically attuned officers in the Premier's Department who will sort the wheat from the chaff. I ask the Premier: will a member of the Opposition be on the selection panel for the new Auditor-General?

Mr W. K. Goss: No.

Mr BORBIDGE: I am not surprised. That is typical of what we see from this Premier and from this Government. It is noted that according to the EARC recommendations——

Mr W. K. Goss: The Chairman of the PAC recommended it.

Mr BORBIDGE: He is a Government member. The Auditor-General is an officer of the Parliament. Once again, the Government is hijacking that office to suit itself. It is noted that according to the EARC recommendations—

"(A) The Auditor General is to be appointed"——

Mr W. K. Goss: You have got two members on that committee.

Mr BORBIDGE: And who has got the numbers on the committee? The Premier should not come at that trick. He is pathetic. He talks about accountability and he talks about the Auditor-General being an officer of the Parliament, but he gloats that he will use his numbers when the applicants make their way into his department to be vetted by his lackeys to see who will be the new Auditor-General. That is typical of what we see——

Mr Johnson: A little bit of corruption.

Mr BORBIDGE: "A little bit of corruption is okay", as the Premier said in question time this morning. It is noted that——

A Government member interjected.

Mr BORBIDGE: No, the Opposition accepted the post-Fitzgerald new rules, which included new rules for Governments and new rules for Oppositions. Every single time this Premier and this Government have been tested on an issue of accountability, they have wimped out. They have not been up to it.

Mrs Bird: Your members wimped out.

Mr BORBIDGE: For the benefit of the honourable member who interjects, I point out that EARC recommended the following—

"(A) The Auditor-General is to be appointed by the Governor in Council on an address by the Legislative Assembly;

(B) The motion for the address is to be moved by the Premier; and

(C) The Premier is not to move the motion unless—

(ii) The Premier has consulted with the Public Accounts Committee regarding the process of selection for the appointment; and

(iii) Agreement to the appointment of the person concerned has been obtained from all of the members of the Public Accounts Committee, or from a majority of the committee (other than a majority consisting wholly of Government members)."

The question must be asked: has the Government followed the procedure thus far, and does it intend to do so with the selection process? I draw to the attention of the House that EARC also recommended that "an independent statutory office of the Auditor-General be established". What is the Government's intention in regard to this recommendation? EARC also recommends that the Department of the Auditor-General be abolished and replaced by a body entitled the "Queensland Audit Office", which would be comprised of the Auditor-General and the Auditor-General's staff. What is the Government's intention in regard to this matter?

We on the Opposition side are concerned about the status of the Auditor-General under this Government. Information provided to applicants for the position of Auditor-General is that the appointee will be offered a total package of $130,000, which includes a salary component of $106,000. Traditionally, the Auditor-General's salary has been tied to that of the most senior of public servants, such as the head of Treasury and the head of the Premier's Department. It is understood that the salary component of the remuneration package for these people is in the range of $115,000. The question must be asked: why has the Government downgraded the salary of the Auditor-General?

Under this Government, relativity has been lost. The position of Auditor-General is the most senior accounting position in the public sector. It is quite clear that, with the cut in salary, the status of the Auditor-General has been lessened. This Government has demoted the Auditor-General and it has undermined its commitment to the process of accountability. It is quite obvious that there is some petty rivalry among top hand-picked, political bureaucrats who surround the Premier. They probably think that they perform more important work. It should be of considerable concern to the Parliament that the Auditor-General, who is an officer of this Parliament, has had a salary cut. The Auditor-General should retain the traditional status and the salary of the State's most senior public servants. There is concern that, because of the drop in salary, the best applicants may not be able to be attracted. Remuneration is also a critical part of the reform process. The Opposition is not alone in its concern about the Government's handling of the selection process. The Queensland division of the Society of Certified Practising Accountants is also critical of the way in which the Government has handled the selection procedure. It has stated—

"The Queensland Government ought to be giving Parliament greater involvement in the selection of the Queensland Auditor-General, fundamentally to preserve the independence of the Auditor-General."

Another concern relates to the centrepiece of the EARC recommendations, that is, performance auditing of the public service. EARC put forward a draft public sector auditing laws amendment Bill. This proposed legislation is comprehensive and covers amendments to the City of Brisbane Act of 1924; the Criminal Justice Act of 1989; the Financial Administration and Audit Act of 1977, which includes the establishment of the Queensland Audit Office and the implementation of performance auditing; the Local Government Act of 1936; and the Public Accounts Committee Act of 1988. As I indicated previously, the Opposition is aware that the Government has stated that it is still considering various matters relating to the Auditor-General, but the Opposition is also well aware of this Government's propensity to gut initiatives which provide greater scrutiny of the Government itself.

In 1989, during his policy speech, the then Leader of the Opposition—and now Premier—made the following statement—

> "And the office of the Auditor-General—the caretaker of the public purse—will be reformed and properly resourced so that taxpayers money is spent properly and accountably."

It is interesting to note that this undertaking is preceded by another undertaking, as follows—

> "I intend for open Government to be more than just a slogan. Freedom of information legislation will be introduced so that for the first time, Queenslanders will be able to break down the walls of secrecy surrounding the process of Government decision-making."

As far as the public is concerned, and as far as the Opposition is aware, this Government has not delivered on those two important undertakings. In fact, this Government has failed to deliver on the fundamental plank of its pitch for Government, that is, reform of Parliament.

The public sector has been politicised by the appointment of card-carrying members of the Labor Party and ALP sympathisers to key positions in the public service. This Labor Government has interfered in the judiciary in a most unseemly way. The Parliament is run on Rafferty's rules. The Government has not implemented freedom of information legislation or moved to carry out its undertaking in regard to the Auditor-General. It is of no consequence that members on the Government side try to draw parallels from the past. I remind Government members that, in their own words, "Things have changed". As I stated previously, there are new standards. The Opposition accepts those new standards. However, it seems that the Labor Party in Government does not like such changes when it is affected by them.

This is a secret Government. It is a Government which objects to scrutiny of legislation and scrutiny of Government information, and it is fearful of an Auditor-General with increased powers. For example, this Labor Government gutted the all-party Legislative Standards Committee that would have provided scrutiny of legislation going before the House. It frustrated the progress of freedom of information in this State, despite an election undertaking that, for the first time, Queenslanders will be able to break down the walls of secrecy surrounding the process of Government decision making. This Labor Government usurped the role of Parliament in the selection process of the Auditor-General. It has been generally slow in its deliberations on performance auditing of the public service. It has failed to properly resource the Opposition, as was recommended by the Electoral and Administrative Review Commission. Significantly, this Government has failed to introduce parliamentary reform. Today, we have seen the incredible scenario in which, for as long as anyone can remember, there will not be a proper Budget Estimates debate in this Parliament.

Mr Ardill: There never was. Only five or six departments were ever debated. Five or six!

Mr BORBIDGE: My friend, in 1989, prior to the election, the outgoing National Party Government allowed greater time for the debate on the Budget and greater time for the Estimates debate.

Mr Ardill: Only five Estimates.

Mr BORBIDGE: The member is part of a conspiracy to shut the Parliament down so that the Government's shonky Budget will be part of a shonky Budget debate to hide its inadequacies.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Order! The Leader of the Opposition will return to the contents of the Bill.

Mr BORBIDGE: Mr Deputy Speaker, I was provoked. This Labor Government has failed to introduce proper parliamentary reform. It has indicated that if it wins Government, it may change the electoral boundaries to one vote, one value. We will wait to see what this Government will do about performance auditing of the public service. The main auditing body in Queensland, the Institute of Internal Auditors (Australia), and the nation's largest professional body, the Australian Society of Certified Practising Accountants, have called on this Labor Government to increase the Auditor-General's powers to investigate whether taxpayers are getting value for money from public sector spending. According to the Institute of Internal Auditors, Queensland is the only State that has an Auditor-General who is not responsible for reporting to Parliament on the Government's accountability or performance.

The member for Yeronga, as he usually does, attempted to defend the Government by saying that the public service has those standards, meaning that the Government has done something about what is required. That may be so, but the public service is not directly accountable to the Parliament. The Government is accountable, through its Ministers who are responsible for those public service departments. The whole issue of performance auditing is to ensure that the policies and procedures that have been laid down are adhered to. There is not much use in having a system in place if the people who are using that system are not using it correctly.

The Opposition welcomes the amendments to the Public Accounts Committee Act of 1988 and the amendment to the Public Works Committee Act of 1989. The new provisions will aid both committees in their operations. The Public Accounts Committee and the Public Works Committee, as important and as independent as they are, cannot be watchdogs of the Parliament. They cannot ensure that the taxpayer receives value for public moneys. However, it must be pointed out that the composition of the committees can stifle scrutiny of Government departments and accounts. That was the very point that I made previously. The Opposition has sought to refer certain matters to the Parliamentary Public Accounts Committee and the Parliamentary Privileges Committee—committees on which the Government has the majority of members. How many times has the Government not accepted those references, despite the fact that it effectively controls those committees? That makes a total mockery of the accountability process. It occurs time and time again. The Government has not agreed that any issue that has been referred to a select committee of this Parliament by the Opposition be subject to a particular reference.

Mr Foley: That is not correct. What about the reference of the Amprimo matter to the Privileges Committee?

Mr BORBIDGE: I am sorry; I accept that correction.

Mr Foley: And also, what about the reference of Mr Lingard? Do you remember that? That was accepted, too.

Mr BORBIDGE: The point I am making is that there have been other instances. The honourable member is talking about accountability of public funds. I am talking about the massive extravagance of this Government—$26m for the Indy Grand Prix! Very serious allegations were made about misappropriation of public funds, and the fact that the Parliamentary Public Accounts Committee, or the Government through its members in this place, did not believe that worthy of a reference despite documentary evidence that was well within reason and despite an Auditor-General's report that was an absolute damning indictment on the way this Government presided over that special event.

The matter referred to the Privileges Committee by the honourable member for Lockyer is one of a very limited number of the Opposition's successes. As I indicated before, it must be pointed out that the composition of the committees can stifle and has stifled scrutiny of Government accounts. For example, one should consider the amazing waste of money that could have been avoided by proper financial conduct of the Indy Grand Prix. The majority of the members of each committee comprises Government members. The committees do not have time for detailed work. Furthermore, not all members have the necessary expertise. In conclusion, the Bill improves the scrutiny over the spending of public money. The Opposition supports the legislation.

Dr FLYNN (Toowoomba North) (12.22 p.m.) As the Chairman of the Public Accounts Committee, obviously I welcome the changes that this Bill brings to the Financial Administration and Audit Act and the Public Accounts Committee Act. Those changes substantially increase the power and independence of the Public Accounts Committee. Because these matters have been questioned by the Leader of the Opposition, I should make some comment about the selection process currently under way for Queensland's next Auditor-General. It is true that I have been asked to chair the panel to select Queensland's next Auditor-General. I am certainly proud to represent this Parliament in that selection process. As far as I am aware, it is the first time in the history of any Australian jurisdiction that the Parliament has been given a direct voice in that selection process.

I assure the Leader of the Opposition that, in the pursuit of that role—representing this Parliament in such a vital appointment—I will not be influenced by party politics. Without going into the details of that selection process, which is obviously a confidential matter, I point out that the panel of four, which consists of me, a representative from the Premier's Department, a former interstate Auditor-General and an independent academic, has met. We have been through a short-listing procedure. At the outset of that procedure, various selection criteria for the Auditor-General's position were discussed. The panel fairly quickly arrived at a consensus that Queensland's Auditor-General should have a strong background in audit and should understand clearly the role of the Auditor-General, that officer's independence from the Executive and his or her responsibility to the Parliament. The Auditor-General also should have strong management abilities to run such an important department. The short-listing process was proceeded with by that panel, independent of advice from the Premier's Department. The Leader of the Opposition might be pleased to know that, in the reasonably near future, interviews for that position will be held on the premises of this Parliament House.

As to the Audit and Parliamentary Committees (Miscellaneous Amendments) Bill—from the point of view of the Public Accounts Committee, these amendments correct several major deficiencies in the Public Accounts Committee Act of 1988. The current Act limits the ability of the Public Accounts Committee to receive and obtain all the necessary information that it may require in three specific areas. First of all, there is the right of a Minister to veto disclosure to the committee of information which he or she considers would be against the public interest. Secondly, the secrecy provision in the Financial Administration and Audit Act prevents the Auditor-General from communicating audit information to third parties, including the committee. Thirdly, there is the ability of the Attorney-General or the Solicitor-General to certify Crown privilege over certain information provided to the committee. Obviously, those three serious restraints on the Public Accounts Committee limit its role of scrutinising public sector spending and ensuring that the Executive is held accountable to this Parliament. The amendments before the House abolish those restrictions.

The origin of this Bill lies in ALP policy. One of the points in the five-step corruption control plan announced in November 1988 by Wayne Goss related to amending the Public Accounts Committee Act to correct these anomalies. The very same recommendations were made in the Fitzgerald report. Basically, the ability of the Public Accounts Committee to talk for the first time to the Auditor-General in specifics about matters of interest to both, and the ending of the secrecy provisions, will lead to a closer working relationship between the Public Accounts Committee and the Auditor-General. In the history of the Public Accounts Committee during the life of this

Parliament, it has used very extensively the reports to this Parliament by the Auditor-General as a guide and a signalling device, highlighting areas of public sector management that need consideration. Because of the reliance that the committee has placed on the Auditor-General, it has been a significant hindrance that it is unable to discuss the details of those audit matters with the Auditor-General.

With the passage of these amendments I am sure that a closer working relationship will evolve between the Public Accounts Committee and the Auditor-General, although it should be noted that each has a very different role to play. The Auditor-General has the responsibility of scrutinising the accounts of the Treasurer, Government departments and statutory bodies and making sure that spending in the public sector is accountable and accurate. On the other hand, the Public Accounts Committee—while having the same general job—is also charged with considering inefficiency and mismanagement. The Auditor-General does not currently do that. Therefore, it is important to realise that even though a closer working relationship will develop, the Auditor-General and the Public Accounts Committee have their own agendas and their own independent tasks and will continue to work independently.

I support the changes in relation to the tenure of the Auditor-General. This Bill also provides an amendment whereby the next Auditor-General will be appointed for a seven-year term and cannot be reappointed at the conclusion of that term. Obviously, that seven-year term provides security of tenure for the Auditor-General so that he or she is able to carry out the task independently and without fear of losing his or her job. Obviously, in such an important role there is need for periodic change to allow fresh ideas, innovation and a fresh approach. These important changes and important reforms end the needless restrictions on the Public Accounts Committee and the Public Works Committee. They will allow the Public Accounts Committee to engage in its work of scrutinising public sector spending and ensuring that the Executive is held accountable to this Parliament without unnecessary restriction. I support the amendments before the House.

Dr WATSON (Moggill—Deputy Leader of the Liberal Party) (12.30 p.m.): I rise to speak to the Audit and Parliamentary Committees (Miscellaneous Amendments) Bill 1992. The Liberal Party supports the Bill, which has three major thrusts. The first thrust relates to section 22 of the Public Accounts Committee Act 1988 and concerns certain evidence not being admissible if it is considered to be against the public interest. That concept is generally referred to as the Crown privilege issue. A similar section is contained in the Public Works Committee Act. The second thrust relates to the repeal of section 23 of the Public Accounts Committee Act 1988 and concerns the secrecy provisions of the Financial Administration and Audit Act 1977-1988. It limits the ability of the PAC to discuss matters relevant to inquiries that it may be undertaking and about which the Auditor-General may have conducted a previous investigation or audit. The third thrust provides the Auditor-General with a non-renewable seven-year term. I will discuss each of those issues in sequence.

The issue of Crown privilege is particularly important. When I participated in a public seminar run by EARC concerning parliamentary committees and their role in responsible government, I was enlightened by the contributions. Professor Enid Campbell, of Monash University, was one of the presenters at the public seminar. A couple of comments that she made about section 22 of the Public Accounts Committee Act and the similar section in the Public Works Committee Act are worth noting. She made the point that the sections were obviously included to prevent committees obtaining information, disclosure of which is objected to by the Executive branch of Government. She believed that there were at least two problems with those clauses. She stated—

> "First of all, there is now no such thing as Crown privilege, a Crown privilege not to disclose information to a body, whether it be a court or some other body having power to compel the giving of evidence."

She continued—

> "The second difficulty posed by these Crown privilege clauses in the statutes"—

section 22 of the Act—

> "to which I have referred is this: that the test to be applied by the Crown law officer"—

in this case, it was probably the Crown Solicitor—

> "in deciding whether or not to issue a certificate which will have the effect of preventing the committee getting the information it seeks, is not an appropriate one simply because a Parliamentary Committee is not a court of law and the tests to be applied by a court of law in assessing claims to this so-called Crown privilege are not altogether relevant in determining the question of whether or not information should or should not be disclosed to a Parliamentary Committee."

As a lay person on the law, I was intrigued and interested by Professor Campbell's comments. Obviously, those sections were inserted in the Public Accounts Committee Act in 1988 for a particular purpose. However, it would appear, from precedents established in the courts for some time, that the issue of Crown privilege is almost defunct. In recent times, Parliaments throughout Australia and throughout the western world have tended to reduce the area of Executive or Crown privilege even further by the introduction of freedom of information legislation. It should be noted that such an Act which will further erode the question of Crown privilege is presently before this House.

This is a timely and appropriate amendment which has been brought to our notice by EARC and by Professor Campbell's comments at the public seminar conducted by EARC that the notion may be defunct and no longer relevant in today's society under the Westminster system; that the Crown privilege issue, or the public immunity question, has been severely limited in its application in the courts system and should also be limited severely in its potential to impact on an investigation by an appropriate body of this Parliament. In addition, it is interesting to note that Professor Campbell made the point that it was unlikely that a court would want to get into a fight between the Executive and the Parliament; that, given the separation of powers issue, they would probably prefer not to enter into that issue. That is another reason to eliminate those sections of the Act.

The second thrust of the Bill relates to section 23 of the Public Accounts Committee Act and certain other Acts and concerns the secrecy provision which limits the information or evidence that can be given to the committee by the Auditor-General. From my experience on the Public Accounts Committee, I appreciate that that provision has placed a limitation on the committee. The Parliamentary Committee of Public Accounts has had to overcome that limitation by asking the Auditor-General to be more explicit in his reports to Parliament so that the committee has a better idea of where it should put its limited resources in investigating the numerous items that come before it. The committee has also been very fortunate in that the Auditor-General has supported the committee and its process and has allowed on a couple of occasions the secondment of an officer from the Department of the Auditor-General to the Public Accounts Committee. Even though a secrecy provision exists, the officer obviously brings with him the accumulated knowledge and expertise that that person has obtained in auditing the Executive arm of the Government. That expertise has been invaluable in assisting the committee. Obviously, the officer cannot disclose anything, but some guide is provided in the formulation of questions. The Public Accounts Committee has attempted to come to terms with the restrictions that have been placed on the Act in a sensible fashion, but removing the restrictions will remove a significant impediment to the work that the Public Accounts Committee can do. I have difficulty with the proposed amendment in clause 4 of the Bill which I will address during the Committee stage. Clause 4 (3) (f) is a very large alteration of the Financial Administration and Audit Act.

The final and major thrust of the Bill is the issue of the appointment of the Auditor-General. I support the idea of a non-renewable seven-year term. As the Premier and others have pointed out, this is a standard practice throughout other jurisdictions in Australia and it is one which ensures the independence of the Auditor-General. I have some questions which I hope the Premier will answer during the Committee stage because, although I understand what the honourable member for Toowoomba North said, I would like the Premier to give some indication as to whether or not he proposes to follow further the recommendations in the EARC report. As the Leader of the Opposition mentioned, the proposal by EARC to alter the section of the Financial Administration and Audit Act regarding the appointment of the Auditor-General suggests that the motion for the appointment of the Auditor-General—a motion moved and addressed by the Premier—is not to be moved unless certain conditions are met. Part of those conditions include that agreement to the appointment of the person concerned has been obtained from all members of the Public Accounts Committee or from a majority of members of that committee other than a majority representing the Government and consultation by the Premier with the Parliamentary Committee of Public Accounts regarding the selection process.

I understand that the Chairman of the Public Accounts Committee is on the selection panel. I understand also that that is an agenda item for this afternoon's meeting of that committee. I may have more information at that stage. I would like to know now whether or not the Premier intends to seek the agreement of the Public Accounts Committee on the person chosen by the selection panel, which seems to be what the section states. In my opinion, this Public Accounts Committee has worked extremely well. I think honourable members would agree that even in relation to some fairly contentious assignments before it, the committee has come forward with a unanimous report and has acted in a fairly mature fashion. In regard to this fairly critical appointment—the Premier could set an example of the way in which an Auditor-General will be appointed in the future by adopting fully the proposals made by EARC.

Finally, as a caveat to that—although it may be jumping a long way ahead—there is also a recommendation contained in the EARC report about how an Auditor-General might be dismissed. This has a similar flavour to it as the appointment process. I am interested to know whether or not the Premier foresees a change occurring in the future to the Financial Administration and Audit Act, which embodies not only the appointment process but also a potential dismissal process later on if certain other conditions are attained. I will ask further questions in relation to clause 4 at the Committee stage. I indicate that the Liberal Party has great pleasure in supporting the passage of the Bill.

Mr DAVIES (Townsville) (12.42 p.m.): As the Premier noted in his second-reading speech, the origins of this Bill, the Audit and Parliamentary Committees Legislation (Miscellaneous Amendments) Bill, lie in the Fitzgerald report. On pages 144 and 145 of his report, Mr Fitzgerald recommended that the Electoral and Administrative Review Commission or EARC should undertake a review of "improved reporting by the Auditor-General and the proper resourcing of the Auditor-General's Office". On page 135 of his report, Mr Fitzgerald also stated that such a review was necessary "if the Auditor-General is to become an effective check on the abuse of public money".

The Fitzgerald report recommended reform of the powers of parliamentary committees and for EARC to review auditing requirements. This Bill contains the legislative changes necessary to ensure the independence of parliamentary committees from Executive influence and provides for changes to the employment conditions of the Auditor-General. It has been mentioned by the honourable member for Toowoomba North that this Bill has its background in ALP policy as well as the Fitzgerald report. I will not take up the time of the House and state it again, because it was one of the points raised in the Premier's five-step corruption control plan announced in November 1988. The Bill amends the Financial Administration and Audit Act 1977, the Public Accounts Committee Act 1988 and the Public Works Committee Act 1989 in order to ensure the independence from Executive control of the Public Accounts Committee and the Public Works Committee and to limit the term of the Auditor-General to a period not exceeding seven years. The amendments relating to the Public Accounts Committee Act were

recommended by EARC in its report on Review of Public Sector Auditing in Queensland and endorsed by the Parliamentary Committee for Electoral and Administrative Review. EARC's report did not specifically relate to the Public Works Committee. However, the Public Works Committee Act contains provisions identical to those in the Public Accounts Committee Act, and it is appropriate that they be changed at this time.

The Bill amends the Financial Administration and Audit Act 1977, the Public Accounts Committee Act 1988 and the Public Works Committee Act 1989 in order to ensure the independence from executive control of the PAC and the Public Works Committee and to limit the term of the Auditor-General to a period not exceeding seven years. The amendments relating to the Public Accounts Committee Act were recommended by EARC in its report on Review of Public Sector Auditing in Queensland and endorsed by the Parliamentary Committee for Electoral and Administrative Review. EARC's report did not specifically relate to the Public Works Committee. However, the Public Works Committee Act contains provisions identical to those in the Public Accounts Committee Act and it is appropriate that they be changed at this time. The Bill amends the Financial Administration and Audit Act in areas which relate to the operation of the PAC and the Public Works Committee.

In our Return to Westminster policy for public service reform which was released before the last election, it was noted that the principal responsibility for planning these essential reforms now lies with the Electoral and Administrative Review Commission. EARC has done its job well, as has the parliamentary committee. The Goss Government has supported EARC and implemented its administrative recommendations as part of a general commitment to the process of accountability. Our Return to Westminster policy recognised that there was considerable scope for further reform beyond the terms of reference investigated by the Fitzgerald commission. There was, for example, a clear need for improved auditing within the public sector. We recognised that that means more than just changing to modern accrual accounting systems and implementing genuine and fully-fledged program budgeting. It requires a fundamental change in the culture of auditing. The current practice of flick-and-tick auditing is totally inadequate for the task. It spares departments from careful scrutiny and leaves scope for improper dealings. Most importantly, it does not provide Parliament with sufficient information to make informed judgments about the discipline and probity of departmental and statutory authority administration.

Under the Goss Labor Government, new and comprehensive financial control and auditing systems have been a priority. In this legislation the independent role of the Auditor-General is being enhanced and supported by adequate resources to meet the task. Combined with the expanded powers of the Parliamentary Accounts Committee and systematic expenditure review through Cabinet's economic committees, new accountability standards are now expected from all Government functions. Auditing should be about more than compliance. It must include an examination of financial management, administrative efficiency and policy effectiveness.

Commissioner Fitzgerald set out a comprehensive list of administrative reform for EARC. That list encompassed: the preparation and enactment of legislation on freedom of information, administrative appeals and judicial review of administrative decisions; review of the Public Accounts Committee Act 1988; the establishment of a public register of donors to all political parties or of such donations in excess of a minimum amount; review of the Elections Act 1983-85; review of the constitution and powers of tribunals, boards and courts; review of the role and functions of the Parliamentary Counsel; review of the effectiveness of internal audit committees within Government departments and instrumentalities; and review of the guidelines for registration and disclosure of parliamentarians, Ministers and their respective families' financial interests. As I have said, it is significant that a review of the Public Accounts Committee Act 1988 was included in the list.

Commissioner Fitzgerald said that it was hoped that the institution of the Public Accounts Committee was the product of a new awareness of the Government's obligation to account to Parliament. He noted two aspects of the Act which could be

reviewed—firstly, Ministers having the ability to veto any investigations, and, secondly, Ministers having the power to veto the production of certain documents and information. He said that if the Government was to be genuinely accountable, the committee must not become merely an arm of the Executive. He said that it was not practically possible for the report to embark upon a detailed examination of the Public Accounts Committee Act, but that those two aspects appeared to require either immediate review or close monitoring. With the passing of this Act today, another of the tasks in the long list of tasks set by Commissioner Fitzgerald for the Government and for EARC has been achieved. I support the Bill.

Hon. W. K. GOSS (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) (12.49 p.m.), in reply: I thank all honourable members for their contributions to the debate. The Leader of the Opposition raised a number of matters including, ironically, a questioning of the Government's commitment to the reform process on a Bill, the main purpose of which is to clean up some of the mess that we inherited from a previous Government, and, in particular, to remove some of the quite inappropriate restrictions on the openness and accountability of government.

Mr FitzGerald: The Freedom of Information Act makes that a joke.

Mr W. K. GOSS: We will come to that this week. The fox terrier from Lockyer has a cheek to interject when we are dealing with these quite outrageous restrictions that he supported on committees in this House. The member for Lockyer, who likes to parade as a decent fellow, stood here and voted for these restrictions on the committees, so let us not have any more posturing from him.

I shall continue to respond to the points made by Mr Borbidge. Firstly, in relation to giving the Parliament and the Public Accounts Committee, in particular, a greater involvement in the appointment process—that is something that the previous Government never did. Dr Flynn, the Chairman of the Public Accounts Committee, has outlined the involvement of the PAC in this selection process. That is an important step forward. We have agreed with EARC that Parliament should have a greater involvement in the selection process for new Auditors-General. An independent selection panel has been convened. Normally, I would have chaired such a panel, but I have stepped aside from it and it is chaired by the Chair of the Parliamentary Public Accounts Committee. It also includes Professor Ken Wiltshire, from the University of Queensland, Mr Robson, the former Auditor-General of New South Wales, and the Director-General of my department. Furthermore, the Government's intention is that the all-party Parliamentary Public Accounts Committee will be consulted before a nomination is made to the Governor in Council.

Mr Borbidge also criticised the reduction in the remuneration package for the new Auditor-General. I say quite clearly for the benefit of honourable members that I believe that the package is a generous one. It equates favourably with that for Auditors-General with comparable responsibilities in other jurisdictions. Furthermore, I note that EARC has recommended changes to the legislation to provide for more flexible arrangements for determining the salary of the Auditor-General. Those matters are under consideration by the Government. I believe that those matters need to be recorded today for the benefit of honourable members. I thank the member for Toowoomba North for his contribution, some of which I have referred to already. It is fair to say that the Public Accounts Committee in this Parliament has worked well. That is a credit not only to the chairman but also to members of all the parties who contributed to it.

In relation to a number of matters raised by the member for Moggill—I note his support for the proposal for seven-year terms. In relation to the EARC report—some 200 recommendations have been made, as I recall it, in respect of which the Government has undertaken a lot of work. A number of decisions have been made. We hope to be in a position to finalise our position on those various recommendations in the very near future. The Chairman of the Public Accounts Committee will have a role in the selection of the Auditor-General. As I have indicated, he will chair the panel. The Public Accounts Committee will be consulted prior to the appointment. The Parliamentary

Public Accounts Committee will also have a role in the issue of the dismissal of an Auditor-General, although the precise nature of that role is still to be determined. As I say, we hope to have that finalised and be in a position to make an announcement very shortly.

The member for Moggill also mentioned his concern about the secrecy provisions and, in particular, the disclosure of information to a final category that was recommended by EARC—a person or body prescribed by regulation. In relation to that secrecy provision—let me simply say for the record that the Government will support that not only because it is recommended by EARC but also because it is, as we said, a technical provision just in case it is required, for example, by a future commission of inquiry. Of course, it would be subject to disallowance by the Parliament. Having given that explanation, I acknowledge the concern of the member for Moggill. It is a reasonable point. We as a Parliament simply have to make a choice. The Government proposes to proceed with the recommendation of EARC on a technical basis and with no particular agenda in mind. I understand that the member for Moggill accepts that. Let me say for the record that it is a technical provision. I understand the objections of the member for Moggill and I accept what I presume would be his position, that is, if that proceeds and becomes part of the legislation, it should be a provision that is acted upon only in exceptional circumstances. To that extent, I share his concern and views on that point.

Motion agreed to.

Committee

Hon. W. K. Goss (Logan—Premier, Minister for Economic and Trade Development and Minister for the Arts) in charge of the Bill.

Clauses 1 to 3, as read, agreed to.

Clause 4—

Dr WATSON (12.56 p.m.): I appreciate the Premier's reply on this particular issue. To make the point, I will formally move the amendment. However, I will not go any further and divide the Committee. Clause 4 of the Bill alters the secrecy provision of the Financial Administration and Audit Act 1977-88. The secrecy provision is included for a very important reason, namely, that in the process of conducting their work, the auditors come across a great deal of information which would not be available to anybody else. It is appropriate that the secrecy provisions of that Act are included.

As I indicated earlier, the Liberal Party recognises that some flexibility is necessary for particular classes of third parties—committees, in particular, or bodies set up by the Parliament. I fully support the particular bodies that are mentioned having access, on inquiries that they are conducting, to the Auditor-General and the waiving of that provision of the Financial Administration and Audit Act. My concern is with paragraph (f), which states—

> "a person or body prescribed by regulation."

That is a very broad exception. Although EARC has recommended it and probably intended it to apply in particular cases—as the Premier has indicated that he would expect it to apply—the Parliament is permitting an alteration of an exceptionally important secrecy provision of the Financial Administration and Audit Act to occur by subordinate legislation, namely, the regulations under the Act. That is an inappropriate way of doing it. A more appropriate way would have been, for example, when a commission of inquiry was set up, for the Bill or resolution establishing the inquiry to also permit disclosure in certain circumstances. I have discussed the matter with the Premier. I appreciate the fact that he came back to me on it. I understand the reasoning of the Government. However, it is too broad. I therefore move the following amendment—

> "At page 5, omit line 15."

Mr W. K. GOSS: As I said before, the points raised by the member for Moggill are valid. I indicated to him that, as that particular provision was recommended by EARC, the Government is prepared to support it on the basis that it is a technical provision to provide for a future contingency where that may be appropriate. I indicated to him also that, if the provision were to become part of the legislation, I would want to place on record that it is something that a Government should act upon only in exceptional circumstances.

Having given the matter further thought as he has gone along, I think that the member for Moggill has raised an important principle. Although, in the future, it may cause some inconvenience to have to amend the legislation to enable such an action to be taken by the Government of the day, the secrecy provisions to which he refers are important, and it is an important principle. If the Committee would allow me, I would like to accede to and support the honourable member's amendment.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 10 and Schedules 1 to 3, as read, agreed to.

Bill reported, with an amendment.

Third Reading

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

Sitting suspended from 1.04 to 2.30 p.m.

JUSTICE LEGISLATION (MISCELLANEOUS PROVISIONS) BILL

Second Reading

Debate resumed from 17 June (see p. 5847).

Mr FITZGERALD (Lockyer) (2.30 p.m.): The Opposition has no quarrel with this Bill, which contains 147 pages, amends 25 pieces of legislation and repeals a further 9 statutes. It is a substantial piece of legislation. In common with its past practice, when the Government introduces a substantial piece of legislation such as this, it is generally trying to avoid the controversial issues. I believe that the Minister has done so in this case, although the Bill does contain reasonable amendments. None of the clauses relate to the other. They are all grouped into little sections. Mr Deputy Speaker, I will seek your indulgence to refer to the clauses. The reason for that is that this Bill does not refer to only one piece of legislation. If you determine otherwise, I will then have to speak on every clause during the Committee stage. In relation to this piece of legislation, it may be easier if those issues are referred to now.

Mr DEPUTY SPEAKER (Mr Palaszczuk): Proceed.

Mr FITZGERALD: Mr Deputy Speaker, I thank you for your indication. The Minister's department has changed quite a lot. The responsibility for Acts relating to finance has been transferred from the Department of Justice to the Treasury. Responsibility for other legislation has also been transferred to the Minister's portfolio from other portfolios. Responsibility for some legislation has been transferred from Police to Justice. Therefore, it has been necessary to amend legislation so that instead of it referring to a police officer, it refers to the appropriate officer designated under the legislation. That is the reason why this legislation contains many minor amendments. They are not controversial. The spirit of the existing legislation will not be changed. It is important that this House clean up legislation.

Some of this legislation contains drafting amendments. The legislation has been put into plain English instead of retaining some rather complex language that was used in the past. Some of the Acts being amended were introduced at the end of the last century and the beginning of this century. I think that the Parliamentary Counsel

decided to take the opportunity to amend the legislation at the same time as the other amendments were made. I understand that, during the Committee stage, the Minister will move some amendments. Although we on this side would usually be disappointed with substantial amendments being made at that stage, we understand the Minister's reason for it. I thank him for the briefing that I have received on those matters. I believe that I will be able to support the proposed amendments. Usually when amendments are foreshadowed, I appreciate a briefing on them so that the Opposition knows what it is supporting and so that in the future it cannot be said that the Opposition did not know what was intended in the legislation.

The Explanatory Notes state that the "amendments do not modify the underlining philosophy or direction of the statutes that are being amended". I agree with that. A number of the changes deserve to be commented on. Part 2 of the Bill refers to the "Power to appoint Magistrates Courts Districts, etc." That Part states—

> "Each Magistrates Court is to have a seal that is to be kept by the clerk of the court and is to be judicially noticed."

I ask the Minister: at present, do each of the Magistrates Courts have a separate seal? I know that justices of the peace have an official seal that can be put on documents. I presume that the courts have their own official seal, too. I note that such a provision is contained in this legislation. As the clause to which I refer is omitting an existing section, I presume that that provision is probably contained in that existing section at the moment.

The Bill deals with Magistrates Courts districts and states—

> "The Governor in Council may make regulations with respect to—
>
> (a) the appointment of districts, and divisions of districts, for the purposes of Magistrates Courts . . ."

On reading that clause, I decided that I would allow myself to talk about the changes that have been made to some of the Magistrates Courts districts, particularly that of Gatton, which has been abolished. I presume that was done under the previous legislation. I remind the Minister that I do not believe that that was possibly the wisest move. The Gatton Magistrates Court district contained two courthouses, those of Gatton and Laidley. The Laidley Court House was closed down. I think that at present it receives a visit from an officer of the department. Some of the responsibilities of that courthouse were transferred to Ipswich and other responsibilities were given to the Gatton Court House. Registrations of births, deaths and marriages became the responsibility of the Ipswich Court House. In addition to that, in no time flat the Minister's department decreed that activities at the Gatton Court House would be cut back to four days a week, or 29 hours a week instead of 35 hours a week. I found it rather curious that the Minister should amalgamate the responsibilities of the two courts and then abolish the Magistrates Court district of Gatton and put Gatton under the jurisdiction of Toowoomba. The people in the Lockyer Valley are rather mystified as to the rationale behind such a move.

Considerable growth is occurring in the Lockyer Valley area. In the Laidley Shire, enormous development has occurred through subdivision and the construction of houses. If I may say so—with a touch of kindness, I hope—a fair amount of work is generated by many of the people who move into that area. They are not the stable farming families who have lived there for quite a while. Sometimes, there is a need for more services to be provided for people who move into the area. They are used to having courthouses close by and are used to having the services that are provided by them. For instance, the Glenore Grove area is located north of Laidley and is part of the Laidley Shire. In that area, the local school population has grown from 58 pupils to 180 pupils in three years. That is an indication of the growth in that area.

The department made a mistake when the Laidley Magistrates Court and the Gatton Magistrates Court were closed down. When the Laidley and Gatton courthouses were to be amalgamated, the department indicated that the services provided would be cut back by one day a week. I will admit that, because I have raised the issue, the

Minister has decided that that decision is still on hold. As I understand it, the Minister has not yet proposed that position again. At one stage, he did call for the services to be cut to four days a week. I believe that is a retrograde step. Gatton is certainly the centre of the Lockyer Valley. It is a very fast-growing area. A Magistrates Court is needed at Gatton. I would like to hear the Minister's explanation as to how he believes that area can be better serviced by closing down the Gatton courthouse, when growth is occurring and a high level of services will be required there.

I notice that the same people who recommended that the Gatton Magistrates Court be closed down and that the Gatton Court House be open only four days a week also recommended that Yeppoon operate under the same conditions. They also recommended that Yeppoon Court House be staffed part time by an AO4 officer. After a reassessment, those people have decided that Yeppoon should have an AO5 officer full time in a Government agency. That person is performing court work. The clerk of the court or the equivalent position, the registrar, will be available five days a week. It is proposed that two AO4 officers will perform the tasks once performed by the clerk of the court. The clerk of the court still performs ancillary tasks, such as registration, which are not District Court matters or Magistrate Court matters. It has been decided that three officers will be required to do the same job as it was thought a part-time officer could carry out. If the wrong decision was made in respect of Yeppoon, I believe the wrong decision was also made in respect of Gatton. There is no doubt that the Gatton courthouse must operate on a full-time basis.

Another feature of the legislation is the right of entry to serve a summons. This provision has been introduced because of an action in which a South Australian litigant took a matter to the High Court of Australia. That litigant had been served with a summons but believed that the police officers had no right to enter his premises if he refused to allow them entry. The police officers were attempting to enter the premises to serve the litigant with a summons. The litigant was definitely on the premises, but he asked the police officers to leave his premises so that they could not serve him with the summons. This action had to be circumvented. When it is realised that this legislation applies in other States, it is quite reasonable that the Queensland Parliament pass the legislation to prevent that problem from occurring. According to the Minister's second-reading speech, the High Court action of Plenty v. Dillon was litigated in 1991. I believe that this House supports the proposition that a police officer has every right to serve a summons at someone's premises if he turns up in uniform or, if he is not in uniform, shows his identification and speaks to the person upon whom he wishes to serve a summons. Of course, that does not mean that he can go through the door and enter the dwelling place unless he has a warrant. However, if he is there, surely it is reasonable to serve a summons. Of course, the absence of such provisions did not stop the person being served with the summons; it meant that the law would be protracted and it would take some time before a summons was served, because a substitute service would be sought, whether it be through the mail or some other process. It would only delay the inevitable. In that situation, a person upon whom a summons was sought to be served was just being cussed and would prevent the summons being served straightaway. The Opposition supports that amendment and believes it is quite reasonable. It was proposed as a result of that High Court decision.

A couple of times in the legislation the Minister has changed monetary values to penalty units. I query why the Minister has not taken the opportunity to make those penalty units fit in with updated monetary values. I refer to clause 43, which is the proposed amendment to section 79 and which is entitled "After summons warrant". It is proposed to omit " '50 pounds' (one hundred dollars)" and to insert "2 penalty units". That penalty was for somebody who refused to turn up as a witness when it was reasonably expected that that person should do so. The section states—

> ". . . the justices before whom such a person should have appeared may then and there impose upon him in his absence a penalty not exceeding one hundred dollars . . ."

I am not sure when that monetary value was set. Australia changed over to decimal currency some time in 1966.

Mr Schwarten: On 14 February 1966.

Mr FITZGERALD: It was 14 February 1966, the historian on the other side of the House informs me. If the penalty had not been amended since 1966, when it was 50 pounds, which converted to $100, surely in 1992 figures, when a fair amount of inflation has been experienced in the meantime, the penalty should be a couple of times that amount. Over an eight-year period from 1966, the value of money in Australia was halved. From 1974 until 1992, surely the diminution in the value of money has quadrupled. I believe that the draftsman may have converted 50 pounds into two penalty units, which is now $120. That is fair enough. However, I believe that if people are summonsed to appear before a magistrate, their legal advisers have turned up, and the magistrate has turned up, it is for a serious offence. In 1966, or whenever it was, the fine was 50 pounds. If the fine had been expressed in guineas, I would be worried, because that would mean that it had been some time since the legislation had been amended. I do not believe that a maximum fine of $120 is sufficient for somebody deliberately defying a summons to appear as a witness. I will not move amendments to this clause, but I ask the Minister to consider the matter. Other legislation may contain similar clauses. I believe that the draftsman should have been given clear instructions to come up with what the Minister thought was a reasonable fine, considering the period that has elapsed since that legislation was introduced. I believe that if people defy the Bench, they should receive a reasonably serious penalty.

I wish to raise other points in relation to clause 85. Although it has been redrafted, it deals with the exercise of a discretion in relation to the awarding of costs. I believe that the Minister has made a reasonable job of amending this clause as it seems to be very fair. The explanatory notes refer to the 1990 High Court case of Latoudis v. Casey. The effect of that High Court decision was that it would be quite right for a person to be awarded costs if that person won the case. One could imagine that everyone who wins a case in the Magistrates Court would automatically believe that they had a right to be awarded costs. I believe that many rogues, or people who had no reason to obtain costs, could obtain costs. In the past, those people were not awarded costs. I understand that in regard to indictable offences, a person can make an application to the court for costs and those costs are awarded in accordance with the judge's discretion. As to the Magistrates Court—the High Court decision indicated that anyone who won a case, or was not successfully prosecuted, would be able to apply for costs. I think that is reasonable. If a person had a reasonable case and was taken to court maliciously or foolishly by the Crown, then that person had the right to be awarded costs. The legislation sets out the following conditions to be taken into consideration when awarding costs—

> "Whether there was a failure to take appropriate steps to investigate a matter coming to, or within, the knowledge of a person responsible for bringing or continuing the proceeding; and whether the investigation into the offence was conducted in an appropriate way."

In other words, if a person was taken before a Magistrates Court and the case was thrown out of court because there was no evidence to present because the police had not investigated the matter properly, that person would have every right to apply straight away to have costs awarded in his or her favour against the Crown. I believe that is reasonable. It means that when the Crown brings a case to the Magistrates Court, it has a responsibility to make sure that it takes the matter seriously. However, if a person happens to get off on a technicality, or if there is a reasonable doubt and the case is dismissed, and if the magistrate believes that justice has been done, he may not be inclined to award costs. I believe that is reasonable. The clause also gives the police officer or the public servant who brings the action the protection of the Crown. I believe that, provided those people are doing their job, that is quite reasonable. They should have the protection of the Crown. Obviously, they are doing their job. If they had been foolish and had not done their job properly, the Crown would still have to pay for their

folly, their inaction, or their inability to handle the case properly. I believe that if a person was not able to give a satisfactory explanation as to why he or she proceeded with a case that was thrown out of court, and costs were awarded against the Crown, that matter would be handled at departmental level.

I note also that the legislation refers to the Land Sales Act of 1984. This piece of legislation has been before the House on a number of occasions. Of course, members of Parliament have exercised their minds on how make sure proper surveys are carried out when land is being developed while at the same time allowing people to buy a piece of land as soon as it has been sighted by them. Many problems have been experienced. If everyone was fair and honest, there would be no problems, and there would be no need for legislation.

Mr Milliner: We would not need a Parliament.

Mr FITZGERALD: We probably would not need a Parliament. People are not always fair and honest. The Land Sales Act was put in place to protect innocent people while allowing commerce to proceed. It was decided that people could sell off up to five blocks of land without obtaining permission from the relevant officer after the subdivision plan had been sealed by the local authority. Approval was given, but a problem arose if a developer got into trouble and had to sell his land development as a going concern, which was probably the way he wanted to sell it. If he has sold some land, a lot more land has been subdivided, but has not been subdivided properly, and he wants to on sell the whole project, this legislation enables that particular problem to be overcome. I believe that is quite reasonable. If anyone was in financial trouble, particularly during periods of extremely high interest rates, and had to wait around for the bureaucracy to deal with the paperwork, he could go broke. Some people were paying 25 per cent to 30 per cent interest. Some were paying a lot more and wanted to get out of their blocks of land and refinance themselves. Somebody else wanted to come in. I believe that was quite reasonable.

I was going to make a number of other points in relation to this Bill, but they are all minor points. For instance, I refer to the definition of "motor vehicle" in Part 4. I understand that the definition of "motor vehicle" will be covered by regulation instead of legislation. That definition has been removed from the Act. I am advised that very good reasons exist for this. I can understand that. What really is a motor vehicle? I do not have the relevant Act here. I would have needed 25 pieces of legislation in front of me to cover all relevant Acts. The Minister would have to admit that it is difficult to sort through 25 pieces of legislation and find the relevant details. My understanding is that the definition of "motor vehicle" could include a rider mower. I am not sure whether a self-powered push mower that one could step onto could be regarded as a motor vehicle. I understand also that a dragline could come within the definition of "motor vehicle". I realise that there have been problems in defining a motor vehicle. The Minister will now receive the various approvals for the regulation to become law, and those will be tabled in this House. Therefore, this Parliament will still keep control over the definition of "motor vehicle".

As I said, this Bill contains many minor amendments. I realise that probably not all members have gone through all of these amendments. This legislation is not controversial. However, some of these amendments will place on statute law in Queensland what was always considered to be common law. I understand that those High Court decisions take effect when no relevant statute law exists in Queensland. As to the method of issuing a summons—England has statute law in this regard, as do Tasmania and Western Australia. Queensland will now have statute law to overcome the problems that arose if the High Court upheld an appeal before it. I do not intend to prolong this debate. This Bill, which contains almost 150 pages, deals with many pieces of legislation. I remind members that I shall say a few words about the Minister's foreshadowed amendments, particularly in relation to mobile homes.

Mr SANTORO (Merthyr) (2.54 p.m.): The Liberal Party will support this Bill, streamlining as it does certain technical aspects of legislation relating to the responsibilities of the Department of Justice. In common with the member for Lockyer, I

am tempted to leaf through this very comprehensive Bill and take a real Cook's tour of the Minister's department. As the Opposition spokesman said, the amendments are basically sound. As a result, the Liberal Party is pleased to support them. However, I highlight a few aspects of the Bill, particularly for the benefit of my constituents who have contacted me about matters of concern to them.

Mr Beattie: Why would they contact you?

Mr SANTORO: Despite some unkind suggestions and interjections already from members opposite, I shall take up a little of the time of the House to discuss matters that I am sure will be of interest not only to them but also to their constituents. As the Minister said in his second-reading speech, the Bill amends 25 pieces of legislation and repeals nine pieces of legislation. This makes it an important Bill that deserves proper consideration. In general, the Liberal Party believes that the changes contained in this Bill will result in more effective statutes and a better service to the public. Several pieces of legislation will be transferred to the responsibility of the Treasurer and the Treasury, because of the transfer of power over non-bank financial institutions and the transfer to Treasury of the Registrar of Commercial Acts. Similarly, as the Minister said, references to police officers carrying out certain functions under the Hawkers Act, the Pawnbrokers Act and the Second-hand Dealers and Collectors Act are now obsolete, because those pieces of legislation are now the responsibility of the Department of Justice and, therefore, references to police need to be removed. Amendments are proposed for several Acts to take into account the existence of the Australian Securities Commission and the new Queensland Electoral Commission. Amendments to the Bills of Sale and Other Instruments Act and the Motor Vehicles Securities Act likewise will result in greater clarity and more efficient administration. The Liberal Party is very pleased to support these changes.

There are several amendments to which I wish to draw the attention of honourable members in particular. Firstly, the changes proposed to the Registration of Birth, Death and Marriages Act are common sense and overdue. The obligation to make application to a court to register the birth of a child after a period of seven years from the date of birth will be removed. I congratulate the Minister on this move, which will save legal expenses for parents and costly court time. The Minister noted that the need for a court application has been known to cause hardship, and he is correct. Several of my constituents have approached me with that problem. I will be very pleased to read the *Hansard* record of the Minister's contribution to this debate and, indeed, my own contribution as I recognise that he has done something right in relation to those people. A Government should not seek to impose unnecessary restrictions on its citizens. The amendment of this provision—to allow the registration to occur at any time—is worthy of support. This will in no way allow bogus details to be recorded, which in turn could lead to applications for false passports, bogus identities for tax file purposes, or improper applications for electoral enrolment. The registrar will still require application to be made to a court for the registration of a birth if the registrar is not provided with sufficient information to overcome suspicion. Similarly, the amendment allowing the registration of stillborn children born prior to 1984 will be welcomed by families who have suffered much heartache because of the previous position.

The other matter that I wish to discuss in some detail is the amendment to the Small Claims Tribunal's powers to determine disputes concerning dividing fences. This is a matter which, unfortunately, tends to lead to very heated debate between neighbours and can make life very difficult for all concerned, including members of Parliament who sometimes get caught in the middle. I am sure that at least once a month most honourable members have had to deal with several of those disputes. In 1982, the Small Claims Tribunal was given jurisdiction—quite rightly, in my view—over these disputes. However, to enable it to exercise those powers, both parties to the dispute were required to agree to the tribunal's becoming involved. In some cases, one of the many matters of dispute between the parties was whether or not the tribunal should hear the matter. This limiting provision does not apply to any other area over which the tribunal has jurisdiction, and it is right for that restriction to be removed by this Bill. Under these new provisions, the tribunal will be empowered to resolve the dispute,

provided one of the parties lodges an application. That should streamline the process of dispute resolution. It is welcomed by those who deal with these problems on a regular basis, as do most members of this place. I have consulted widely on the provisions of the Dividing Fences Act and I am sure that this amendment will prove to be very useful and very popular. I contacted six of the parties to disputes of this type. At least one person in each of those disputes was very happy that this amendment was coming before this place. In most of these disputes, at least one of the parties is usually of an unreasonable disposition towards the other person to the extent that he wants the matter to continue and to be prolonged for no good reason.

There are several other provisions which should ensure that the public better understands the processes of justice. From the consumers' point of view, the proposal to ensure that the Minister is made aware of continuing problems with the same trader, or type of product, is welcomed. This will mean that, from all the information and complaints available to the Division of Fair Trading and Consumer Affairs, particular problem areas or trends will be quickly identified and reported. One particular area of interest to members of the legal profession whom I consulted on this Bill and on other matters is the provision relating to the issuing of a summons under section 78 of the Justices Act. At present, a summons can be issued only if a justice believes that persons being summonsed would not appear of their own free will. The problem which has often arisen is that, because it appears that the witnesses will be happy to attend the relevant court proceedings, a summons is often not issued; but, as the hearing approaches, their intention changes and they change their mind. Once the hearing is under way, if the witness is not there and has not been summonsed, the court has no power to issue a warrant, and sometimes the whole case has collapsed because of the absence of a key witness. The amendment to section 78 will allow a justice to simply issue a summons if the justice believes that the person is in the area and likely to be able to give relevant evidence. The state of mind or intention of the potential witness will not be taken into account. That change is welcomed by practitioners in the field.

I also consult regularly with the real estate industry. I know that members of that industry who deal in large-scale transactions with developers will welcome the proposal to exempt "large transactions" from Part 2 of the Land Sales Act. A "large transaction" will mean anything made up of six or more portions of a subdivision, provided the sale is made by or to a single person. That means that commercial developers selling land to each other will have the process streamlined. This is a good move, as it seeks to reduce unnecessary Government interference in private dealings.

Before closing, I wish to discuss briefly what the Minister has referred to as the policy amendments of the Bill. The Liberal Party welcomes the plan to formalise the law as handed down by the High Court of Australia in the case of Plenty v. Dillon in which it was held that police or others had no right to enter private property to serve a summons without the consent of the person occupying the property. It is clearly a legal farce to suggest that police or process servers be required to stand at the fence line and seek permission to enter to serve a summons. I suspect that very few people would agree to the entrance of the server. This new provision will empower police, commercial agents and other lawfully appointed process servers to enter a property for the purpose of serving a summons and to stay on the property for a reasonable time to allow the service to occur. Similarly, members of the legal profession will largely welcome the amendment which allows discretion in the awarding of costs in relation to defendants against whom complaints have been dismissed. The changes will mean that costs can be awarded to defendants who have been wrongly inconvenienced, but there will not be a presumption that a defendant must always obtain costs just because a charge is dismissed.

A final provision of interest is the proposed amendment to the Supreme Court Act relating to the appointment of masters to the Supreme Court. The amendment will leave the number of masters appointed to the discretion of the Governor in Council rather than impose a requirement of a certain number of masters, which at the moment is two. That is a hopeful sign that the Government might finally get around to appointing some additional masters. For some time, the legal profession has called for those additional

appointments. The current masters are greatly overworked. The backlog in the court system could be greatly relieved by an increase in the number of masters. With those comments and reservations, the Liberal Party is pleased to support the Bill.

Hon. G. R. MILLINER (Everton—Minister for Justice and Corrective Services) (3.06 p.m.), in reply: I thank the member for Lockyer and the member for Merthyr for their contributions to the Bill. As was pointed out, most of the provisions contained in the Bill are of a machinery nature. However, I am pleased that both opposition spokesmen indicated support for the couple of policy changes proposed. A number of the amendments have been brought about by the reorganisation of departments. After every election, it is the prerogative of the incoming Government and the Premier to determine ministerial responsibilities.

Mr FitzGerald: We will be back here again next year.

Mr MILLINER: We probably will be. Because of some of the comments made in the debate, I can feel an election coming on. The member for Lockyer raised the matter of the Gatton Court House. Obviously, he was giving the parish pump one heck of a pump. That is his right and I respect him for it. He raised the matter of penalty units being increased from £50 to $100 and then to two penalty units, which is $120. He wants to increase penalties all over the place. He is getting a bit tough in his old age. In my view, $120 is a reasonable penalty for a person failing to appear in court.

Mr FitzGerald: A speeding ticket is more than that. A parking ticket in places is worth half of that.

Mr MILLINER: The honourable member should be more charitable in his old age. He wants to increase those penalties beyond the reach of the average person. Obviously, we will be monitoring that closely. It is reasonable to have two penalty units in that case. Of course, the amendment to the Land Sales Act is being made to allow industry to continue. It is a very good piece of legislation, because at the same time as it protects consumers, it allows business to continue, and that is a worthwhile objective. This amendment will streamline the Act even further in relation to transferring land between developer and developer. I am pleased that we will be able to do this. It will not in any way interfere with the consumer protection contained within the legislation. It will allow business to continue operating more efficiently.

The honourable member for Merthyr raised several points about the legislation. I thank him for his support. I reiterate that with the Registration of Births, Deaths and Marriages Act, we are dealing with a very emotional area. I regularly receive requests from people to register the birth of a stillborn baby. Previously, they have not been able to have the baby registered, and I feel very sorry for those people. My heart goes out to them. I have no hesitation in agreeing to those requests, because having a stillborn baby is very emotional. I will do everything I can to assist those people in whatever way I possibly can. These amendments will go a long way towards assisting those people. I want to thank both honourable members for their support for this legislation. The Justice Legislation (Miscellaneous Provisions) Bill is fairly detailed because, as both members pointed out, it amends and repeals quite a number of statutes. The introduction of this sort of legislation and the tidying up of legislation is a desirable aspect of government.

Motion agreed to.

Committee

Hon. G. R. Milliner (Everton—Minister for Justice and Corrective Services) in charge of the Bill.

Clause 1, as read, agreed to.

Clause 2—

Mr MILLINER (3.10 p.m.)**:** I move the following amendment—

"At page 12, line 11—

omit 'and 118', *insert* ',118, 126B and 126C'."

There are quite a number of amendments to be moved in Committee. Although most are of a technical nature, I wish to give honourable members an explanation about a couple of them. Clause 2 is an amendment to the justice legislation, and that is the SETONS amendment. Earlier this year, Parliament passed the Offence Notices Legislation Amendment Act 1992. It was contemplated then that the court which would be established to fast-track the processing of unpaid tickets would be proclaimed as the court whose district would cover the whole of the jurisdiction of Queensland pursuant to section 22 of the Justices Act. However, advice was received that it is not possible to use section 22 in this way and that such a district would be superimposed on Magistrate Court districts already in existence. These amendments provide that an officer who is responsible for processing a matter under the system has the power which would have been given to the clerk of the court under the Offence Notices Legislation Amendment Act. It is clear that these amendments are purely technical and in part arise from the amendments to section 22 of the Justices Act provided for in the Bill. I will move a couple of other amendments. I will speak to those amendments when I move them.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 51, as read, agreed to.

Insertion of new clause—

Mr MILLINER (3.13 p.m.): I move the following amendment—

"At page 27, after line 19—

insert—

'Amendment of s.98C (Interpretation)

'51A. Section 98C(1)—

insert—

' "SETONS" is an acronym for the 'self-enforcing ticketable offence notice system';

"SETONS clerk" means the person appointed to the office of that name under the *Public Service Management and Employment Act 1988*;'.

'Amendment of s.98D (Reminder notices)

'51B. Section 98D(2)(b)(iv)—

renumber as subsection (2)(c).

'Amendment of ss.98E, 98F, 98G, 98H, 98I, 98L and 98M

'51C. Sections 98E(1), (4) and (5), 98F(1), 98G(1), 98H(3) and (4), 98I(1), 98L(2) and 98M(2)—

omit 'clerk of the court' (wherever occurring), *insert* 'SETONS clerk'.

'Amendment of s.98F (Enforcement orders)

'51D. Section 98F(2)—

omit, *insert*—

'(2) On the making of the order—

(a) the order is taken to be an order of the prescribed court; and

(b) the prescribed court is taken to have jurisdiction to make the order.'.

‘Amendment of ss.98H and 98L

‘51E. Sections 98H(1) and 98L(1)—

omit ‘clerk of the court who made the order’, *insert* ‘SETONS clerk’.

‘Amendment of s.98K (Fine option orders)

‘51F.(1) Section 98K(b)—

omit ‘a Magistrates Court’,

insert ‘the court prescribed for the purpose of section 98F(2)’.

‘(2) After section 98K(b)—

insert—

‘(c) the SETONS clerk were the clerk of the court prescribed for the purposes of section 98F(2).’.’.”

Amendment agreed to.

New clauses 51A to 51F, as read, agreed to.

Clauses 52 to 73, as read, agreed to.

Clause 74—

Mr MILLINER (3.16 p.m.): I move the following amendment—

“At page 32, after line 18—

at the end of proposed section 146A(1), *insert*—

‘; or

(d) an offence in relation to which another Act requires the court or justices to proceed in a way different from that provided by this section.’.”

Amendment agreed to.

Clause 74, as amended, agreed to.

Clauses 75 to 126, as read, agreed to.

Insertion of new Part—

Mr MILLINER (3.17 p.m.): I move the following amendment—

“At page 47, after line 28—

insert—

‘PART 3A—AMENDMENT OF MOBILE HOMES ACT 1989

‘Amendment of Mobile Homes Act 1989

‘126A. The *Mobile Homes Act 1989* is amended as set out in this Part.

‘Amendment of s.3 (Interpretation)

‘126B.(1) Section 3(1) (definitions “Local Authority”, “Minister” and “mobile home”)—

omit.

‘(2) Section 3(1)—

insert—

‘ “mobile home” means a structure (other than a caravan) prescribed by regulation;’.

‘Amendment of s.8 (Strictures on conduct of site)

‘126C. Section 8(4)—

omit, *insert*—

‘(4) If an owner of a site is entitled to charge a fee for a service rendered in relation to the sale or attempted sale of a mobile home by an occupier, the amount

of the fee demanded or accepted by the owner must not be more than the prescribed amount.'.

'Amendment of Schedule 1

'126D. Schedule 1, Part 1, clause 6(2)—

omit, *insert*—

'(2) The owner of the site must not unreasonably refuse consent to the sale and assignment.'.'."

I will indicate to the Committee the reasons for the amendment. The amendments to the Mobile Homes Act are designed to overcome a number of problems that have arisen owing to the existing wording of the legislation. Proposed new section 126B will ensure that the term "mobile home" will be prescribed by regulation rather than set out in the Act. At the present time, problems have arisen because of the ambiguous wording of the definition. A number of residents and mobile home park proprietors have had, and are still having, disputes over whether or not particular structures are covered by the legislation. Unfortunately, when an impasse is reached, the only way that a solution can be reached is either by an application by the resident to the Supreme Court or by proceedings being taken by the department against the park owner. Neither of those options is satisfactory, and the intention behind the amendment is to ensure that the legislation has greater flexibility and that recourse will not be taken to expensive and traumatic court proceedings to resolve differences of opinion in matters such as that. A further problem with the existing definition is that, even if a structure is caught by the Act, by the time that the court proceedings are finalised, residents could well have been evicted from the site. A problem has already arisen in one park on the Gold Coast, and the intention of the amendment is to ensure that the rights of people who live in mobile homes are fully and effectively protected.

Proposed new section 126C is an amendment of a drafting nature. Presently, a park owner is entitled to charge a fee for a service rendered with respect to the sale or attempted sale of a mobile home of an amount not exceeding that which a real estate agent would be entitled to charge at the material time pursuant to the Auctioneers and Agents Act 1971. No comparable scale of fees is charged by real estate agents, and a great deal of confusion has arisen over the entitlements of park owners. The amendment is designed to clarify that issue so that the rights of park owners to charge fees are made explicit and certain.

Proposed new section 126D ensures that, when a mobile home resident sells his or her mobile home, the owner of the site cannot unreasonably refuse consent to the sale of the site. Presently, the Act gives the site owner an unfettered discretion, and that has resulted in a number of problems for park residents. When the Mobile Homes Bill was introduced into the Parliament in 1988, it provided that an owner could not unreasonably refuse consent. Later, that provision was modified to give an unfettered discretion to park owners but, unfortunately, that unfettered right has been used in a number of instances to force residents to enter into new agreements or to pay fees which they would not otherwise have been obliged to pay. The amendment is designed to ensure that, although the park owner retains the right to determine who will reside in his or her park, such a right cannot be exercised in an unreasonable manner.

Mr FITZGERALD: The Opposition supports the amendment. A problem has arisen on the Gold Coast. Judy Gamin, a former member of this Parliament, has contacted me. She is attempting to re-enter the Parliament, and it goes without saying that I wish her well. She has been involved with some of the problems on the Gold Coast that have arisen under the Mobile Homes Act. She has made representations to me. I presume that, from time to time, she has also made them to the department. It is quite reasonable that the owner of a site does not own all the buildings on it. Residents have certain rights, including being able to sell their property, provided that an unreasonable person will not come onto the site. The powers of the owners should be limited to this effect: they must be able to prove that they are acting reasonably in refusing the consent for the sale or assignment. The mobile home industry has really

blossomed. I know that some of the people who live in mobile home parks really enjoy the lifestyle that those parks provide. They do not have big yards to mow and they do not have a lot of yard work to do. They have a small home with neighbours close by. Provided that the parks are conducted in a proper manner and there is a quite good environment in which people can live——

Mr Smyth: What percentage?

Mr FITZGERALD: Is the honourable member asking what percentage would be happy, or what percentage live in homes?

Mr Smyth: Do you know what percentage live in mobile homes?

Mr FITZGERALD: In the good mobile home areas, such as some of those on the Gold Coast, people are quite happy. At places such as Hervey Bay, people actually live permanently in the old caravan parks. They are the sorts of people who love living in a mobile home. Some people have homes with annexes, gardens and pot plants. In some cases, a miniature picket fence surrounds the home. They are people who have moved into a mobile home for the long term. Originally, they resided in caravan parks. Those sorts of people enjoy living in mobile homes. They love the atmosphere. They enjoy the conviviality that exists. If they do not, they move out. I know of people who have lived for six or seven years in a caravan park, which in my opinion has the same atmosphere as a mobile home park. Those people are quite happy. Some are retired. This legislation should protect the rights of those people when they sell their homes. If the owner of a mobile home park is difficult and unreasonable and he has no reason to prevent the sale of a mobile home except that he wants somebody else to buy it at the right price, this legislation takes that weapon away from him. The Minister's amendment is quite reasonable. We support it.

Mr MILLINER: Just to clarify the matter, I inform honourable members that the amendment I moved was the one that was circulated.

Amendment agreed to.

New Part 3A, as read, agreed to.

Clauses 127 to 154, as read, agreed to.

Schedule 1—

Mr MILLINER (3.25 p.m.): I move the following amendment—

"At page 75, after line 15—

insert—

'2A. Section 87A(3)—

omit.'."

The reason for this amendment is that it is proposed to amend section 172 to add to the functions and powers of the registrar the right to appear or intervene in a proceeding before a court. This right exists in every other Credit Act jurisdiction. This amendment will ensure that any question relating to the locus standi of the registrar to appear can be resolved. I should add that I believe that the registrar already has locus standi, but this amendment puts the matter beyond any doubt.

Amendment agreed to.

Mr MILLINER: I move the following further amendments—

"At page 77, after line 6—

insert—

'3A. After section 172(1)(d)—

insert—

'(e) may appear, or intervene, in a proceeding before a court either personally or by counsel, solicitor or agent.'.'.

At page 118, line 3—

omit '40 penalty units', *insert* '4 penalty units.'.

At page 119, line 6—

omit 'Section 7(3)', *insert* 'Section 8(3)'.

At page 121, line 10—

omit '(Penalty)'.

At page 132, line 9—

omit ', (3) and (4)', *insert* 'and (3)'.

At page 137, line 15—

omit 'Section 71(b)', *insert* 'Section 71(h)'.

At page 142, lines 15 to 19—

omit, *insert*—

'2. Section 4(1) (definitions "foreign company", recognized company" and "registrar")—

omit, *insert*—

' "foreign company" has the meaning given by the Corporations Law;

"recognised company" has the meaning given by the Corporations Law;

"registrar" means the chief executive of the department;'.'.

At page 143, line 15—

omit —

'a declaration in the prescribed form',

insert—

'a statutory declaration in a form approved by the chief executive.

'(1A) The declaration must contain the following particulars—

(a) a statement that the liability of the members of the company is limited;

(b) the number and face value of the shares making up the capital of the company;

(c) the number of shares issued;

(d) the extent to which calls have been made on shares and the amount received on the calls;

(e) details of company assets;

(f) details of company liabilities;

(g) any other matter determined by the chief executive.'.

At page 144, line 12—

omit—

'a declaration in the prescribed form',

insert—

'a statutory declaration in a form approved by the chief executive.

'(1A) The declaration must contain the following particulars—

(a) the number and face value of the shares making up the authorised capital of the company;

(b) the number and face value of the shares making up the issued capital of the company;

(c) the amount of paid-up capital;

(d) the amount of uncalled capital;

(e) the extent to which calls have been made on shares and the amount received on the calls;

(f) the amount of company assets;

(g) the amount of company liabilities;

(h) the nature and amount of credit and standby facilities available to the company at balance date;

(i) details of the company balance sheet;

(j) any other matter determined by the chief executive.'.

At page 145, line 2—

after '*omit*', *insert*—

', *insert*—

'Delegations

'71. The registrar may delegate the registrar's powers under this Act to an officer or employee of the department.'.'.

At page 146, line 9—

omit 'on issues', *insert* 'on issue'."

Mr FITZGERALD: I have a query relating to the amendment which reads—

"7. Schedule 1 (amendment 10 of the Recording of Evidence Act 1962)—

At page 118, line 3—

omit '40 penalty units', *insert* '4 penalty units.'."

Is that amendment being moved because there was a misprint in the Bill?

Mr MILLINER: It was a misprint.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Schedule 2, as read, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Mr Milliner, by leave, read a third time.

DOMESTIC VIOLENCE (FAMILY PROTECTION) AMENDMENT BILL

Second Reading

Debate resumed from 18 June (see p. 5940).

Mr ROWELL (Hinchinbrook) (3.32 p.m.): In view of the circumstances that currently prevail in Queensland, the Opposition supports the amendments to the Domestic Violence (Family Protection) Amendment Bill. No matter what laws are passed by this Parliament, if the underlying problems are not corrected, the laws will be of no further use and may have to be amended or rewritten. Merely writing new laws to deal with problems such as domestic violence will offer no solution to the disastrous breakdown in family relations in this State.

Many of the problems of domestic violence are a result of the situation in which society finds itself. The escalation of domestic violence is no doubt symptomatic of the pressures on families. Domestic violence needs to be approached on a remedial level,

but preventative measures must also be considered. This includes the Government of the day setting an economic climate that will provide a stable income for Queenslanders. High unemployment levels indicate that currently more than 11 per cent of Queenslanders are out of jobs. The frustration of people who are placed in this situation flows through to the domestic scene. It is an indictment on this Government that Queenslanders are not able to sustain their families and are under extreme provocation due to a lack of job opportunities.

The work carried out by many volunteer groups is to be commended. Many of those groups rely partially on the Department of Family Services, but programs such as SAAP are not receiving the funding necessary to carry out support centre work around the State. The Safe House program, the Half-way House program and the Crisis Accommodation program have provided a refuge for women who are in a desperate situation. Many church groups are also assisting families who suffer the trauma of domestic violence. The Federal Government allocated more than $158m in its Budget for the 10 000 homeless people who are accommodated on any one night. It has been estimated that, of this number, 40 per cent are women.

As tensions build between partners, courts are hearing of more extremes in cases that come before them. It now costs Queensland an estimated $110m annually for medical treatment, police services, legal services, refuges, emergency housing and counselling. According to Ms Cathy Miller, a spokeswoman for the Coalition of Domestic Violence, the situation is becoming increasingly worse. It is reported that one in three marriages has a problem with domestic violence. That seems to be an extraordinary number, but they are the figures that are being released. Some 68 per cent of domestic abusers also abuse children. That is of major concern. These statistics demonstrate the sad state of many family relationships because of domestic violence. The failure rate of marriages is of major concern. It has been estimated that 40 per cent of first marriages are not surviving, and 50 per cent of second marriages are also failing. As partners drift from one relationship to another, children are witnessing levels of instability far in excess of those experienced by their parents.

Ms Warner: How do you know?

Mr ROWELL: This is the situation. It is reaching the point at which domestic violence is becoming more common. I am sure the Minister would agree with that. If that is true, I am sure that children are witnessing events that their parents would not have seen. That is of some concern. That being the case, it is highly likely that the next generation will suffer even greater levels of family trauma. Police have a difficult role to play in coping with domestic affairs. I am aware of instances in which police have been requested to attend disputes between a man and a woman involving threats against one another. The police return the next day and are made to feel like intruders on a perfectly harmonious relationship.

I believe that the problem with domestic violence is that there are periods of escalation and periods of decline. That makes the situation very difficult. The volatility of some relationships makes the task of police to settle down the situation very difficult. In general, the level of violence shown on television tends to desensitise people to a point at which it may be considered abnormal to act in a civilised manner. Queensland's censorship laws allow for the level of violence that is blasted into our lounge rooms, and it is not unexpected for people to perceive those actions as normal. There is an old adage, "If you tell somebody something for long enough, they will tend to believe it." People are living in an age in which relationships are subjected to the pressures of domestic violence saturated with sensationalism. Even more disastrously, young adults are bombarded with it as well. If we continue down this track, the number of people who enter into what would be regarded as a normal family relationship will be in the minority.

Currently, organisations across Australia are concerned about the levels of violent and explicit information that is shown on TV. Communities covering all religions, such as those in my home town of Ingham, have held meetings to protest against the screening of sexually explicit and violent material, particularly at a time when children could be watching. Although some of the material that is viewed has connotations of educational

value, it was considered that the main thrust of two of the television shows in question, *Sex* and *Chances*, was pure tripe. A campaign is being considered by concerned family groups, and guest speakers from those groups will be invited to speak at functions. Those groups are considering how to combat this explicit and violent material. Their main concern is its influence on children. One method which is proving effective is for groups to write to sponsors of a TV program and tell them that if they are going to continue with their sponsorship, the members of those groups will be committed to no longer purchasing the sponsors' products. I make no apology for the fact that I fully support their endeavours. Those people are not prudes; they are just sound Queensland citizens who are concerned about the direction in which society is heading. They have said, "Enough is enough." At a time when moral decay is gathering momentum, they are prepared to stand up for the future of their families. The "let it all hang out" society must be curbed, otherwise we will be no better than the dogs in the streets.

One art that has been lost is the art of discipline. Over a long period, I have noticed that there has been a decline in discipline. It is happening in schools and right across the face of society. I believe that if this trend is not curbed, society will have very serious problems. Self-indulgence, and Governments that are prepared to promise people easy options, have been in favour. The simple truth is that the party is over. Australians can no longer sustain their lifestyle and opt for soft options. Queensland and Tasmania are reported to have the highest divorce rates in Australia, with 3 per 1 000 head of population. In 1976, the divorce rate skyrocketed when the Whitlam Government changed the Family Law Act. When the matter was brought before a court, blame was no longer assigned to one party.

Marriage guidance counsellors are working overtime to stem the rifts in marriages. Last year, out of 8 934 couples who were granted divorces in Queensland, 5 322 had children. The recession has been blamed for the 15-year high rate of divorce in Queensland. The 1976 figure was an aberration owing to a period when Labor took away the requirement to make marriages work. The result is an indictment on the Labor Party, at both a Federal and State level, that has impacted on the family.

As frustration develops between man and woman, domestic violence is of great concern. I am as equally concerned as the Minister about the level of domestic violence in this State. In the short term, victims of domestic violence require greater protection. No doubt, in the long term, the Government has a massive responsibility to ensure a more secure future for families in this State. The Opposition is supportive of the need for a respondent spouse not to perform an act of domestic violence. In addition, the provision to protect other members of a spouse's family, friends or associates should be implemented if a perpetrator is determined to carry out acts of violence. The provision to allow a person, who has been forced to leave a home because of an intolerable domestic situation, to return to the family home to retrieve his or her possessions should be implemented. In certain circumstances, it may be that the person wants to remain in the home. The amendment has catered for that situation.

Generally, the extensions of time for orders, if the need arises, are acceptable. Although gun laws will have very little impact on those people who turn to guns as a means of either terrorising or maiming their spouse, under Queensland law, if there are threats with firearms, confiscation should take place and orders to prevent a respondent spouse from possessing a firearm would be necessary. The Opposition has considered the amending provisions in the Bill. Generally, they are supportive of people's needs at this time, because of the circumstances of domestic violence in which many people in this State find themselves. The Opposition supports the Bill.

Ms SPENCE (Mount Gravatt) (3.45 p.m.): The amendments to the Domestic Violence (Family Protection) Act of 1989 are welcome and progressive reforms to a vital piece of parliamentary legislation. These amendments are designed to enable the Domestic Violence (Family Protection) Act to better fulfil the functions for which it was intended, that is, the protection of victims of domestic violence from further physical injury, damage to property, threats, intimidation, abuse or serious intimidation. The

Queensland Government recognises that domestic violence affects many men and women in our community and causes untold suffering. It also has many short-term and long-term costs to the community, in both economic and social terms. Violence in the home is never acceptable, and this legislation aims to prevent further violence.

Domestic violence is defined under Queensland law as any one of the following acts: that a person has committed against his or her spouse wilful injury, wilful damage to the spouse's property, intimidation or harassment of the spouse, indecent behaviour to the spouse without consent, or a threat to commit any of these acts. The Domestic Violence (Family Protection) Act applies to address spousal violence. "Spouse" in this case means marriage partners or former partners. The marriage can be a legal or de facto relationship, whether the couple are currently together or separated. This Bill has broadened that definition to include couples who have a child, whether or not they are or have been married or are living or have ever lived together.

The terms used in the legislation to describe the parties involved are "aggrieved spouse", which means the person who applies for and gains the protection of a domestic violence order, and the "respondent spouse", which means the person who has been violent and who now has a domestic violence order against him or her. The purpose of a domestic violence order is to prevent further violence or abuse. A court can make a domestic violence order against the respondent spouse for the benefit of the aggrieved person. An order can be made if the magistrate believes that the act of domestic violence has been committed or threatened and will occur again. A domestic violence order means a protection order or a temporary protection order, which is an order made for a short period until a court decides whether or not to grant a protection order.

The only people who can apply for a protection order are the aggrieved spouse, an authorised person—which means a person who is authorised by an aggrieved spouse to appear on behalf of the aggrieved spouse—or a police officer who has investigated a domestic violence incident and determined that the making of a protection order is necessary for the protection of the aggrieved person. Even though the people who can apply for a protection order are limited to those I have mentioned, domestic violence orders can also protect relatives and associates of the aggrieved spouse by being specifically named in the domestic violence order. There are a number of ways in which a court can make a protection order. Firstly, any of the people I have already mentioned may apply to the Magistrates Court. Secondly, a police officer may apply to a magistrate by telephone for a temporary protection order. Thirdly, if a person is before a Magistrates Court, a District Court or the Supreme Court for an offence involving domestic violence, the court may make a domestic violence order of its own initiative. Fourthly, if a person has obtained an order from another State or Territory in order to protect himself or herself, the order may be registered for enforcement in Queensland.

If a court does make a domestic violence order, certain conditions will be imposed on the respondent spouse for the duration of the order. They are: that the respondent spouse be of good behaviour and must not commit any further acts of domestic violence or associated violence; that the respondent spouse must not possess a weapon; and that the respondent spouse must comply with any other conditions imposed by the court and set out in the order. If a respondent spouse does not comply with the conditions of a domestic violence order, a police officer can charge the respondent with an offence under this legislation. Non-compliance is known as breaching the conditions of the Act, and anyone convicted of breaching the conditions of a domestic violence order is liable for punishment of up to 12 months' imprisonment, or a fine of $2,400. I will be pleased when the magistrates and judges in Queensland start issuing orders to that effect.

The Domestic Violence (Family Protection) Act provides a practical tool for the protection of victims of domestic violence and a clear statement of community standards concerning the unacceptability of violence in the home. I do not say this lightly. Since the legislation was introduced in August 1989, over 15 000 applications for protection orders have been made. That means that, within the past three years, close

to 15 000 women have been threatened, harassed, intimidated or attacked by their partners. I am sure that members would agree that that is a shameful statistic in Queensland. These figures mean that, by the end of this year, almost 3 per cent of Queensland couples will have been the subject of domestic violence orders.

Domestic violence refers to a whole range of behaviours, including intimidation, harassment, rape, destruction of property and assault. It is not merely an argument between spouses that got out of hand, it is the manifestation of a wrong belief that one person has the right to control and exercise power over another. The personal costs for the victims of domestic violence are great: injury, isolation, loneliness, poverty, low self-esteem, depression, fear and helplessness. The victims of domestic violence—apart from the spouse—include children, extended family and relatives, work associates, neighbours and the whole community. Let us not underestimate the seriousness of what we call domestic violence. This year, in Queensland, six women have already been killed by their spouses. Some were shot, some strangled and some stabbed. Last year, a friend of mine was shot by her estranged husband. She and her family are still suffering from the effects of that shooting, in which she was injured and her boyfriend fatally shot. Domestic violence in this State affects more than just the victim. Not all acts of violence will result in death, but all will cause human suffering. The level and amount of violence experienced by couples can escalate to more serious incidents. If we ignore the violence and hope that it will go away, violent relationships will not get better. Those relationships are stubbornly resistant to change without specific intervention.

Domestic violence orders are designed to prevent further violence and abuse. I believe that the amendments to the Domestic Violence (Family Protection) Act which Minister Anne Warner has brought to the House will operate to provide better protection to victims of domestic violence from further physical injury, damage to property, threats, intimidation and abuse. These amendments arise from hard-won experience by the courts, the Queensland Police Service, and those workers in the community sector who provide such vital support to women escaping domestic violence. The Queensland Domestic Violence Council, which draws its members from all those areas, undertook the review on which these amendments are based. I congratulate the Minister and all those who have contributed to the Bill. I express my personal commendation to all those people, including police officers, magistrates, workers in women's refuges—there is one in my electorate—and other women's services, nurses, doctors, lawyers, and the many others in Queensland, who are involved daily in preventing further domestic violence. Finally, I express my belief to those who are now suffering domestic violence that these amendments will strengthen the protection available to them under the Domestic Violence (Family Protection) Act. I support the Bill.

Mr QUINN (South Coast) (3.54 p.m.): I rise to speak on the Domestic Violence (Family Protection) Act Amendment Bill 1992. In doing so, I think that it is a sad indictment on our society when spouses and families are for various reasons subjected to violence in the home. In an age when we have successfully avoided worldwide conflicts for some 50 years and strive to defuse regional tensions, it is a tragedy that violent battles are increasingly being fought out daily and nightly in family homes. No doubt, financial conditions play a substantial part in fuelling difficult situations between spouses. Current Governments, both State and Federal, must shoulder their share of the blame in that respect.

In Queensland, some 15 000 women are seriously and chronically battered by their spouses, with many thousands more experiencing varying degrees of abuse. Statistics reveal that, between 1982 and 1987, one in five homicides was caused by domestic violence. Forty-seven per cent of all female murder victims are killed by their spouses. Those statistics are appalling. Although domestic violence is often thought of as being a problem for society in general, more specifically it is a problem for men, for they are overwhelmingly the aggressors. Although community attitudes must change—a 1988 survey showed that large sections of the community still condone domestic violence—the responsibility on the male of the partnership cannot be diluted. In that survey, one in five people thought it acceptable for a man to abuse his wife for

disobedience, failure to keep the home properly, or unfaithfulness. Clearly, there is an urgent need to identify methods of changing these firmly held views in the community, because this legislation will not go all the way toward remedying the situation. All the legislation in the imagination of a vigorous lawyer could not help the victims of domestic violence if the community does not agree that violence in the home is a crime. To quote an abused wife—

> "Nothing I did meant I deserved the treatment I got. Domestic violence is not punishment, but an expression of power and control."

It is staggering to know that people are more likely to be subjected to violence in their own homes from another family member than in any other circumstance. The statistics are appalling. One-third of all murders are committed by a relative of the victim. In 35 per cent of those cases, there were previous reports of domestic violence. It is sad to say that domestic violence ending in murder or murder/suicide has become, to quote one commentator, "part of suburbia".

This Bill will give some added protection to the victims of domestic violence. It has the support of the Liberal Party. Shortcomings which have become evident in the principal Act appear to have been remedied in a balanced manner without unduly impinging on individual's rights. But no matter what changes are made here today, other programs must be put in place to effect a change in community attitudes to the view that domestic violence is intolerable. I know that police are being trained specifically in domestic violence procedures and that special units have been established in the regions to give advice to spouses suffering domestic violence. Perhaps we should be looking at education in schools and more practical things such as escape routes being provided through changes in Department of Housing guidelines. Professionals in the legal area—lawyers, magistrates, judges and so on—must all understand the nature of domestic violence. A different approach would be to make domestic violence a criminal offence and save all the protection order processes, but that is an argument that can be better left till another date.

To change public attitudes towards domestic violence, Australians must first understand the reality of domestic violence; its incidence and the degree of injury, both physical and emotional; the effects on women and children; and the family dynamics of battering. Myths that need to be challenged include the reasons why women stay in a violent home, that domestic violence is a non-criminal offence, and that women are solely responsible for marital stability. It is surely bizarre that the focus on victims has excluded attention from the perpetrators. That fact needs to be addressed. As the Minister's second-reading speech indicated, in Queensland almost half the domestic violence orders have been instigated by police officers. That fact is supported by statistics in New South Wales, where domestic violence has been ranked second only to traffic accidents in terms of police workload. No doubt the Queensland Police Service has a similarly high ranking for domestic violence in its workload. Therefore, it is important that police understand fully the powers available to them under these amendments and not be reticent in using them to give adequate protection to families.

In the United States of America, research conducted into recidivism shows that of the three standard police responses to domestic incidents—namely, counselling, sending the assailant away or arrest—arrest was found to be the most effective method of reducing subsequent incidents of violence. One takes the perpetrator away immediately if possible. Under the amendments contained in this Bill I think that is possible, and I commend the Minister for that initiative. That is the single most effective method of reducing the incidence of domestic violence in Queensland and overseas. Under these amendments, police who find a spouse breaching a protection order will have greater powers to act to protect the victim by arresting the perpetrator. I think that having protection orders that cover associates and relatives is also an advance. People in my own area have complained to me that even though the protection order covers the spouse, their families have been subjected to violent attacks and nothing can be done. I commend the Minister for extending the powers of the protection orders to cover associates and relatives.

It is also noteworthy that the courts will be given increased powers when issuing domestic violence orders. The respondent must have the terms of the order fully and clearly explained to him. I think that is also a step in the right direction. Too often pieces of paper are given to perpetrators and they do not fully understand the consequences and what their responsibilities are. That could also lead to the perpetrator committing the offence again.

An honourable member: In fact, some of them cannot read.

Mr QUINN: Yes, it may be the case that some of them cannot read. Perhaps that is a point that needs to be addressed within the education system. Banning perpetrators from access to weapons is also commendable and will help to reduce the incidence of murder of women in Queensland. I have quoted those statistics before. I think that taking the weapons out of the scene is another step in the right direction.

In summary, the Liberals will be pleased to support this Bill. It strengthens the role of the courts, the police and protection orders. In doing so, it gives added protection to abused spouses. Just as the principal Act is being amended today as a result of shortcomings that have come to light during the period of its enactment, no doubt further amendments will be necessary in the future as these new amendments become bedded down. I think that is a truism. I hope that when that occurs there will be a substantial change in community attitudes towards domestic violence and, rather than being accepted as it is today, it will be accepted for the violent crime that it really is. As I have said, the Liberal Party will be glad to support this Bill.

Mr McELLIGOTT (Thuringowa) (4.03 p.m.): I have listened with great interest to the contribution made by the member for Hinchinbrook. Although I do not necessarily agree with the points that he made about the impact of television on social values and behaviour in our community, I think that they are debates that should necessarily go on. I am sure that there is genuine concern in the community about that. However, I wondered why he raised that issue in the context of a debate on domestic violence, because I am old enough to know—as I am sure that he is—that the problem of domestic violence certainly existed in our community long before television ever found its place in our homes. I used the word "problem" but, when I think about it, it may not have been regarded as a problem in those days. It seemed to me that it was accepted as a necessary part of life. Fortunately, these days there is a more enlightened attitude and people—both male and female—do understand that domestic violence should not be tolerated and, indeed, must not be tolerated. That is why the original Act and the amending Bill that is presently under consideration are so important. The member for Hinchinbrook referred to the need for greater discipline. I caution the honourable member and others who recommend that we should reintroduce capital punishment into our schools and therefore increase the level of discipline——

Mr Schwarten: Corporal punishment!

Mr McELLIGOTT: Corporal punishment, I am sorry. It is very likely that the kids who are being belted in the homes are the same kids who are belted in the schools, and I do not think that that will achieve anything at all. So, with those comments, I simply state that the Domestic Violence (Family Protection) Act certainly plays a fundamental role in preventing the escalation of domestic violence. Of course, once a woman and her children have been killed, and perhaps her spouse has killed himself, there is nothing anyone can do to help that family. No amount of money, emergency accommodation or counselling services can bring those people back to life. If legal intervention is used in a situation of domestic violence, that situation perhaps has at least a chance of survival, not only in respect of the individuals concerned but also in respect of the unit itself.

A protection order is a vehicle to change the situation as it currently exists. The very intention of a domestic violence protection order is to prevent further violence and abuse. It puts limits and conditions on the violent person's behaviour to protect the victim and other nominated family members or friends. If the police attend and intervene at an incident of domestic violence, they can initially physically separate the perpetrator from the victim to prevent the immediate abuse from continuing. However, as the honourable member for Mount Gravatt pointed out, ignoring violence in a relationship

will not make it stop. That is why the Domestic Violence (Family Protection) Act was introduced and its provisions so widely used. Three years after its introduction, the Honourable Anne Warner, Minister for Family Services and Aboriginal and Islander Affairs, has reviewed the Act and its implementation. These amendments aim to provide even greater protection to the victims of domestic violence by preventing further violence. Protection is afforded to victims of domestic violence by the making of domestic violence orders. Domestic violence orders include protection orders and temporary protection orders. Temporary protection orders are made for a short time until the court decides whether or not to grant a protection order. It is only after the court is satisfied not only that the respondent spouse has committed an act of violence but also that that spouse is likely to commit another act of domestic violence that it in fact makes a protection order.

Under the amended Act, protection orders will impose standard conditions on a respondent. In making a domestic violence order, the court must impose a condition that the respondent be of good behaviour towards the aggrieved spouse and towards any other aggrieved persons named in the order and not commit domestic violence against those people. This condition will prohibit the respondent from committing any further acts of domestic violence against those aggrieved persons under the current Act. Without this mandatory condition, some orders were being made that simply prohibited specific behaviour and left the respondent free to commence other types of abuse. For example, an order would prohibit the respondent from hitting his wife, but it would not state that he was not to kick her. Awful as this sounds, this is the sort of thing that has occurred in the past. Protection orders must also now include a condition prohibiting the respondent from possessing a weapon for the duration of the order. When making a protection order, the court must revoke all weapons licences issued in the name of the respondent, and when making a temporary protection order, the court must suspend all weapons licences. Under the current Act, the courts have the power to impose conditions on respondents restricting their access to firearms and to other weapons. However, this has been used only if the court has been satisfied that weapons had been used in an act of domestic violence.

Experience has repeatedly shown us, unfortunately at great human cost, that many of the men who go on to kill their wives and children have not used or even threatened to use a firearm at the point of having a protection order issued. It is later, when they realise that the violence they have used is no longer working to control their spouse, that they then move on to obtain a firearm to make the ultimate threat or the fatal attack. People who have protection orders issued against them are people who have committed violence and are likely to commit violence again. These are not the people in any reasonable society who should have access to weapons. Under this legislation, they will not. There will be some limited exceptions whereby respondents may be allowed to possess weapons. For this to occur, the court must first be satisfied that the respondent spouse has never used or threatened to use a weapon when committing or threatening to commit an act of domestic violence. Secondly, the court must be satisfied that the respondent would be deprived of his means of earning a livelihood. A respondent spouse is allowed to possess a weapon only under the most restricted conditions regarding the use of that weapon.

As well as these mandatory conditions being imposed on a respondent's behaviour, the court will have the capacity to impose other conditions as it considers necessary and desirable in the circumstances. This provision allows the court a discretion to make the most appropriate orders in each situation. An example of this may be that the woman would be allowed to return to her matrimonial home to collect her personal property. Under these amendments, a condition may be that a magistrate directs an offender to leave the family home so that the spouse and her children may remain in their house, in their community, close to schools and in familiar surroundings. After all, why should a woman who has been attacked by her spouse, fears for her children and has been put in a position in which she seeks legal action or protection then have to leave her own home to achieve it? Under these amendments, she very well may not have to do so.

The protection order is designed to prevent further violence and abuse, not to break up marriages or relationships. Intervention by the police and by legal authorities can be a catalyst for the offender to review the behaviour that has led him to the court system and to legal action. The major hurdle for any offender to jump is to accept responsibility for the behaviour which is unacceptable. If the law imposes conditions on an individual's behaviour, of course, that is a very strong message that that behaviour is unacceptable. The law will also convict individuals who break the acceptable codes of behaviour.

The personal costs for the victims of domestic violence are great—death, injury, isolation, loneliness, poverty, low self-esteem, depression, fear and helplessness. Once an order has been made, the personal costs for the perpetrators of domestic violence are also great—loss of family and friends, loss of children, guilt, confusion, stress, depression, anxiety and, as I said, the loss of the right to possess a weapon. Apart from personal costs, there is greater economic saving in looking at solutions to domestic violence in preventive measures to arrest the potential personal damage and the incurrence of costs on the community. Put simply, those costs are too great. The very significant improvements to the Act which will be achieved by these amendments will enhance the protection of victims of domestic violence. In so doing, the amendments will directly contribute to a reduction in the tragic human and economic costs which are associated with domestic violence. I congratulate the Minister and her department for their work on this Bill, and I certainly urge all members to support it.

Mrs McCAULEY (Callide) (4.12 p.m.): The Domestic Violence (Family Protection) Bill was introduced by the National Party Government in 1989. In the present Minister's own words, it was "a very brave attempt to try to address a very difficult problem". This was sound praise indeed from the opposing side of the House.

Ms Warner: Don't stint.

Mrs McCAULEY: I will not. It was brave, and it was a very positive step that acknowledged the seriousness of domestic violence and the responsibility that the community and the Government have towards this issue. The original Bill deals with the complex and sensitive area of violence within marriage—a subject that we would all prefer to ignore. In fact, in some instances the ignoring of this issue was quite active until the passing of the first Act. The National Party Government received notable flak from various quarters when the original Bill was introduced. I stand by our decision to step in and offer fair and reasonable protection to people who are subject to physical or emotional domestic violence, all of which is unfair and unreasonable. I firmly believe that provocation of any sort is no excuse for such appalling and dreadful violence, although I can understand why one member on the opposite side of the House got a black eye on a certain occasion from a spouse. I will not mention his name.

No wedding ceremony of which I am aware has given a man the right to apply violence of any description to his wife, or vice versa, in the name of matrimony. No human beings have the right to treat other human beings in any lesser way than they would expect to be treated themselves. It is simply a matter of do unto others. We as a society cannot sit back and do nothing while these furtive acts of violence are being perpetrated in our communities. What is more, this sort of legislation overrides party policies. As an Opposition, we have no issue with the Labor Party over the protection of people and the preservation of the family unit. Some years ago, I had first-hand contact with this matter. Just two doors from my house lived a family whose marriage and whole life seemed to be conducted as a confrontation. We would often be woken late at night by a woman screaming, "Help! Save me, save me!", and being pushed over the back fence, which was a very steep drop. It was quite disconcerting to be woken from sleep to hear that sort of violence and not know what to do about it. Nobody wanted to be involved, but local people helped that woman to get away. However, every time that they managed to do that, she came back again. It was a very difficult problem, and a distressing one for those of us who lived near her.

The Act has been in force for two and a half years, which is a long enough period to enable its inadequacies to come to light. I am pleased that the Government has

worked with the Act and now has some valuable and pertinent amendments to make. The Minister stated that, in the two and a half years that the Act has been in effect, more than 13 000 domestic violence orders have been issued. It is apparently expected that, by the end of the year, 2 per cent of Queensland couples will have been subject to a domestic violence order. The Minister noted that those figures are unequivocal evidence of the need being met by the Act. She is right, but my question is: why? Why do we have that dreadful need to save our families from such devastating disintegration? At the risk of being ridiculed by Government members, I must say that it goes back to Whitlam's program of social engineering. So many changes have been made in the past 20 years, such as getting women into the work force, putting children into child care, putting old people into homes, easy divorce, legalisation of homosexuality and a push for abortion on demand. Each and every one of those things has chipped away at the family unit.

Ms Warner interjected.

Mrs McCAULEY: Definitely not in the numbers that we are seeing now. The family unit has been under siege for a generation. That is one of the reasons. One of the other reasons was mentioned by the member for Hinchinbrook when he talked about violence on television. I agree with him. We have all been desensitised by the violence that we see on television and with which we come into contact. That desensitisation process is very insidious and permeates our whole life. We come to accept it. Twenty years ago, we would not have accepted that level of violence.

The third reason is the different roles of husbands and wives these days. Last week, when I was driving from Brisbane to Toowoomba, that point was brought home to me very strongly. I was listening to B 105 FM. A woman said that she had phoned her husband to tell him that she had arranged to play pool with some friends after work at a local hotel. She asked him to meet her there for dinner. He said that it was a good idea. When he arrived, she had been called to the telephone. He could not find her, so he went home very annoyed. They had a domestic about it. People were then asked to ring in to say which person they thought was right, the husband or the wife. One point really intrigued me, and only one person mentioned it. A grumpy man rang up and said, "She should not have been there in the first place." I thought that was very interesting, because I would have thought that many people would have phoned to say that she should not have been there. That is obviously acceptable behaviour for young women these days. If they want to go to a hotel and play pool, they can. It is not just a role for the husband, it is something that a wife can do as well. That emphasises the different roles of wives and husbands in society in this day and age. It has required some managing in households such as mine. I am very aware of it. I can see that my daughter, who has been married for a year, has different responsibilities and roles from mine. I do not think that it is bad. It is good, but it is a very interesting point to ponder.

Those honourable members who think that domestic violence is just an argument that has become out of hand, or a once in a lifetime push or shove, should think again. The statistics are appalling. As the Minister pointed out, those statistics have progressed from mere violence to murder. That 15 people have been killed by their spouses in Queensland in one year is very frightening indeed. It seems that, all too often, we read about men—because it is mostly men—shooting, stabbing, running over or setting fire to members of their family before taking their own lives. That is frequently the culmination of years of domestic violence. The realisation that domestic violence is rarely an isolated, one-off incident has prompted considerable study. The experts have identified what they call the cycle of violence, or the spiral of violence, which occurs in many of those violent and abusive relationships. The Act—and now this Bill—is not merely an attempt to protect the victims of that abuse but an active attempt to break that cycle. I agree with the intention of the Minister in the Bill to automatically prohibit perpetrators from possessing a weapons licence or a weapon except in special circumstances. Those special circumstances, of course, include men who have never threatened to use such a weapon against their spouse or those who need the weapon for the work that they do. I agree with the standard condition of every violence order

that the respondent spouse will be required to be of good behaviour towards his spouse and not commit domestic violence.

Given the point that I made earlier about much of that violence being progressive, the fact that an order may be extended based on the original grounds is sensible. A victim should not have to tolerate a bashing every 12 months just to secure an order to ensure that she is safe in between times. The acknowledgment that a victim can suffer violence other than direct attacks on her person is essential, and the Minister's extension of protection to friends, associates and relatives is far-sighted and positive. Members of the extended family are often drawn into domestic turmoils, whether or not they want that. All five measures that the Minister has outlined for inclusion in the Act are responsible and responsive to real needs. Given the increase in domestic violence since the decline of the economy, the associated rise in unemployment and the consequent increase in stress and tension in the family home, the Act and the amending Bill are all the more important. Certainly, in recent weeks, my office has seen an upsurge in the number of women seeking accommodation because they are fleeing a violent spouse. As the economy becomes worse, problems such as that will also become worse.

In an issue such as this, the police are an important consideration. The fact is that police hate domestic violence complaints and are understandably uncomfortable with their role in them. Therefore, it is essential that they have clear and appropriate guidelines so that they can carry out their jobs effectively, the most important aspect of which is to protect people. I am particularly pleased to hear that the Bill provides for the enforcement of domestic violence orders from other States and Territories and that Queensland orders will be recognised in other jurisdictions as well. Those women who decide that leaving the family home is their best option deserve every assistance to start their lives anew. It is indeed important that respondent spouses not be notified when interstate orders are registered in Queensland. This is the sort of sensible cause-and-effect thinking that Governments are elected to undertake. I congratulate the Minister.

Mr HOLLIS (Redcliffe) (4.23 p.m.): In a fundamental sense, the issue underlying domestic violence is the status of women in our community. This point is best illustrated by a very simple observation. It is well and widely documented that women are the victims in 95 per cent to 98 per cent of all domestic violence situations. Consistent with this awful fact, women in our society have historically been relegated to a weaker position than men.

I am pleased to note and bring to the attention of the House the ways in which many of the amendments will enhance the position of women in our community. This legislation affords better assistance to women, who are the vast majority of victims of domestic violence, in seeking protection from harm for themselves and their children. Domestic violence is not new to our society or to others. Until only quite recently, a husband's right to control his wife through physical force has been accepted by many people. A 1987 survey of Australian attitudes to domestic violence showed that more than 19 per cent of Australian adult men and women considered it acceptable for a man to use physical force against his female partner under some circumstances. This same group believed that it might be justifiable for a man to shove, kick or hit his wife if she did not obey him, wasted money, was a sloppy housekeeper or refused him marital relations. These results mirrored similar overseas research.

This belief, of course, has been perpetuated over many centuries. In historic times the "rule of thumb" was actually a sanctioned law that a man was allowed to beat his wife but only with a piece of wood no thicker than his thumb. In medieval times, there actually existed, and was used, a mouthpiece that was intended to prevent women from nagging. It incorporated a piece that clipped over a woman's tongue. It was, understandably, very uncomfortable and very painful. One of the most frequent statements in response to hearing that a man has hit his wife is, "Well, she must have done something to deserve it." This legislation provides the answer to that statement. No-one has the right to settle an argument by using violence against a less powerful person. No-one has the right to threaten, intimidate, harass, instil fear in, attack or kill another person. No individual has the right to deny others' liberty, humiliate them,

destroy their property, refuse access to shared finances or deny their right to an opinion. The responsibility for domestic violence lies in the behaviour of the perpetrator of domestic violence. It is that person's responsibility to stop doing it. I believe that the community and the Government have responsibilities in changing the behaviour of individuals who perpetrate domestic violence. It is our responsibility to legislate against it. It is our responsibility to protect victims and their children from domestic violence. It is our responsibility to assist and support victims and their children who suffer from domestic violence. It is ours to educate and inform our communities and work together to end the cycle of domestic violence. It is ours to review the way in which society operates and strive towards a more equitable quality of life for all members of our communities. Within this framework, the occurrence of domestic violence is certainly not the responsibility of the victim and most certainly not the responsibility of the children. These amendments strengthen our existing and enlightened legal response to resolving domestic violence.

My honourable colleague the member for Thuringowa described how under this legislation aggrieved spouses might be protected from domestic violence. I would like to explain how the amendments to the legislation extend protection even further. Relatives and associates of victims of domestic violence can now be specifically named and protected by domestic violence orders. As has been well publicised, children and other members of extended families have been abused, assaulted and sometimes killed as bystanders in domestic violence disputes. Sometimes, perpetrators of domestic violence, if prohibited from committing direct violence on their spouse, will go on to be violent to the extended family, or harass the work associates of their spouse in an attempt to continue to exert control over their spouse and perhaps force them to return to the violent situation. In an effort to protect their families and their friends, a lot of women have stayed in, or returned to, violent relationships.

Under these amendments, they will not have to make such sacrifices. If a court is satisfied that a respondent has committed, or is likely to commit, an act of domestic violence against a relative or associate, the court may include the names of those relatives or associates in a domestic violence order made for the protection of an aggrieved spouse. The relatives and associates are known as "aggrieved persons" and are offered the same level of protection as the aggrieved spouse. Domestic violence orders will now be able to be made for a period of up to two years, or for longer where special conditions apply. The present Act allows orders to be made for a maximum of 12 months. This, of course, has proved far too short and is inconsistent with similar legislation in other States.

I take this opportunity to agree with the comments of the member for Thuringowa that it is the perpetrator of the violence who should be the one to leave, rather than the abused wife and children. However, the unfortunate reality for many women is that they are forced to leave because there is often no other way to ensure their safety. Under these amendments, if an aggrieved person leaves the State, that person can register and have the order enforced in another State. The amendments reflect an agreement on the portability of domestic violence orders established by the Standing Committee of Attorneys-General. All States and Territories are introducing, or have already introduced, similar legislation. This amending legislation will allow a victim of domestic violence the freedom to choose where she wishes to live without losing the protection of the law or having to apply for another order. The respondent will be notified at the time of an order being made that the protection order will not be enforceable in other States without further notification.

With the original domestic violence legislation, and now these amendments, the Queensland Government continues to recognise domestic violence as an issue requiring determined attention. Although these amendments are directed toward one end—the end of domestic violence in Queensland—it is incumbent on us all as members of Parliament and also our community and religious leaders to seek ways to eliminate causes of domestic violence. My electorate of Redcliffe is fortunate in having many community groups and individuals who assist victims of domestic violence. I commend

their work in this area. In conclusion, I support the Bill and urge every other member to also give it the full support that it deserves.

Mr SLACK (Burnett) (4.29 p.m.): I do not intend to contribute very much to this debate. Most of the relevant points have already been canvassed. Statistics have been cited by various Opposition and Government members. It is quite obvious that everybody supports this Bill. I compliment the Minister for bringing it forward. I speak from the position of having been a part of the committee that was associated with the drafting of the original domestic violence legislation in 1989. The committee recognised then, as did the Minister when she was a member of the Opposition, that there may be areas that would need to be addressed at a later date. The Minister is now addressing those areas. Obviously, domestic violence has increased within the community. During this debate, several speakers have made reference to what may have been the cause of that increase. It is very distressing and disturbing to the community at large that social problems such as domestic violence are emerging. To address those issues, legislation such as this must be implemented, and some of the fundamental problems that are occurring within society must also be addressed. Honourable members may argue about the validity of those fundamentals, as to whether one is more important than another or one has greater bearing. It is sufficient to say that there are many fundamentals within our changing society that are leading to an increase in domestic violence. They include unemployment, general economic conditions—as referred to by the member for Callide—the changing relationships between partners within marriages and the extra pressures with which marriages and partnerships must cope. Relationships experience pressures that lead to an increased incidence of domestic violence.

In the rural community, I become aware of many situations in which a family is under extreme pressure and stress because of bad economic conditions. In some instances, a husband obviously does not know how to cope with the situation and kicks out. Unfortunately, the partner is the person who is on the receiving end of that lashing out. Husbands are not necessarily the only partner who cannot cope. It can be the other way around. While it may be evidenced in a physical sense by a husband, it can also be seen in a mental sense in a wife or a female partner, as a natural reaction to the pressures being faced within her environment.

If this legislation is to be effective, the other elements to which I refer must be addressed. I note that, when approaching the juvenile crime problem, the Minister is looking at education. Education must also be considered in this field. When I say “education”, society must look at the way in which its children are raised and what will be their approach to domestic violence later in life. It is very disturbing that members of this House quite often see domestic violence occurring within a family, and violence being perpetrated by the sons or the daughters who grew up in such a family. That is borne out by statistics. That nexus must be broken. The educators and social workers need to address that issue.

I compliment the Minister and the department on this legislation. The Queensland Domestic Violence Council and Zoe Rathus have been mentioned. Many people have had an input into this legislation. I hope that it will alleviate some of the problems. However, it will not create a situation in which they will all disappear. I make reference to the licensing of weapons and the withdrawal of a licence for the carrying of weapons. Although that may work in some instances, the Minister well realises it will not be preventive. Some of the major massacres or atrocities where weapons were involved may still have occurred with the advent of licensing because of the desire of the persons to express that violence from within themselves. The withdrawal of a weapons licence will not necessarily solve the problem, but it may help. If it does help, that is all the better. The Opposition supports the legislation, and I support it, as the former spokesman on Family Services.

Ms ROBSON (Springwood) (4.35 p.m.): I will speak today about the powers of the court in terms of this legislation. It has been reinforced that domestic violence is a problem that demands the kind of protection that only the courts, police and the legal system can give to victims of domestic violence. One of the major additions to the

domestic violence legislation contained within these amendments is the increased discretion for courts to deal with applications for protection orders in the most appropriate manner. I take this opportunity to highlight some of the changes that these amendments will have on the operation of the court and which ultimately will provide better orders for the people they are designed to assist.

One of the difficulties identified under the current Act has been the fact that after police have decided to make an application for a protection order, they have to find a clerk of the court or a justice of the peace authorised by him or her to be able to issue a summons on a respondent. It has sometimes been very difficult for police to know who is authorised and then locate one of the specifically nominated justices. This has been of particular importance to police seeking to make application for protection orders out of court opening hours and for rural police. For example, there is no authorised justice in Mount Morgan and the police must make a two-hour drive to Rockhampton to have a summons issued before it can be signed and issued to a respondent. This cannot continue. Honourable members have heard time and time again how potentially dangerous domestic violence can be and how police and legal intervention can be used to persuade perpetrators of violence that their behaviour is unacceptable. The amendments before the House will enable police to apply to any justice of the peace to have a summons issued, thereby removing an administrative obstacle that has slowed down the making of an application for a protection order outside of normal business hours. Once an application has been made and both parties notified of the proceedings, a court can make a protection order with the conditions as mentioned by other honourable members.

Unfortunately, the reality of going before a court and having to tell one's story to a magistrate in an open court can be extremely distressing. People who are nervous, angry, upset, or perhaps not as articulate as others may leave the courthouse with a protection order but they may not really be clear about what it means, how it will work to protect them or, in the case of respondents, how it will restrict their future behaviour. This issue is particularly relevant for those people in our community who do not speak English as their first language. If a person has a protection order issued on his or her behalf, or a protection order is issued against that person, and that person does not understand what it means, clearly it can reduce the effectiveness of that order. The Honourable Minister has identified and rectified this problem. The Act will be amended to ensure that when a court makes a domestic violence order, it must explain to a respondent the purpose of a protection order issued against that respondent, the conditions of that order, and the effect of that order. The court will also be required to explain that the protection order may be enforceable in all other States and Territories without further notification and to clarify the consequences for the respondent if he or she does not comply with the conditions of the proposed order.

To address the issue of people who may not speak English as their first language, the court is required to make this explanation in a language that is likely to be understood by the respondent. The courts will be aware of the language preference of the respondent and the applicant as the application forms have been revised in line with the amendments. They will include questions seeking details of the language spoken by the parties involved. The new forms will also require people to provide details of any existing orders from the Family Court or the Childrens Court and any previous domestic violence orders. That information will assist the court to decide what conditions to impose on the respondent in order to make the most appropriate protection order. Once an order is made, any of the parties may return to the court to apply to have the order revoked or the conditions of the order varied to take into account changing circumstances. In the past, a breakdown in communication existed and police were not being notified of changes to protection orders. That may seem a minor point. However, I assure honourable members that it would seem very important if they were the ones who had gone back to court yet again to have the protection order varied to provide better protection, their spouses ignored the new conditions of the order, and they were unable to obtain assistance from the police because the police had no record of the new

order. Thanks to the amendments, that has changed, and the police will be notified of all revocations and variations to protection orders.

Research conducted in Queensland, interstate and overseas has made us aware that women and children are most often assaulted, abused, raped or killed by people whom they know. Many of those crimes are perpetrated by spouses. This legislation takes this fact into account and allows all courts that have found a respondent spouse guilty of committing an offence involving domestic violence to make or vary a protection order by the court's own initiative. This means that the court can do this even if the aggrieved spouse has not applied for a protection order. Many acts of domestic violence constitute criminal assault. As has been stated earlier, domestic violence is a crime, and legal responses are required and most appropriate. There are two legal responses. The first is to charge the perpetrator for the criminal offence and the other is to apply for a protection order to prevent further violence. The amendment Bill clearly states that aggrieved spouses can pursue both legal options at the same time.

The other major change to court procedures, which has been made after much debate and discussion, is that the Magistrates Court will be closed during the hearing of applications for protection orders. An aggrieved person will be able to have a person present in court with them for support. Those new arrangements recognise and respect the rights and privacy of individuals who experience the court processes. A woman who makes an application for a protection order may have to present sensitive and intimate details of her life that she may not wish to share with others. It is intimidating to have to disclose this type of information in a room full of strangers. That environment could inhibit her presentation of comprehensive evidence to her own benefit. I hope that no-one interprets the protection of the confidentiality of crime in domestic violence matters as placing domestic violence in the category of private business. Domestic violence is very public business. It is the business of the community as a whole to be active in working against domestic violence. It is the business of individuals to report domestic violence to the police. It is the business of the community to speak out against domestic violence and to reach out in support of domestic violence victims and their children.

The two most commonly asked questions by people in the community are, "What can I do?" and, "How can I help?" Perhaps those questions are asked because it is potentially dangerous to personally intervene in matters and because domestic violence is usually perpetrated behind closed doors. By virtue of the Act and these amendments, the answer to the question, "How can I help?" is, "Telephone the police. Provide personal support to the victim of domestic violence if that person is known to you. Assist them to gain access to help from services in the community." Currently, a 008 telephone counselling and information service is being established and will shortly be available for those people in the community who need help and assistance with domestic violence.

The amendments that have been introduced in this House by Minister Warner will strengthen the statute which played such an essential role in protecting the lives of many people in Queensland. I congratulate the Minister and all of those people who were associated with the preparation of the Bill. It is my conviction that by strengthening the operative powers of the Act in the manner proposed, the capacity of the community as a whole to do more about ending domestic violence is strengthened.

Today, some comments have been made about an increasing level of domestic violence. I suggest that we are actually experiencing women talking about domestic violence. In the days of old, when knights were bold, it was not the thing for a woman to complain that her husband gave her a biff under the lug if dinner was not on the table at 6 o'clock when he walked through the door. Women have been empowered through a series of mechanisms, many of which this Government has proudly put in place over the last two and a half years. We now hear women, who are empowered and who do not have to stay at home and cop that beating on a regular basis, talking about domestic violence and recognising it. They are not prepared to put up with it. We must put this debate in some form of rational perspective. Through the court system and these amendments proposed to the Parliament by the Minister, we are trying to give more

mechanisms to women and children who are victims of domestic violence. I congratulate the Minister on that.

There must be community programs provided for perpetrators of domestic violence. It is all very well to put bandaids on the victims of domestic violence and to empower our legal and judicial system to rectify problems after they have arisen, but we must do something to protect women and prevent domestic violence. As members have heard, 97 per cent of domestic violence incidents are caused by males. Therefore, we must consider establishing community programs. That does not need to be an expensive exercise. Currently, several very good programs are being operated by concerned males in the community who are worried about why domestic violence incidents continue and why their numbers seem to be growing. I have great pleasure in supporting these amendments.

Mr HORAN (Toowoomba South) (4.46 p.m.): I join with other members of the National Party Opposition in speaking to this Bill, which amends legislation that was satisfactory but had some shortcomings. In recent years, it has been stated that my electorate of Toowoomba South has one of the highest percentages of domestic violence in Australia. That is not a very nice record for any area to have. In common with the member for Springwood, I believe that the reason for that high percentage probably stems from the fact that the Toowoomba area provides a very good support service for victims of domestic violence, and that many people—particularly women—have the confidence to come forward to those support services and voice their problems. As a result, the percentage appears to be alarmingly high.

This Bill contains two main aspects that represent an improvement on the previous legislation. Firstly, under the previous legislation, when a protection order was breached, the officer who issued that order had to issue another order. Under this legislation, once a breach has occurred, it is regarded as an immediate breach of the protection order. This has made it simpler for police to act upon any domestic problems. Secondly, protection orders can now apply for two years, compared with one year under the previous legislation. The danger period often occurs at the end of one year, when matters come to a head before the Family Court and decisions are made as to the division of property and the custody of children. Because protection orders can now apply for two years, that will provide more security, particularly for women.

This Bill contains one shortcoming, that is, it does not address non-spousal violence. It addresses only violence that occurs in a marriage relationship, a de facto relationship or any similar relationship. For example, it does not address violence that occurs when adult children bash their mothers. Recently, such a case was brought to my attention in my electorate office. It certainly is the case that, for whatever reason, teenagers—particularly males—do attack their mothers. This Bill does not provide sufficient and adequate protection in such cases. Matters such as that are currently dealt with under the Criminal Code. Often, a mother is torn between dobbing in her child under the criminal justice system or taking some other action, such as obtaining a protection order, which would give her child a better chance of reforming his behaviour.

I turn to the Statewide telephone service and the manner in which it was instituted. Representatives of the Marriage Guidance Council spoke to me about the extensive consultation that took place in this matter. That consultation indicated that, although a number of agencies throughout Queensland expressed an interest in operating that telephone service to deal with domestic violence, the general feeling throughout the State was that it should not be conducted by an individual, private type of agency. As a result, the department—through the Minister—decided that the service would be operated through Crisis Care from within the department itself. Like a bolt from the blue, it was announced that the Sunshine Coast Women's Service Incorporated was to operate that Statewide telephone service. A number of agencies throughout Queensland did not further express an interest in conducting that service because it was decided that it would be operated by Crisis Care within the department. I understand that departmental staff had no idea of that sudden decision.

The number of calls relating to domestic violence that are made to Lifeline in Toowoomba total some 500 per year. That is an indication of the seriousness of this problem. Many reasons have been given for it. Members have heard about unemployment and changing family values. I have spoken to many people involved with the Salvation Army who deal with domestic violence problems and take people suffering from domestic violence to safe houses throughout the city. From talking to them it is my understanding that the problem of domestic violence spreads right across all classes of people. That adds even further to the tragedy of it. In trying to find a way of curing this problem, we must understand that domestic violence is not a problem caused solely by unemployment and changing family values. It occurs across all social strata, and that is the way in which we must attack it.

The sad aspect of domestic violence is that those children who witness it will more than likely regard it as the norm, especially if they see their fathers as role models, and will perhaps continue that behaviour into their future relationships. The Salvation Army has some 19 safe houses spread throughout Toowoomba. The location of most of them is kept secret. Those houses accommodate women from broken marriages or relationships who must be put somewhere safe so that they and their children are protected from their partners and can get on with re-establishing their lives. It is interesting to hear the comments of workers who help women and their families into those houses. Often they say that the children are perhaps in great danger of reappearing in another 14 or 15 years in the very same situation. All honourable members have spoken of the need to reduce the incidence of domestic violence in our society. The cure probably hinges on two issues: firstly, respect for women and, secondly, the behaviour that children learn from their parents. Respect for women can perhaps best be taught through HRE courses in schools and a system of public education. It is necessary that the Government provide that community education.

When I attended the Christian Brothers College I was taught to raise my hat to women and to stand up and offer them a seat on a bus or tram. Other members would remember being taught similar courtesies. One wonders how a man who conforms to those practices could turn around and strike a woman. It must relate to a weakness whereby the man has no confidence or lacks respect for women and seeks to build his confidence by bashing someone who is weaker physically than he is. On many occasions those people say, “I couldn’t help myself” or, “Alcohol made me do it.”

Ms Warner: “The dinner wasn’t hot.”

Mr HORAN: I accept that comment by the Minister. When my wife worked in the casualty ward at Blacktown Hospital in the western suburbs of Sydney, one of the most common admissions on Saturday nights was a woman who had been hit over the head with a dinner plate and had to receive stitches. The problem stems from the fact that people who commit those acts feel safe in the house. They have a basic chip on the shoulder or a weakness. It is not a case of alcohol making them do it. They do not bash up the barmaid. They wait until they are within the safety of their house. As a community, through education in schools, we must develop a proper respect for women. A public campaign must be mounted to educate men and their children that violence is totally unacceptable and that it is a criminal act, regardless of whether it is committed in the house or in the street, on another male or on a helpless woman or child. In that way, we can attack the issue of learned behaviour and ensure that future generations do not grow up thinking that that is the normal thing to do. We must consider the real issues of marriage, relationships and respect for women. As well, we must focus on education. With those comments on this sad issue, I support the Bill. I hope that it has a good effect in the community.

Dr FLYNN (Toowoomba North) (4.56 p.m.): I wish to talk about the amendments as they relate to the functions and powers of police and the individual rights of victims. The amendments to the Domestic Violence (Family Protection) Act 1989 are to be applauded. Inherent within the changes is the recognition of the rights of individuals, particularly the victims of domestic violence, to a fair, just and equitable response by legal authority. The first legal response for some people is when the police have been

called to investigate an incident of domestic violence. In fact, it is fair to say that the police have been and are a key link in the successful operation of the domestic violence legislation. Police have been the applicants in almost half of all the protection orders applied for since the Act was proclaimed. For that reason, I think it is important that people be clear about exactly what the powers and functions of the police are when they are operating under the powers of the amended domestic violence legislation. This is particularly important in respect to the mandatory prohibition of weapons, which will require police action to implement.

As I said earlier, the first legal response for some people experiencing domestic violence is when the police have been called either by the aggrieved person or by a neighbour to investigate an incident of domestic violence. Once the police have arrived at the scene and ascertained that an act of domestic violence has been committed, they are to make an application for a protection order. The police may make that application whether or not the aggrieved person agrees with the application. That is an important aspect of the legislation, because often the victims of domestic violence are too frightened to take legal action to protect themselves. The fact that the police are making the application for a protection order gives the perpetrator a clear message that his behaviour is unacceptable not only to his spouse but also according to law. It also prevents the perpetrator from threatening his spouse so that she will retract the application.

A new power under the amended Act is one which allows the police to require a person to provide his name and address. If the police believe that a person has committed or witnessed an act of domestic violence, they will be able to request that person's name and address. Currently, when the police investigate a domestic violence incident and the perpetrator lives elsewhere but refuses to give his address, the police are unable to serve him with a copy of an application for a protection order, a summons to appear in court, or a copy of an order. If the perpetrators of domestic violence have not been served with a copy of a protection order, they can claim that they did not know about it and proceed to continue to commit domestic violence with impunity. If the police officers believe that a protection order is required to protect an aggrieved spouse from further violence, they are required to make that application. If a court is sitting at the time of the police making the investigation and assessment, they must make application to that court immediately. If it is in the middle of the night and no court is sitting, the police can telephone a magistrate to apply for a temporary protection order. If the magistrate is satisfied that there are grounds to make such an order, he or she can do so there and then while the police officer is on the telephone. Aggrieved spouses can in that way be given the protection of a temporary order before the police leave the premises. If the police believe it is too dangerous or volatile a situation to leave the respondent on the premises, they have the power to take the respondent into custody for up to four hours while they make an application for a protection order. That is important for two reasons. Firstly, it can serve as a very strong message that domestic violence is against the law and there is a legal response and, secondly, it gives the aggrieved spouse some time to leave the premises if she needs to do that to ensure her safety.

According to research on homicide in New South Wales, over a 10-year period, half of all women who are killed are killed by their spouses, and, of those, half are killed at the point of separation, or shortly afterwards. When women say that they are too frightened to leave a violent relationship, they are right. They know better than anyone else what the situation is. It is obvious from these statistics that the point of police intervention into domestic violence can be a very dangerous time for women if they are making decisions about leaving the relationship. It is for this reason that, when they investigate domestic violence, police will now be required to inquire about the use and possession of any dangerous weapons. They will then take into their custody any weapons found on the premises. If a temporary protection order is made, the police will also confiscate any weapons licence, pending the outcome of a hearing into the matter. Prior to these amendments, weapons were not confiscated until after the matter had

finally been determined. This resulted in violent perpetrators having access to weapons at a most difficult and dangerous time for all parties.

I have already outlined the procedure for police obtaining weapons if they have commenced the investigation. If the aggrieved spouse has instigated the action, the police will be notified of the existence of an order once it has been made by the court. Under the proposed amendments, and according to police procedures, once the police have been notified of the existence of a domestic violence order, they will be required to obtain the licences and weapons of respondent spouses. Once the weapons have been obtained by the police, they will be disposed of in accordance with the provisions that already exist in the Weapons Act. I am not suggesting that the removal of a weapons licence and weapons will prevent all future domestic violence-related deaths. I wish that there was some way to ensure this. A person who is determined to kill will always find a way to do so. What I am saying is that if we remove the ready access to weapons, we will go some way towards preventing the spur of the moment, unpremeditated murders. If these amendments to the Act in relation to gun ownership prevents one death, then they will be a success.

Other changes incorporated in the amendments to further protect the personal safety of victims of domestic violence include some changes to the definitions within the Act to ensure that the intention of the Act is implemented in the most efficient and effective manner possible. Police will now be able to take the alleged offender into custody at any place if they believe that the aggrieved person is in personal danger of further domestic violence. In the past, police have been able to arrest an offender only if that offender was still on the premises where the domestic violence occurred. That meant that if the alleged offender had gone on the footpath outside the house or next door, the police were not able to take action to take that person into custody. The ridiculous result of that was that when the police left the premises, the perpetrator was able to re-enter the house and recommit the offence, and be back on the footpath before the police arrived again. Sometimes, that resulted in the victim having to leave the premises, whilst the police were still there to ensure that person's safety. No longer will the police be in the anomalous situation of having to caution an offender when that offender first breaches a domestic violence order. Under the proposed amendments, a police officer will have the same duties under the Domestic Violence (Family Protection) Act as they have under other Acts, and may now charge an offender with a breach of the conditions of a domestic violence order, if required, when attending a domestic violence incident.

The current Act provides that only the police officer who first cautioned the offender for breaching an order can proceed on further breaches to actually lay charges against the offender. Under this provision, if a police officer cautioned an offender about breaching a domestic violence order, and the offender committed that offence again with a different police officer attending that scene, that second police officer was also required to caution that offender. It is provisions such as these that resulted in some people saying that the protection orders could not effectively protect the victims of domestic violence.

The Honourable Minister for Family Services and Aboriginal and Islander Affairs has recommended changes to the already effective Domestic Violence (Family Protection) Act that can only enhance the existing processes of the legislation for the purposes for which it was originally intended—that is, to protect those individuals who suffer fear and threat in their everyday lives. People have an indisputable right to be safe in their own homes, and for their children to enjoy that same safety. It is right that the victims of domestic violence should endure no further victimisation by a legitimate structure that is designed to assist them. It is also right that this legislation improves the powers of police to act positively in the interests of the safety and well-being of the victims of domestic violence. These powers are intended to enhance the capacity of police to respond, and to support members of the community who need urgent and critical help when they find themselves in domestic violence situations. The amendments improve the effectiveness of the Domestic Violence (Family Protection) Act without altering its intention or its civil nature. It is a piece of legislation that recognises the

rights of all individuals, but above all else, the individual's right to protection when personal safety is at risk. I support these amendments as vital improvements in the continued challenge to eradicate domestic violence from our communities.

Mr BREDHAUER (Cook) (5.05 p.m.): It is with mixed feelings that I rise to participate in this debate on amendments to the Domestic Violence (Family Protection) Act. I am pleased that our Government is discharging its responsibilities to the community by ensuring that Government and community agencies that deal with domestic violence operate in a legislative framework which is supportive of both the agencies and, more importantly, the victims of domestic violence. It is a key issue that domestic violence is not seen as a private matter to be dealt with in confidence or behind closed doors. It is important that we publicly debate the Government's response to domestic violence and strive to keep the issue before the scrutiny of the community.

I recognise the contributions that were made by the member for Callide and the member for Burnett. They talked about the difficulties that they experienced when they were in Government—being party to the introduction of the initial Bill—and the criticisms which they received from sections of the community. I suppose that one of the anomalies in this situation is that by being vigilant and responsible in recognising that social issues such as domestic violence exist and in trying to address them, the Government is actually drawing attention to a problem which exists in society. At times the Government becomes the scapegoat or it is blamed for the fact that those problems do exist. Nevertheless, it is important that they remain in the public domain. However, it gives me no joy to stand here in the knowledge that the vast majority of offences of a domestic violence nature are committed by men. It is to my shame and astonishment that a recent survey found that 19 per cent of those surveyed thought that it was all right for a man to use physical force against his female partner under particular circumstances. I shall make my view perfectly clear: domestic violence in all its manifestations must be viewed as unacceptable by the Government and by the community at large. This legislation clearly establishes that not only is it unacceptable, but it is also unlawful.

The amendments are designed to provide further protection to the victims of domestic violence from further abuse or physical injury, damage to property, threats and intimidation. Domestic violence is all about power relationships. We all live with power relationships in our daily lives—parents and children, employers and employees, teachers and students, Government and Opposition. These are examples of power relationships that exist and are virtually a function of life. However, all power relationships are liable to breakdown. Child abuse, sex or race discrimination and non-payment of proper award conditions for workers are all examples of the breakdown of power relationships. Domestic violence is an outcome of the misuse of power and control by one person—usually a man over his spouse. Nearly everyone in the community is now touched by domestic violence. Some are victims, some are perpetrators, some work with it, some live next door to it and some know someone else who has experienced it. Whichever category we fit into, we cannot afford to ignore an issue that can be so devastating or even fatal. As with many other social issues, domestic violence crosses all barriers—age, employment status, socioeconomic factors, ethnicity and education. All levels are affected. The member for Toowoomba South referred to those who engage in domestic violence as people who have some flaw in their character. It is not as simple as that. There are people who to all intents and purposes are upright and respectable citizens but who behind the closed doors of their own homes participate in domestic violence. It is not easy to identify, pinpoint or spot a person who may be prone to domestic violence. What can alter, however, is people's understanding of their rights in domestic violence situations, their support network and their access to services.

I want to focus on this issue of people's understanding of their rights and their access to services. For example, some people assume that domestic violence occurs more frequently in migrant families. This is not substantiated by evidence. Ethnic families may be separated from their network of family and friends in their country of origin. They may have language difficulties and they may exist in a dominant culture which exhibits

little tolerance or understanding of their own culture. The sense of isolation and powerlessness experienced by a victim of domestic violence in such a situation must be acute. In an effort to address this problem, information about domestic violence published by the Domestic Violence Policy Unit of the Department of Family Services and Aboriginal and Islander Affairs has been printed in 11 different languages. I was interested to learn that this information provided by the Domestic Violence Policy Unit has been printed in different languages. I draw the attention of the Minister to an initiative that is being undertaken by the Federal Government in having interpreters trained in Aboriginal languages. I wonder whether it may not be appropriate, given the complexity of Aboriginal languages in Queensland and the number of those languages and dialects, to look at the issue of whether domestic violence information may not at some stage in the near future be able to be translated into Aboriginal languages, if that is not already under way.

The Migrant Resource Centre has been funded by this same department as an innovative project to identify ethnic communities, train leaders within some communities, and distribute information about the resources available to victims of violence. Through these activities, significant strides are being made to ensure that all women, regardless of origin or ability to speak English, obtain access to information and support. I congratulate Minister Warner, the Department of Family Services and Aboriginal and Islander Affairs, and the Migrant Resource Centre on this initiative. For women in ethnic communities, seeking help for domestic violence from outside the traditional support base of the family or religious institutions or leaving the family home with the children can create a further reduction of social support. Seeking help from an outside agency will probably constitute a major crisis in itself for the victims of domestic violence. I know that this is a problem for all victims, particularly when we seem to place so much emphasis—at least in our internal posturings—on the importance of the role of the family. Women are put under great pressure if they are seen to be breaking up the family unit by trying to escape from a domestic violence situation. I believe that in the case of some migrant families or different ethnic groups those problems can be compounded by the social stigma attached to a person who withdraws from the recognised support structures of his or her ethnic group or religious institutions.

The amendments recommended to the House by the Minister address issues that concern people for whom English is a second language. The courts will be required to explain the nature of protection orders in a language likely to be understood by the parties involved. This measure will contribute directly to enhancing the effectiveness of protection orders for people who previously may not have properly understood the meaning and effect of protection orders. I refer again to my earlier comments about having people who are experienced or able to convey in Aboriginal languages or Torres Strait Island languages the intent of legal proceedings because that can be an important issue.

My experience and the information that I have received throughout the electorate of Cook is that the problem of domestic violence within Aboriginal communities is often seen in parallel with the abuse of alcohol. The fact is that there are many social factors which are seen as contributing to violence in Aboriginal families, not just the abuse of alcohol. Overt and covert discrimination, physical isolation such as remoteness, high levels of imprisonment, alcohol and drug abuse, poverty and high unemployment are all contributing factors. Whilst they may contribute to violence, they should not be seen as an excuse for violence. It remains indisputable that domestic violence is the use of unfair power and control over the victim. Today, most violence against Aboriginal women and men occurs outside the bounds of the traditional social control structures. That is an important issue if one is addressing domestic violence in Aboriginal communities. Restoring those traditional social control structures can be an effective means of reducing domestic violence. The women in the Aboriginal communities have often taken the lead in initiating strategies to stop access to too much alcohol and supporting victims of domestic violence. That probably does not come as any surprise.

Various Aboriginal organisations and groups have set up programs of counselling and information sharing. Annual workshops are run for perpetrators of domestic violence

and training groups are organised for counsellors. Aboriginal women and men are working against domestic violence. It has been recognised as a community problem and the community is doing something about it. Through the Department of Family Services and Aboriginal and Islander Affairs, the Queensland Government funds some 42 refuge services for women escaping domestic violence. Six of these services have been established in Aboriginal communities and are run by Aboriginal women. There is no suggestion that domestic violence is more prevalent in Aboriginal communities or in communities with a non-English-speaking background than in non-Aboriginal communities. However, it is important to acknowledge the differences for members of these communities in accessing services, in understanding systems and in surviving within their own support network once they have come forward and identified violence as a problem.

In addition to women's refuges, this financial year the Minister has approved the funding of a number of very significant and new service responses for women experiencing domestic violence. The community-based, 24-hour domestic violence telephone counselling and referral service that is currently being established will provide immediate access to assistance. Specific provision will be made to ensure that people who use the service and who are not confident with English will have access to interpreters through the translating and interpreter service. The telephone service will be complemented by five new services, which will provide direct support and face-to-face counselling and will undertake community education. Those services are located in regional centres across Queensland. As a result, help and assistance will be more readily available to any member of the community.

I commend Minister Warner, the Department of Family Services and Aboriginal and Islander Affairs, and, most especially, the community organisations that have undertaken to administer those services for their initiative in establishing such vital responses to domestic violence. In my speech, I have sought to draw the attention of the House to the way in which the Domestic Violence (Family Protection) Act and the proposed amendments impact on people of non-English-speaking background and members of Aboriginal and Islander communities. It is vital that the legislation provide as much protection to women in those communities as it provides to other women in Queensland. I commend the Minister for the measures taken towards that end both within the Bill and in the services funded by her department and provided by community organisations. I support the Bill.

Ms POWER (Mansfield) (5.16 p.m.): On 8 May 1990, I proudly delivered my initial speech in this House. Among the issues that I raised was the neglect by the previous Government to respond to domestic violence in Queensland. *Beyond These Walls*, a report of the Queensland Domestic Violence Task Force, was produced in 1988. That well-produced report revealed alarming statistics as to the nature and extent of violence that is perpetrated against women in their own homes by persons who supposedly love them. I can assure members opposite that domestic violence is not an illness of the eighties or the nineties. Domestic violence has occurred for many centuries, but now it is recognised as a crime and women are encouraged to seek assistance and speak out. For too long, women have been the victims of violent acts. *Beyond These Walls* opened the issue of domestic violence to the public. I congratulate the task force under the chairship of Ruth Matchett, now the Director-General of Family Services, on that report. The report has been noted by the Government and has been the catalyst for programs and legislation initiated by the Government.

Domestic violence is a problem that cannot be, and should not be, ignored. We know the consequences. We know the statistics. We know the costs. It is a problem that the Government has taken very seriously. The domestic violence legislation is one aspect of an approach to end domestic violence in Queensland. A coordinated approach encompasses the law, the community and Government intervention and support. The Government also provides funding to the community through the domestic violence initiatives program under the auspices of the Department of Family Services and Aboriginal and Islander Affairs. The Domestic Violence Policy Unit within that

department has been nominated as the lead agency in addressing domestic violence in this State.

Other work conducted through the department, in addition to the administration of the domestic violence legislation, includes the provision and coordination of policy advice to Government and other organisations and the provision of the secretariat to the Queensland Domestic Violence Council. The Queensland Domestic Violence Council, comprising members representing Government and community organisations across Queensland, initiated these legislative amendments in recommendations made to the Honourable Anne Warner in 1991. The department liaises with other relevant areas of Government in the coordination of the Government's response and the development of policy on domestic violence.

During the debate on the Budget Estimates last year, I was delighted to announce that the Government increased funding to the domestic violence initiatives program by some $1.2m. That funding is allocated to non-Government organisations to support initiatives and services in the prevention of domestic violence and direct assistance in domestic violence work. By the end of this year, with the additional funding, a new Statewide domestic violence service will operate, with the establishment of a 24-hour, seven day a week, Statewide telephone information referral service. As well as that, five new regional services will offer counselling, information and support to people who experience domestic violence. Those services will be located at the Gold Coast and in Toowoomba, Caboolture, Emerald and Cairns. The services will link with other funded services in those regions. The strategy aims to strengthen an existing network of support services across Queensland. The legislation is not the only remedy in operation against domestic violence in this State. Preventive measures, such as community awareness campaigns, educational strategies, promotional material and information forums, have been developed and funded. I was pleased to see display boards in north Queensland highlighting the issue and that it appears in the white pages of the telephone directory. Infolink has also produced an infosheet No. 6 on domestic violence. I refer members to the extent of domestic violence that is identified in that sheet.

The Domestic Violence Policy Unit within the Department of Family Services and Aboriginal and Islander Affairs is commissioning research on non-spousal domestic violence, the effectiveness of perpetrator treatment programs and the impact of the domestic violence legislation as it pertains to Aboriginal and Torres Strait Islander communities. That research and its results are part of the ongoing plan to extend knowledge of domestic violence issues to advise on the development of policy and practices with regard to domestic violence. Currently, the department is funding a three-stage project, which looks at the response for domestic violence victims in the context of hospital settings and includes training and review with hospital and medical staff. Direct assistance and help are provided through funded accommodation services, counselling, support at court appearances and the assisting of women and children with information and referral to other relevant and appropriate services. Community organisation services are part of a clear strategy in which they and the legislative response are complementary to each other in the focus of working against domestic violence. Each year, the Department of Family Services and Aboriginal and Islander Affairs publishes a State plan that outlines the directions and priorities for domestic violence endeavours in Queensland. Consultation and service participation processes across the State ensure that current information and needs are addressed in developing strategies and forming policy advice from Government.

In the bid to ensure that information on the Domestic Violence (Family Protection) Act and its amendments reaches as many members of the Queensland community as possible, the Department of Family Services and Aboriginal and Islander Affairs will implement a Statewide awareness campaign. This campaign aims to offer to a wide range of individuals and groups a more detailed understanding of the domestic violence legislation, its powers and its operation. Those people to be included in this information sharing will be the police, service providers, volunteers, health and legal professionals, and other interested individuals.

It is one achievement to initiate a response; it is another to empower people to use it. This educative scheme will enable Queenslanders to access the legislation, which will benefit those members of the community experiencing domestic violence. The Department of Family Services and Aboriginal and Islander Affairs, with the Department of Health, the Police Service and the Women's Policy Unit within the Premier's Department, are also administering other training programs in specific areas of domestic violence service delivery. The problem of domestic violence requires the multifaceted, intergovernmental and community-oriented approach being taken to prevent it and diminish its effects.

I congratulate the Minister, Anne Warner, on developing and implementing an approach which is comprehensive, strategic and which makes the best use of all the resources available to protect women and reduce domestic violence in our community. This approach is directed to ultimately eliminating domestic violence, a goal which we cannot afford to dismiss as unrealistic. Domestic violence is an issue that impacts on every community. As my colleague the honourable member for Mount Gravatt has already pointed out, domestic violence is not an acceptable part of community life. It is unacceptable in all its forms. There are no excuses for it, but there are ways of combating it. We must take it seriously, as a quality of life issue. Let us face it, it can be a life or death issue.

Before concluding, I would like to place on record my appreciation of the many community groups that have provided services or initiated projects in the last financial year and many years before that. That service has often gone unrecognised. I have had personal contact with many of these organisations and can speak highly of their commitment and their industry. Groups such as Marriage Guidance Queensland, the Domestic Violence Resource Centre, the Redlands Domestic Violence Action Group, and Lifeline need to be recognised for their efforts in addressing the problems associated with domestic violence. In supporting the passage of the amendments in the Domestic Violence (Family Protection) Amendment Bill, members of this House will be endorsing a set of measures which will improve directly the quality of life and life opportunities of those Queensland women who are suffering domestic violence. These people have a right to a better quality of life. These amendments can give them a chance to achieve this. I congratulate the Minister and all her staff on the preparation of this Bill which will do so much to afford protection to victims of domestic violence. I support the Bill.

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (5.25 p.m.), in reply: I am pleased to note the support that the Bill will receive from the three parties on both sides of the House. The support is similar to that received by the original legislation when it passed through this House in 1989. I am very pleased that all of us in this House agree that domestic violence is unacceptable behaviour and that this House has the power to legislate against it. That was the intent of the Domestic Violence (Family Protection) Act 1989. It is the intent of these amendments to strengthen that Act, in the light of the three years of experience that has been gained in its operations.

The member for South Coast called for domestic violence to be made a criminal offence. I point out that all forms of assault, threats with weapons and deprivation of liberty are criminal offences. Police do charge spouses with these offences. Therefore, the Bill before the House aims to protect the victim from further violence and does not preclude a court from also dealing with a criminal charge and imposing an appropriate penalty. I thank the member for Redcliffe for his thoughtful comments. He drew our attention to a 1987 survey of Australian attitudes to domestic violence which showed that 19 per cent of adult men and women considered it acceptable for a man to use physical force against his female partner under certain circumstances. The same member spoke about the historical attitudes to what we now call domestic violence but which has in earlier times, and even to the present day, been viewed as acceptable behaviour. It is worth noting that the unacceptability of domestic violence and the commitment to provide protection to victims of domestic violence may not always have been so. The Act and these very vital amendments provide a clear statement about the

unacceptability of violence. I agree with the Opposition that one cannot legislate to change community attitudes. I accept that this Act and these amendments alone will not change community attitudes. Legislation of itself is not sufficient to bring about a change in community attitudes, but legislation is necessary in order to confirm in statute that behaviour such as domestic violence is unacceptable and will not be tolerated.

As the member for Mount Gravatt rightly noted, the legislation provides a practical tool for the protection of victims of domestic violence as well as a clear statement of community standards concerning the unacceptability of violence in the home. As the member for Mount Gravatt noted, over 15 000 applications for protection orders have been made. The usefulness of protection orders is further emphasised by the fact that the average number of protection orders made each month has risen in each period since the introduction of the Act. In the period to June 1990, an average of 202 domestic violence orders was made each month. In the following 12 months to June 1991, an average of 280 orders was made each month. From July to December 1991, an average of 357 domestic violence orders was made each month. I share the belief of the member for Mount Gravatt that domestic violence orders, especially as amended, provide protection to those who are now suffering from domestic violence.

In particular, the imposition of the two standard conditions on every protection order will significantly enhance the effectiveness of the orders. The first standard condition, which will require all perpetrators to desist from domestic violence, will provide the clearest possible statement to that perpetrator that he must alter his behaviour. The second standard condition, whereby perpetrators will no longer have access to firearms for the duration of orders, has attracted some comment from members of the Opposition. The honourable member for Thuringowa has made the point very clearly that many of the men who go on to kill their wives and children have not even threatened to use a firearm at the point of having a protection order issued. As he said, it is later when they realise that the violence they had used to date is no longer working to control their spouse, they move on to obtain a firearm to make the ultimate threat or, tragically, the fatal attack. According to New South Wales research on homicide conducted over a 10-year period, half of all women who are killed are killed by their spouses. This horrific fact in itself provides justification for prohibiting perpetrators from possessing weapons and for providing the court and the police with the necessary powers to confiscate dangerous weapons and any licences associated with dangerous weapons.

The member for Redcliffe described the significance of the amendments which allow protection to be extended to relatives. He rightly made the point that, once they have been prohibited from committing violence upon their spouse, perpetrators have sometimes gone on to be violent towards the extended family or harassed work associates or friends in an attempt to continue to harass and exert control over their spouse. This will no longer be an option because victims can extend the protection to other members of the family. The importance of this amendment can be illustrated by a recent case. A man who was the subject of a protection order was accused of punching his 13-year-old stepdaughter. The stepdaughter saw her mother being assaulted. When she went to assist her mother, the perpetrator punched her in the eye. A short time later, the perpetrator walked past the girl in the hallway and punched her again. The need for the stepdaughter to be protected is clearly apparent.

I pause for a moment to bring to the attention of the House the significance of that case in a number of other ways. One of the points that many members of the House have brought to my attention is that community attitudes need to be changed, particularly the attitudes of opinion leaders within our society so that they may understand what domestic violence is about. One of the reasons for these amendments to the legislation has been the difficulty that women have had in getting breaches in protection orders enforced by police. The police have argued that they have not had enough powers in that regard. The legislation has been amended to provide some clarity of police powers to be able to intervene in the case of a breach. Recently, a pregnant woman was punched by her de facto or her husband at home. I might read from an article on that case which appeared in a newspaper. The case has given me some cause

for concern. One thing that is clear is that the magistrate involved has not actually understood the concept of the Domestic Violence Protection Act. In that case, the perpetrator had had a violence order taken out against him eight days before. He had then assaulted his wife and punched her. He also assaulted the stepdaughter. A short time later, he walked past the stepdaughter in the hallway and struck her. He punched the mother, who was six months pregnant, grabbed her throat and kicked her in the stomach. At the bail application hearing, the defendant stated that he had threatened to kill the woman and her daughter. He was in fact granted bail. The matter then went to court. He was acquitted of a charge of assault occasioning bodily harm. The magistrate found that an assault had been committed. He said that, although the injuries to the woman were a matter of concern, there was some degree of provocation by her. He said he was satisfied that the injuries constituted bodily harm, but he was not satisfied that the assault was unlawful. What is a lawful assault? It seems to me to be a contradiction in terms. They then went on to debate what the incident was.

The issue at stake here is the understanding in some sections of the community that, if a woman behaves in a particular manner, that may constitute some kind of provocation which can justify grievous bodily harm. This woman suffered a broken nose, a split lip, a black eye and a sore arm as a result of this attack and had X-rays to prove it. The magistrate found that the assault had occurred but that, somehow, the woman had managed to bring this upon herself by provocation. Incidentally, in court, the defendant could not demonstrate similar physical injuries to himself. In addition, there is clear evidence that he assaulted the stepdaughter, who presumably was not involved in the so-called provocative act. The other point is that, as the woman attempted to ring the police because the order was being breached, the defendant grabbed the phone and hit her with it, saying, “No, you can’t do that because I will be breached for a domestic violence restraining order.” Despite all this, a headline is still published which states, “Acquittal for man on wife bash rap”. The incidence of this kind of interpretation by the courts is becoming less frequent. I am hearing of more and more results in which courts are dealing more appropriately with these cases. Unfortunately, there is a prevailing attitude amongst opinion leaders within our community of the old-fashioned idea that in some way women can provoke violence and this in some way condones it or means that it is all right. It is a sad fact that that attitude persists in our community.

During their speeches, most honourable members noted the statement by the member for Toowoomba that a lot of incidents occur around dinner time. The controversy over the quality of the dinner is presumably a high point of provocation for domestic violence. It is no excuse. I really do not think that society can be concerned about how tough the meat was or how lumpy the gravy was. What is really at stake here is that women’s lives and family lives are being shattered by the incidence of domestic violence. Domestic violence orders can move to protect them. However, the goodwill of courts is needed, and an understanding by magistrates and police is also needed. I think that is being achieved, and that kind of social understanding is being spread. I commend and congratulate members opposite for their contribution to advancing that understanding and the bipartisan approach that they have brought to this issue which, as they clearly point out, is not a party political issue.

I do wish to take up one issue with Opposition members. They seem to repeat time and time again that it is their confirmed belief that domestic violence is occurring increasingly as a result of modern mores or what Mrs McCauley referred to as the “social engineering of the Whitlam era”. The honourable member seems to be suggesting that in the past there was some halcyon time when domestic violence did not occur. I believe that we will have to wait for further research on that issue. The reality is that we do not know the fundamental cause, if there is one cause, of domestic violence. I suggest that two of the causes are a lack of respect for women and the lack of status that women have had in society over a long period. That has meant that, in many ways, men have treated women as chattels; as their own property to do with as they like. It is that attitude, the feeling of ownership and applying brute force to their spouses, which some men have used to cover up for their other inadequacies, that must

be changed. I am not convinced by the arguments of members opposite about the cause of domestic violence. Never mind, we may not agree on what the causes are, but we certainly agree that it is unacceptable and that we should take steps to prevent it happening and spreading throughout society. This legislation will go part way towards achieving that goal. As I say, it is only a part of the solution; it is mainly societal attitudes that must be dealt with.

The member for Mount Gravatt referred to the very shocking statistics that are evidence of domestic violence in our society. I commend her for her speech. The member for Thuringowa, Mr McElligott, picked up the point that domestic violence is not new. As I say, members opposite implied that domestic violence is new. Certainly, the member for Thuringowa put an end to that understanding. He gave a very valid explanation for the psychology of the respondent who has a domestic violence order placed on him, and the point at which he turns to a weapon when he is no longer able to use pure physical force. That person then turns to desperate acts with weapons. The member for Thuringowa made that point very clearly. This Government has accepted its responsibility for ensuring that the best possible protection is available for victims of domestic violence. It is for this fundamental reason, and commitment, that this Bill requires that the respondent spouse be of good behaviour and desist from domestic violence, and will prevent the respondent spouse from having access to weapons and weapons licences. In future, domestic violence orders will provide protection for friends, associates and relatives, and will be enforceable for up to two years or longer. For the same reason, protection orders made in this State will be portable.

As to the comments that were made by the member for Callide—I am pleased that of all the members of the Opposition, Mrs McCauley spoke to the fundamental substance of the amendments to the Bill. I thank her for that. Again, she echoed the strange idea that domestic violence has occurred because of the passing of old-fashioned values. The reality is that domestic violence has always existed, and it probably does not exist to any greater extent now than it has in the past. It is simply that people talk about it. As soon as people understand that, the better we will be able to consider future strategies for dealing with the issue rather than saying, “If they all went back to the kitchen.”

Mr Rowell interjected.

Ms WARNER: I do not know what the Opposition’s strategies are. All it has done is posit a cause. No evidence suggests that domestic violence is confined to lower socioeconomic groups that are impoverished, nor is it confined to the unemployed. The reality is that it cuts across every section of our community, rich and poor alike, employed and unemployed alike. No statistical evidence or research indicates, as has been suggested by the Opposition, any of the causal features that exist in domestic violence. It is pure impressionistic, National Party ideology that leads to those assumptions. However, I have said enough on that subject. Nevertheless, I welcome the support that the Opposition has given to the Bill. Hopefully, it will give support to further strategies that this Government will develop to curtail domestic violence within the community, whatever its cause.

Motion agreed to.

Committee

Hon. A. M. Warner (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) in charge of the Bill.

Clauses 1 to 5, as read, agreed to.

Clause 6—

Mr HORAN (5.44 p.m.): Clause 6 on page 13 determines who is a spouse. Why does this Bill refer only to spousal protection and not to protection for sister from brother, or mother from adolescent son?

Ms WARNER: I thank the honourable member for his question. The issue of how far the Family Protection Bill extends to other members of the family was something that I raised when I was a member of the Opposition in 1989. The reality is that to be able to

provide protection orders against non-spouses within a family household or within a household—in Victoria, they have taken a very liberal view of what is a household. I understand that the fundamental psychology of spousal violence, which is actually different in many ways from other kinds of assault, was not being dealt with properly under that piece of legislation. In other words, the legislation was too broad to be effective and was causing some concern. I take on board the honourable member's question, because I believe that we should be trying to extend the legislation—perhaps not this particular piece of legislation, but other legislation—in terms of relationships that are characterised by violence, such as those mentioned by the member for Toowoomba South. I also refer to violence perpetrated by carers, whether or not they are related to those people. These issues must be looked at under a different heading. The Government is still considering that aspect. I thank the honourable member for his comments.

Mr QUINN: In relation to clause 6—proposed new section 3K, which mentions relatives, associates and so on—I take it that children will be covered by this clause?

Ms WARNER: This legislation relates to a protection order taken out against a spouse. That order can be extended to protect other family members, children, parents, friends and work associates. However, in cases such as those mentioned by the member for Toowoomba South, a mother cannot take out a protection order against a son who is being violent against her. That is where the restriction lies.

Mr QUINN: When one reads this proposed new section in conjunction with proposed new section 3L, which states that a person who can take out a protection order is any person mentioned in proposed new section 3K, I ask: could children take out protection orders against their fathers?

Ms WARNER: No. This provision means that a person can apply to a court for an order to be taken out on behalf of a victim against a spouse.

Mr Quinn: It could be a child?

Ms WARNER: I am not sure whether a minor could do that. That is probably not the case. Another adult—for example, a sister or brother—who has a sibling in a violent relationship can apply to a court for a protection order on behalf of that person who is being abused by a spouse.

Mr QUINN: That is the clarification that I needed. I just wanted to make sure that children had some way of obtaining a protection order.

Ms Warner: Yes, they are protected.

Mr QUINN: I thank the Minister for that.

Mr ROWELL: Once again, I make the observation that this Bill contains an excessive number of amendments. This Bill was given to Opposition members only a short time before it was introduced into the House. It would have been beneficial to those members if they were given more time to peruse the legislation. I will raise a similar point during debate on the Juvenile Justice Bill. This morning, Opposition members had a considerable briefing on that legislation, which took quite some time.

Clause 6, as read, agreed to.

Clause 7—

Ms WARNER (5.49 p.m.): I move the following amendment—

"At page 21, line 12 (after 'conditions')—

insert 'on the respondent spouse'."

This amendment relates to a proofreading error. The effect of this amendment is to restore this section of the Bill to be consistent with the current Act. Honourable members opposite may be aware that the Domestic Violence (Family Protection) Act has been translated from the archaic language in which it was once written to the new English. Apart from the amendments I have outlined, the policy otherwise contained in the legislation has been left alone.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8—

Ms WARNER (5.50 p.m.): I move the following amendment—

"At page 33, after line 28—

insert—

'(7) A justice may issue a summons under subsection (1) only if the justice knows that a Magistrates Court is sitting at the time and place that the justice specifies in the summons for when it is returnable.'."

This amendment is made at the request of the Department of Justice. The effect of the amendment will be to ensure that justices make orders returnable at a time and place when the court is sitting.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 20, as read, agreed to.

Clause 21—

Ms WARNER (5.51 p.m.): I move the following amendment—

"At page 46, lines 15 to 17—

omit, *insert*—

'(b) a temporary protection order is made under section 7(6); or

(c) an application for a protection order is completed, and arrangements are made with the watch-house keeper, under section 31B(3); or'."

This amendment corrects a typographical error that occurred when the incorrect section number was referred to. Also, the amendment to proposed new section 31 (2) (c) was made at the request of the Queensland Police Service by adding the words "and arrangements are made with the watch-house keeper". The effect of this amendment is to clarify police procedure before releasing a person from custody.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 to 29, as read, agreed to.

Clause 30—

Ms WARNER (5.53 p.m.): I move the following amendment—

"At page 53, line 25—

omit, *insert*—

'30.(1) Section 38(1)(b)(i)—

omit, *insert*—

'(i) the aggrieved spouse, an aggrieved person, the respondent spouse, or the applicant or appellant (in either case other than a police officer); or'.

'(2) Section 38(1)—'."

This amendment is changing the terminology so that it can be easily understood and is consistent throughout the Bill. The term "aggrieved person" is changed to "aggrieved spouse"; the term "respondent" is changed to "respondent spouse"; and the term "member of the police force" is changed to "police officer".

Amendment agreed to.

Clause 30, as amended, agreed to.

Clauses 31 to 33, as read, agreed to.

Schedule—

Ms WARNER (5.54 p.m.): I move the following amendment—

"At page 59, line 5—

omit 'and 30(1) and (2)', *insert* ', 30(1) and (2) and 38(1)(b)(i)'."

Amendment agreed to.

Ms WARNER: I move the following further amendments—

"At page 59, line 12—

omit, *insert*—

'Sections 15(3), 18(a)(ii) and (iii), 19(1)(c), 25(1) and 37(2)—'.

At page 59, line 15—

omit '32(1), (5), (6), and (7), 35(5), 36,',

insert '32(1), (2), (5), (6) and (7), 35(1) and (5), 36, 38(1)(b)(ii) and (3),'.

At page 59, line 19—

omit, *insert*—

'Section 32(2) and (7)—'.

At page 60, line 2—

omit, *insert*—

'Sections 18, 19(1) and 32(7)—'.

At page 60, line 6—

omit '27(b)', *insert* '27(1)(b)'.

At page 60, line 12—

omit, *insert*—

'Section 32 (6) and (7)(b)(iii)—'.

At page 60, line 18—

after '25(1)', *insert* ',38(1) and (4),'."

Amendments agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

Third Reading

Bill, on motion of Ms Warner, by leave, read a third time.

Sitting suspended from 5.58 to 7.30 p.m.

JUVENILE JUSTICE BILL

Withdrawal

On the order of the day being discharged, the Bill was withdrawn and the Clerk read the original order.

New Bill, Remaining Stages

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (7.31 p.m.): I move—

"That another Bill be brought in founded on this order and that so much of the Standing Orders be suspended to enable the Bill to proceed through its remaining stages forthwith."

Motion agreed to.

First Reading

New Bill and Explanatory Notes presented and Bill, on motion of Ms Warner, read a first time.

Second Reading

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (7.32 p.m.): I move—

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

Honourable members will recall that I introduced the Juvenile Justice Bill 1992 on 18 June 1992, during the previous sittings of Parliament. The Government's response to problems of juvenile offending in Queensland has been the development of a comprehensive juvenile crime strategy. A major feature of the Goss Government's commitment to this issue is the introduction of wide-ranging legislative reforms. Honourable members will also recall that the juvenile crime strategy comprises two major elements. The first element involves the introduction of reforms to the juvenile justice system, through the Juvenile Justice Bill 1992 and the complementary Childrens Court Bill 1992. Together, they will establish a new framework for dealing effectively with children who commit, or who are alleged to have committed, offences. The second element of the strategy will be the implementation of the juvenile crime prevention initiative which will represent this Government's broader commitment to social justice, and will be coordinated by my department.

Following the introduction of the Juvenile Justice Bill, the need for numerous drafting changes to the Bill has emerged, because of the highly complex nature of the Bill and the large number of detailed clauses critical to the operation of the Bill. The changes in no way alter the intent or the effect of the Bill. In order to give effect to these minor changes and to avoid tying up the valuable time of honourable members in the lengthy and unnecessary process of taking the proposed amendments through the Committee stage, I intend to re-introduce the Bill. The Bill now incorporates the required drafting changes to enable us to move promptly to the debate.

I refer honourable members to my second-reading speech in which I detailed the major elements of the Bill on a part by part basis. As I explained at that time, the Juvenile Justice Bill 1992 is an imaginative and comprehensive package of reforms which are the most far-reaching changes ever in the area of juvenile justice in Queensland. The Goss Government is committed to putting Queensland in the vanguard of reform in the area of prevention and directly dealing with the vexed problems of juvenile crime. My department intends to confront the complex issues head on, and this progressive legislation will provide the necessary tools with which to achieve the required critical outcomes. I commend the Bill to the House.

Mr ROWELL (Hinchinbrook) (7.33 p.m.): I think that the Minister for Family Services and Aboriginal and Islander Affairs is setting a precedent. She has withdrawn and then re-introduced a Bill all in the same breath. This morning, the Minister made us aware that major surgery was to be done on the Bill, and that is a fact. Some quite substantial changes have been made to the wording of the Bill, although I do not think that its philosophy has been altered. Not having been given enough notice of these changes, I have to take the Minister's word for it and trust that that is the case. We in the Opposition were prepared to debate the previous Bill, and we are prepared to debate the present Bill. It has been some six weeks or so since the previous Bill was introduced, and it was only this morning that we were given an opportunity to see the new Bill.

Ms Warner interjected.

Mr ROWELL: That is right. The Minister could have showed the Bill to me; there were all sorts of possibilities. However, we are acting in good faith, and we accept the

word of the Minister that she has introduced a Bill whose philosophy is exactly the same as that in the previous Bill.

Ms Warner interjected.

Mr ROWELL: I wanted to save the taxpayer some money. It is costing $1,000 to fly some members to and from their electorates to present a Bill which initially the Minister did not prepare properly. I do not think that is very complimentary to the Minister.

Mr Slack: What would she have said if we had done this?

Mr ROWELL: I can well imagine what she would have said. The Opposition will not oppose the passage of the Juvenile Justice Bill or the Childrens Court Bill. They are fairly complementary pieces of legislation. We generally support the thrust of the legislation. A number of matters will be raised at the Committee stage. We agree with the Minister that children have special needs when they come into conflict with the law. Nothing we do here will solve the problems, but we have to make an attempt, and laws like this one, which are aimed specifically at a particular group and its problems, are at least a start. I personally am agreeably surprised that the Minister accepts the sensible proposition that everyone in society, including children, must accept responsibility for their own actions. I think that the main thrust of this Bill is to encourage young offenders to accept responsibility for their actions. I would be a lot happier if I thought that this Goss Labor Government and its big brother in Canberra were just as serious about solving the underlying problems. Really, I suppose that is of more concern than a lot of aspects in the Bill because, unless we get that right, we will never solve the underlying problems that exist for young people out there. Juvenile crime is not a result of kids being born bad. We have to accept that given a chance, most people, including kids, will try to do the right thing. Children have to be given the right example, and that is just not happening in our modern society.

In the couple of decades since Whitlam came to power in Canberra, we have seen a huge decline in the traditional values that made Australia a great place in which to live and work. I know that the Minister does not believe that. Whitlam and his hangers-on gave us an alternative to the work ethic. They gave us a welfare system that made it a very real proposition to stay out of the work force and still make ends meet. They gave us a system in which it was a viable, and sometimes attractive, option for women to start one-parent families. Many thousands of children in this country grow up without the influence of their fathers. It is very evident in our modern society that children must have total parental control. Families have to make do with one parent, and that parent is often forced to leave children at critical times in their development in order to make a living.

The Whitlam-style Labor Governments have created conditions that work against the traditional two-parent family. Opting out of marriage relationships has become easier, but the horrendous problems created for our younger generations are now starting to appear. For decades, we have seen Labor nibbling away at the solid foundations of society. Parental guidance is a thing of the past. Children are stimulated with the belief that their parents' influence is of no consequence. Though immature, they have the right to conduct their future inspired by X-rated videos, along with violence and explicit material on television. Divorce has become cheap and easy. We have broken down all the barriers in the way of pornography. Our mass media glorifies the cult of self-indulgence, and smart writers tell us we have the right to do whatever enters our head. The legal system has become a refuge for the criminal, and the victim is left out in the cold. Our prison system has become a sick joke. People sent to prison know they can walk out practically when it suits them. The police are left short of resources, and short of the laws and the powers they need to get on with the job. The latest liquor laws relating to juveniles need to be reviewed. While a 16-year-old or a 17-year-old cannot enter licensed premises, they can sit out on the street and drink alcohol to their heart's content. A situation could quite easily arise in which an 18-year-old person, who is entitled to buy beer or spirits, could buy his requirements in a licensed premise and take it out into the street where the under-aged drinker can legally consume the liquor. Is that correct?

Government members: No!

Mr ROWELL: This will raise some interesting prospects during "schoolies week" on the coast. Labor's social experimenters have destroyed the ability of the economy to provide sustained full employment. At the same time, they create unreal expectations in everyone, young and old. They keep telling people to stay on in the education system to train for the smart jobs, which keep getting further and further away. It is a cruel deception that Labor works on the people of Australia. Is it any wonder that kids, raised to expect everything, and kids raised in less than ideal circumstances, become antisocial? We will not get on top of crime—juvenile or otherwise—until our Australian society makes some fundamental progress on the road back to solid values. We must build a strong economy which can support full employment. We must build the family unit as the basis for society. We must reinstate the idea that we get only what we work for.

As the Minister rightly pointed out in her second-reading speech, the current legislation was drawn up a long time ago. In those days, society could afford a far more relaxed view of aberrant behaviour by its younger members. There was not the same level of crime. We had a more cohesive society, better able to cope with the effects of crime. In those days, the prevailing wisdom was that society itself had to accept the blame for what children did wrong. Society must still do that, but we must also consider the scale of crime today, and the lesser ability of a fragmented society to cope with the rising toll of victims. We have all encountered the frustration that people have felt when they were the victim of crimes committed by young people. Without a conviction there could be no restitution order. The victim of an offence committed by a young person was powerless to obtain any redress at all. The system of taking children away to be wards of the State or to be locked in an institution also left a lot to be desired. Many people hold the view that such a system does little more than create a breeding ground for new generations of hardened criminals.

Few people would say it was not time for a fresh look at the problem. The obvious course is a system which makes young offenders accept responsibility for their actions and the consequences which flow from them. At the same time, there is a need to take full account of the fact that these are young offenders, not yet fully-fledged criminals, and still with an opportunity to get back on the straight and narrow. This legislation makes a start down that track and, for that reason, we will not oppose it. The old idea that society was somehow responsible for the actions of the young has a great deal of validity. Our children are at least partly moulded by the kind of society in which we raise them. Right now, there is little we can be proud of. A whole generation of young people has been raised in families devastated by Labor's crazy economic policies. A quarter of a million Australian families are in the terrible situation in which the breadwinner is out of work and unlikely to get work in the near future. The children of those families are, in a very real sense, deprived. Many of them will never know what it is to have a job.

We cannot be surprised when young people in circumstances such as that turn to crime. They feel that society owes them a debt. Society does owe them a debt. It owes them a real chance at a normal life. However, under Labor, both in Queensland and in Australia, all that they can look forward to is a continuing job drought and poverty. The Minister recognises the links between social and economic disadvantage, but what is the Government doing, with nearly 30 per cent of Queensland's youth out of work? It is no wonder that every third house in many suburbs is broken into. It is no wonder that gangs of desperate kids hang around places such as the Queen Street Mall in Brisbane, preying on people as they pass. It is no wonder that the police cannot keep up with crime. No doubt, someone will tell me that not all the street crime and not all the break and enter offences are committed by kids. Many are committed by young adults, but they almost certainly learned their trade as kids. They got into crime, and they continued down that track.

Drugs are yet another very big problem for our youth, particularly those out of work. The effects of drugs have a disastrous impact on society and lead to massive social dislocation. The Government can spend countless amounts of money trying to remedy problems, but community-based groups can be extremely effective in providing

day-to-day support for Government agencies. Centred on the Innisfail police district, a concerted effort has been launched against drugs. The program, Drug Stop, is a combined effort of a very concerned group of people, which extends from the Cardwell Range to Cairns. The concept, although not entirely new, involves the community acting as the eyes and ears of the system, with the information being fed to the police. The effects of drugs on our young people can lead to crime to enable them to feed the habit. The stand taken by the northern communities is to be congratulated. It is a shining example of how dedicated people, who are prepared to stop the debilitating effects of drugs in our community, are willing to assist police to curb the problem.

The extent of juvenile crime is pretty frightening. Last year, the annual report of the Minister's department showed a rise of almost 20 per cent in juvenile crime over a year. Assault-related offences had increased by almost 40 per cent. Before that, the Criminal Justice Commission report on crime and justice in Queensland stated that the largest group of offenders entering the criminal justice system were people under the age of 17. Juveniles comprised about 10 per cent of people arrested for violent crime and 44 per cent of people arrested for property offences. I was staggered to see newspaper reports that juveniles were responsible for between 50 per cent and 60 per cent of break and enter offences and half the stealing offences. Clearly, that is a major problem that society must address very quickly and very effectively. Those young people cannot be left to graduate to higher levels of criminal activity. We must find a way to turn them away from crime and onto the path of good citizenship. In another age, people would have called for ever-harsher penalties, but that cannot be the whole answer. Modern society will not tolerate a return to the so-called justice that saw people transported to the colonies for stealing a loaf of bread. We must find a range of answers to a very complex problem.

The Bill will not redress the terrible circumstances in which many young people find themselves. However, it should give most a chance to set themselves straight, and it should ensure that the real criminal element must face up to the reality of what they have done. The legislation provides for a number of options for police and people in the legal system when they encounter young people accused of crime. I am fully supportive of the police being allowed to caution juvenile offenders, as that enables the police to use discretionary powers to determine the best measure to adopt, in accordance with the nature of the offence. Attendance notices could prove very effective, provided that the system is not abused and that respect can be maintained for the authority vested in the police force. I am happy to see those options included, because I agree that it is important to divert children from the juvenile justice system, if that is possible.

In the past, police had the ability to deal on the spot with many minor offences. However, they are now under a great deal more surveillance by civil libertarians and the CJC for acts perceived by extremists as draconian or unjust. Of course, that cannot happen when offences are serious, but we are told that the first offences of most juveniles are of a fairly minor nature. Certainly, performing duties for the victims of their crime would serve as retribution for the offences committed. Supervision will be an important aspect of reparation for the offences committed. The system of police cautioning is worth persisting with. The next level of options involves the child in a more formal process, involving Childrens Court judges or magistrates, and provision is made for realistic sentencing. I am very much in favour of the good behaviour orders outlined in the Bill, and I think that they will work well if there is the capacity to keep track of the people involved. The same applies to probation orders. Much can be said in favour of community service orders. They provide offenders with the opportunity to give something back to the community. They also provide the opportunity for young offenders to work under the supervision of a person who might have a good influence on them, and help prevent antisocial behaviour in the future. In the case of community service orders, we have to be very careful about who will provide the supervision. We have to remember that we are dealing with impressionable young people who will carry away lasting memories of the people who are put in charge of them. Supervisors will have to be investigated very carefully before they are put in charge of young offenders.

Although workers compensation is covered by the Bill, there is no mention of the Workplace Health and Safety Act. Many of the voluntary organisations, which would be involved in the supervision of work carried out, would have the burden of this Bill placed upon them. As numerous activities would be restricted, does the department have any intention of assisting in this area? In the instance of cleaning up graffiti on a wall or in an inaccessible place—which is usually where the graffiti is placed to get the maximum impact—who will be responsible for fulfilling all the conditions of the Workplace Health and Safety Act? It may cost a little more, but that is nothing compared with the cost of setting young people the wrong example and driving them further into antisocial behaviour. Detention orders—custodial sentences—are the last resort, and so they should be. It is said that gaols are the training grounds for really hardened criminals. We all know that peer pressure plays a very real part in the way all people, not just juveniles, behave. There is also a lot of evidence that arrest and gaoling can give people an image of themselves as criminals, and thus reinforce the pressure to reoffend. Sound options of saving a young person from gaol must be taken, but society has to be protected from the kinds of people who engage in criminal activity.

I am concerned that there should be some requirement for restitution, even back at the stage when police cautions are given. I would like to see every attempt made at having the stolen property returned, even for relatively minor offences. The loss relates not only to money but also to other personal effects that many people carry with them. Perhaps we could make the caution conditional on the return of all property stolen. Refusal could move the child further up the list of options. The Aboriginal and Islander elders have lost much of the level of authority they had with their people. Allowing the elders to caution people in the communities certainly gives them recognition. Perhaps this should be carried further, up to a level where community work would be the measure of restitution to allow them to determine a fit and suitable discipline for the offence committed. I believe that this measure would be effective in raising the present status of the elders and assist Aboriginal and Islander communities in effecting remedial chores.

Included in the sentencing options are fines, and I believe they have a legitimate place. I am pleased that there is provision for a fine to be made a civil debt. Again, it comes back to making people aware that they are responsible for their own actions. For some people, a fine to be paid long after the offence is committed will be a constant reminder that society is not prepared to accept criminal behaviour. Our young tertiary students now have the responsibility of paying for their education when they earn beyond a certain income, yet this legislation makes no effort to recover damage to or loss of people's property if the young offender is not able to pay. If we are prepared to burden our young people who have the ability to make a very big contribution to our society, why are we not doing at least the same for those who are involved in antisocial behaviour? I am a little concerned at the prospect that, in some cases, parents will also be required to bear the burden of the monetary penalty. I can envisage circumstances in which an innocent parent of an uncontrollable child might end up having to foot the bill, and I think that is most unfortunate. There may be instances in which an offending child could be thrown out of home by the parents if parents are made to pay restitution. At the same time, I realise that parents must be made aware that they have a great responsibility for the way their children behave. It is a problem, I confess, for which I have no real solutions. Possibly the onus should rest with the child for however long it takes to repay the loss, within reason.

This legislation is not perfect, but I am sure that goodwill on both sides will help us recognise and rectify problems as they arise. I believe it is a serious attempt to face up to the serious problems in society. For that reason, we in the Opposition will not oppose it. It is significant that, in a time of recession, or even depression, we have seen a great increase in such crimes as breaking and entering, stealing and car theft. The big task facing us is to rebuild a society by providing the opportunities and incentives for all people to have a decent life, with no temptation to improve their lot by resorting to crime.

We in the Opposition basically support the Bill. We believe that there are a number of areas in which the legislation could be improved. It is highly likely that, as time goes by, there will be a need for amendments to be made to the legislation. When that happens, this Opposition, provided of course it is the Opposition at that time, will certainly be looking at those amendments. There is no doubt in my mind and in the minds of other members of the Opposition that a need exists to recognise that young people cannot get away with the crimes that they are now perpetrating. In the light of that, the Opposition will be supporting the Bill.

Mr McELLIGOTT (Thuringowa) (7.59 p.m.): This evening has been an interesting experience, because the member for Hinchinbrook has twice given this House the benefit of his views on the world. It appears that all of the evils of the world in the areas of domestic violence and juvenile crime started with Gough Whitlam. I can only assume that, at some stage, the honourable member has had a nasty experience with a television set. Again, that seems to be the cause of all the ills of the world. Quite obviously, in an all-perfect world, the types of concerns that are being addressed by this legislation would not exist. However, as all honourable members are aware, the world is not perfect, and a responsible Government must react in a positive and compassionate way to these problems.

Clearly, the honourable member opposite does not understand that principle. I will attempt to bring it back to a level that he might understand. I suggest to him that, with the best will in the world, domestic violence will occur. Earlier this evening, the honourable member for Hinchinbrook made that point before he left the Chamber. The speakers who succeeded the honourable member clearly pointed out that domestic violence has always been a fact of life, just as juvenile crime has always been a fact of life. I doubt that there are too many members in this Chamber who did not at some stage steal some oranges. Perhaps the type of crime that is being perpetrated these days has changed. My own observations indicate that, these days, more property-related crime is being committed by juveniles. Honourable members can argue about the reasons for that; but, at the end of the day, it must be acknowledged that some people in society, through no fault of their own, require the assistance of Government and the assistance and compassion of administrators. I suggest to the honourable member for Hinchinbrook that that applies equally to sugar growers. If, through no fault of their own, the sugar crop is down or the prices are down, sugar farmers scream out for Government assistance. I suggest to the honourable member that this legislation concerns the unfortunate young people in the community who also need the assistance of a compassionate Government. It appeared to me that, once the honourable member moved on to his prepared text, he made a reasonable contribution to the debate on both pieces of legislation that are being considered this evening. In future, I suggest he use the prepared text and leave his personal philosophising to another area.

My contribution to this debate will focus on the principles of the Bill. The Juvenile Justice Bill is founded on the basic idea that children who commit offences should be brought to account for their actions in a manner that also recognises that they are children, that they are prone to impulsive acts and are at a vulnerable point in their development towards adulthood. As the 1991 Australian Law Reform Commission report on child welfare stated, a legislative framework in juvenile justice should combine “a respect for the fundamental principles of criminal justice with a concern for the special needs of the young”. Whilst all the provisions of the Juvenile Justice Bill are underpinned by this, the idea is explicitly stated in the principles of juvenile justice and the sentencing principles.

Clause 4 sets out the general principles underlying the operation of the proposed Act. Clause 4 (a) acknowledges that children tend to be vulnerable in their encounters with authority figures. This is a factor that has long been recognised by courts in criminal matters, for example, when determining the admissibility of confessional statements made by children in the absence of an independent adult.

Clause 4 (b) stresses that children should only be detained as a last resort, whether on arrest or sentence. The avoidance of the unnecessary use of detention is a theme that is repeated throughout the Bill. It recognises that detention mitigates against

rehabilitation and the potential to assist children to reintegrate into their communities as law-abiding citizens. Detention is also the most costly response. It costs over $1,000 per week to accommodate a child in a detention centre, compared with the most expensive alternative provided for under this Bill, of up to $250 per week to maintain a child in an immediate release program. The requirement of use of detention as a last resort is enshrined in international instruments to which Australia is a signatory. They include the Convention on the Rights of the Child and United Nations Standard Minimum Rules for the Administration of Juvenile Justice. Detention should only be used where the serious nature of a child's offence and the community's genuine need for protection outweigh all other considerations.

Clause 4 (c) emphasises the desirability of diverting children who offend from formal involvement in the court system, where appropriate. This acknowledges that most offending by children is minor in nature—typically stealing offences less than $20—and transitory, and the evidence that cautioning by police is an effective and efficient means of responding to most children. An evaluation published in 1984 found that 85 per cent of children who were cautioned did not come to the further adverse notice of police. It also takes into account the risk associated with formal involvement in the juvenile justice system of labelling, that is, acceptance by children and others known to them that they are indeed criminal or delinquent because of the act of being processed through a court.

Clause 4 (d) requires that any proceedings commenced against a child should be conducted in a fair and just manner. With respect to children, this means more than a right to the due process of law, and requires courts dealing with a child to take special steps to ensure a child is encouraged to participate and, given the opportunity, to understand the proceedings. The Bill also recognises that parents play a special role in helping to ensure that a child receives a fair hearing and provide opportunities for adequate legal representation.

While children have rights, they also have responsibilities. Clause 4 (e) states that a child who commits an offence should be held accountable and encouraged to accept responsibility for their offence. It will not assist children, nor the community, to minimise the consequences of children's actions or their capacity to make choices about their behaviour. At the same time, the principle stresses that punishment, as well as being a consequence, should have a clear preventive and rehabilitative purpose and should promote a child's development as a responsible member of the community.

Clause 4 (f) recognises that children have a significantly different concept of time than do adults. The clause requires that this be taken into account when dealing with a child under the Bill. A major advantage of the practice of police cautioning is that it is not burdened with the inevitable delay associated with court proceedings. Clause 4 (g) recognises that children who come under the jurisdiction of this Bill will be aged from 10 years and above and will be at significantly different levels of maturity. Cultural factors are considered crucial, especially concerning Aboriginal and Torres Strait Islander children. Provisions are made to address language difficulties.

A set of sentencing principles is included in clause 109 to assist the court when imposing a sentence upon a child. As well as applying the general principles of juvenile justice as I have described, before passing sentence, a court should have regard to the number of sentencing principles that are contained in clause 109. Those considerations are well-established concepts in criminal law that apply to the sentencing of all persons. Also included in the clause are a number of additional considerations specific to children, which include—

"(a) a child's age is a mitigating factor in determining whether or not to impose a penalty, and the nature of a penalty imposed; and

(b) a non-custodial order is better than detention in promoting a child's ability to reintegrate into the community; and

(c) the rehabilitation of a child found guilty of an offence is greatly assisted by—

(i) the child's family; and

(ii) opportunities to engage in educational programs and employment; and

(d) a child who has no apparent family support, or opportunities to engage in educational programs and employment, should not receive a more severe sentence because of the lack of support or opportunity; and

(e) a detention order should be imposed only as a last resort and for the shortest appropriate period."

As I said at the outset, I strongly support the Bill before the House. I have ample evidence in my electorate of community concern about the incidence of juvenile crime. In that regard, it is the responsibility of a compassionate and caring Government to fulfil its obligations.

Mr QUINN (South Coast) (8.08 p.m.): Tonight, I rise to participate in the debate on the Juvenile Justice Bill 1992. In doing so, at the outset, I indicate that the Liberal Party will support the Bill, although it has some areas of concern. I will outline those concerns later in my speech. To fully understand what this legislation attempts to do, it is appropriate that the extent and complexity of juvenile crime and its causes be recognised. Firstly, when we consider the statistics that are available on juvenile crime, some startling facts emerge. Those facts are contained in an article entitled "Who gets caught" by the Australian Institute of Criminology, which was published in 1990. During 1990, juvenile crime cost the Australian taxpayer in excess of $1.5 billion. I am certainly talking about a large amount of crime, in dollar terms, against the Australian public. Predominantly, juveniles specialise in break and enters, theft and car theft. Over half of all the people who are involved in break and enter crimes are juveniles. Generally, in light of their personal experiences, most people would agree with those statistics. Newspapers have reported incidences of gangs of young people roaming through suburbs and participating in that type of criminal activity. The media may sensationalise this matter, but I believe that people have that perception, which is supported by the current statistics. It is interesting to note that the involvement rate of boys in crime is three to nine times greater than the involvement rate of adult males. Similarly, girls outnumber women in this criminal activity.

A disturbing trend is the increasing involvement of juveniles in more serious crimes. During 1973-74, in Queensland, serious assaults were committed by approximately 35 adults per 100 000 head of population. By 1987-88, that figure had increased to 188.1 adults per 100 000 head of population. In other words, over that 10-year period, there has been more than a fivefold increase. No doubt, the figure is still rising. That average is significantly higher than the national average. During the same period, for the same crime, the participation rate of juveniles jumped from 7.1 to 121.4 per 100 000 head of population, which was a seventeenfold increase. The incidence of serious assaults by females is more prevalent in juveniles than it is in adults. The incidence of female juvenile crime mirrors the incidence of male juvenile crime. Similar figures are available for the incidence of robbery. In the past 10 or so years in Queensland, the participation rate by juveniles in that crime has risen sharply. That increase is certainly above the national average.

In general, young Queenslanders are becoming increasingly involved in more serious crimes such as assault and robbery. Although many people would deny that there is a link, it can be no coincidence that during this period, Queensland has had a consistently higher rate of youth unemployment than the national average. Those trends are reflected in the statistics. The latest figures that I have show that in 1990 in Queensland, there was a total of 5 844 appearances by 4 048 juveniles in the Childrens Court involving approximately 14 615 charges. Of those charges, 59 per cent were for theft and break and enters, and almost one-quarter of the charges resulted in a conviction being recorded. Those figures show that a relatively small number of juveniles are committing a large number of crimes. In other words, recidivism is high.

This legislation must be viewed against that background. In the past, legislation dealing with juveniles who commit crimes has been based on the welfare model. That has occurred in Queensland, and it has also been in vogue in other States. In other words, the overwhelming consideration in the legislation was that the young offender

was a victim of his or her social and economic circumstances and that all efforts should be directed towards changing or coping more effectively with those circumstances. Social workers were involved in the care and control of young offenders to rehabilitate them. The fact that recidivism is high, as demonstrated by those statistics, points to a measure of failure of that approach towards juvenile rehabilitation. Throughout the sixties, seventies and well into the eighties, the welfare model was practised by most western countries. It was a reaction to the institutional approach of the 1950s, which was criticised as dehumanising, stigmatising, and in most respects—as everybody would agree—crime reinforcing. Young people were institutionalised with well-known offenders.

By the mid 1980s, a justice-based philosophy had re-emerged. Its practice was supported by non-custodial measures. Those practices are contained in this legislation. They have a punishment, or a restitutional element, thus preventing many problems that were experienced by institutions during the 1950s. This legislation before the House seeks to follow that path. Queensland is the last of the major States to move away from the welfare approach towards the justice model, although there are still some States that have not yet made that transition. However, the move is not as substantial as the Minister would have everyone believe—and I will instance that later—but it is a vast improvement on the previous laws that dealt with young offenders. Cautioning by police of young offenders remains the most effective method of dealing with them. Police have a high success rate in being able to deter children from reoffending, and this method deserves as much support as the Government can muster. Statistics show that, once they have been cautioned, the vast majority of those offenders never commit an offence again. So the majority of the Bill before the House is aimed directly at those whose first offence is serious enough to warrant a court appearance, or anyone who is a repeat offender. Options available to the courts under this legislation have been expanded to introduce sentencing orders that are commensurate with the offence committed. I believe that young offenders must realise the consequences of their actions. Codifying the sentencing orders, including restitution, is an important step in making offenders realise that certain actions flow from their behaviour.

An important improvement is the alternative to the arrest by arrangement process which, until now, has been used by police. The attendance notices provided for in this legislation formalise that method, which police have used sensibly for a considerable time. It enables the parents of the child involved to be formally informed of their child's activities and impresses upon them the seriousness of the matter. Other important changes include providing the offender with a clear indication of the length of his or her stay in a detention centre. By setting the maximum period to be in custody at 70 per cent of the order, the offender knows exactly the length of his or her detention. Also welcomed is the introduction of the official visitor to externally assess the internal procedures used in dealing with young offenders who are detained. That represents an improvement in the system. The introduction of community service orders for children—mirroring those applicable to adults—is a commendable move by the Government. It gives offenders a chance to undertake reparation to their own community for the offences that they have committed, and demonstrates to the wider community that children can be made responsible for their actions. Prohibiting drivers' licences and ordering restitution are also pleasing features of the Bill.

This Bill contains two clauses that I do not believe should be supported. Firstly, the Bill contains a provision to extend the age limit of juvenile offenders to 18 years of age. Although I believe that 17-year-old offenders should not be placed in correctional institutions with adults—for the very reason that such confinement would tend to harden their attitudes and stigmatise them—the options available under this Bill are inappropriate. Although perhaps physically adults, young people in the 17 to 20 age group are a difficult group to categorise. They are certainly not children. At that age they have a well-developed sense of right and wrong and, therefore, should not be covered under this legislation now or at any future date. By the time that repeat offenders reach 18 years of age, they are well versed in the ways of the world. Perhaps a better model for that age group would be to follow some of the initiatives adopted in

New South Wales, where they are treated separately to adults and children. But, barring any assurance from the Minister that similar methods are being contemplated—and that is not indicated in the Bill—the Liberals cannot support clause 6.

Another area of concern lies in the provision given to the courts to call upon parents to show cause why they should not pay compensation as a result of their child's actions. Under clause 197, it must be shown that there was a wilful failure on the part of the parents to exercise proper parental care. The inclusion of the word "wilful" will make it almost impossible for any prosecution under this clause to be successful. Parents who claim—despite warnings from police about the activities of their child—that they did not knowingly permit their child to engage in activities likely to lead to an offence will have sufficient grounds to evade a conviction. As I said, the Government's move to a justice model in this legislation is not as substantial as the Minister would have us believe.

Finally, I make some comment on the manner in which this important Bill has been presented to the House. Substantial changes have been made in the amended version, which the Minister has just presented. Although I was informed earlier today about these amendments, the undue haste with which the Minister is keen to propel the legislation through the House leaves very little time for proper and detailed examination of the Bill. Although the policy direction may not have changed—and I accept that from the Minister—that aspect is only one phase of the legislation for which this House is responsible. That point seems to be easily lost on the Minister. However, overall the Bill represents a vast improvement on previous legislation. It is in line with current thinking in the field of juvenile justice, and I believe that it will have a positive effect on young offenders. The Liberal Party will be pleased to support the Bill, although it will oppose some of the specific clauses.

Mrs WOODGATE (Pine Rivers) (8.19 p.m.): I am very pleased to have the opportunity to speak in support of the Juvenile Justice Bill. Earlier, the honourable member for Thuringowa wholeheartedly supported this legislation, and I am sure that other members on this side of the House will also support this legislation wholeheartedly. And well they might. The current Act, which deals with young offenders—and I refer to the Children's Services Act 1965—is hopelessly inadequate. I personally welcome this legislation, which was introduced by Minister Anne Warner. This legislation is more receptive to current thinking that children should be held accountable for their actions.

My colleagues on this side of the House will deal and have dealt with aspects of the Bill such as sentencing options, parental responsibilities for young offenders, community correctional orders, etc. Detention is a last resort. However, I shall speak very briefly about the role of the proposed Childrens Court judge, with such an appointment complementing the sentencing reforms and ensuring that equitable sentencing is in place in this State. As the Minister said in her second-reading speech, establishing the jurisdiction of the Childrens Court judge is a key feature of this Bill. In fact, the role of the Childrens Court judge is essential to the achievement of sentencing and other reforms provided for in this Bill. The role of the President of the Childrens Court will further ensure that these reforms are implemented equitably and monitored throughout Queensland. The Childrens Court judge will have the jurisdiction to conduct hearings involving a child charged with serious offences when and where the child elects. He will have the jurisdiction to delegate sentencing powers of the Childrens Court judge—other than those relating to serious offences—to a Childrens Court magistrate. He can review sentences made by the Childrens Court magistrates, hear bail applications and order the transfer of a person to prison. A child who is charged with a serious offence may elect to be tried by a Childrens Court judge sitting alone. That does not deny the right of the child to be tried by a judge and jury. It provides a further alternative which will be able to deal with matters expeditiously and thereby dispense with the lengthy remands currently facing children awaiting trials in higher courts.

I will speak briefly on the Childrens Court judge's power to delegate sentencing powers. He will have the ability to delegate sentencing powers to a Childrens Court magistrate, which will enable that magistrate to sentence a child who would otherwise have been required to appear before a Childrens Court judge for sentencing. That is

important for our courts in remote areas where the savings in time and money will be significant. It will also provide the need for children to be further remanded until a Childrens Court judge is available to deal with the matter. When sentencing powers are delegated, a child must be made aware of the decision before a trial commences. The delegation can only be in particular cases, and the Childrens Court judge may refuse an application for a delegation to be granted.

The power of a Childrens Court judge to review sentences imposed by Childrens Court magistrates is extremely important. It is a mechanism designed to ensure that children who appear before courts are dealt with equitably. That is necessary, given the disparate sentencing practices across this State. It will not alter a child's right to access the appeal process, but it should reduce the workload of the Court of Appeal by amending sentences which would otherwise have been subject to appeal. The process of review of sentences will ensure that matters are dealt with in a much shorter time than is currently possible. Under the current legislation, if a Childrens Court magistrate refuses to grant a child bail, that child can apply to the Supreme Court for bail. By providing for the Childrens Court judge to hear bail applications, the process will be expedited and the workload on the Supreme Court reduced. However, it will not affect the Supreme Court's jurisdiction in matters involving certain offences, for example, murder, where the Supreme Court is the only court which can grant bail. Further, the Childrens Court judge will be able to order the transfer of a person to prison. Children sentenced to long detention orders for serious offences will be able to be transferred to prison after they turn 18 years of age, if the court makes the order after considering an application by a delegated officer of the Department of Family Services and Aboriginal and Islander Affairs or a person serving a period of detention in a detention centre. This replaces a cumbersome administrative process which leaves the person subject to the Division of Aboriginal and Islander Affairs while being detained in a facility run by the Corrective Services Commission.

The Bill prohibits the publication of identifying particulars concerning a child offender, and the Childrens Court Bill provides that attendance in a Childrens Court is limited to persons specified in the Bill, for example, parents, legal representatives and witnesses. The only exception to that is where a Childrens Court judge is sitting to hear a serious offence. Experience in other jurisdictions has demonstrated that permitting open courts and the publication of names, etc., of young offenders does not have a deterrent effect; rather, it results in young offenders being "hero-worshipped", for want of a better word, by other children and in the development of criminal self images which decrease chances of rehabilitation.

I do not intend to speak about the provision of a range of new sentencing options, as I believe that other speakers will more than adequately cover that aspect of the Bill. As I said earlier, I merely wanted to spend a few minutes talking about the functions of the Childrens Court judge. Before I conclude, I would like to say that, in the enacting of this Bill, this Government and this Minister have put Queensland in front and leading the rest of Australia in implementing a large number of reforms in the juvenile justice area—reforms which are well overdue in this State and which I hope will assist in relieving the juvenile crime problem in Queensland.

Mrs McCAULEY (Callide) (8.26 p.m.): The Minister has flagged the reform of laws and community attitudes towards juvenile crime. I welcome her efforts. Although the Opposition is not opposing the main thrust of the Bill, it will propose some amendments to the Bill, as will the Liberal Party. The Children's Services Act of 1965 has indeed been left behind in our social progress which has led to youth alienation and the lack of purpose that is felt by so many young people these days. Although I may be rubbished by the red-raggers on the other side, I believe that the effects of high interest rates, high unemployment and an increasingly disillusioned society are felt by us all, but it is our young people, particularly those in low socioeconomic circumstances who are really suffering. Crime, in many cases, is the sad and frustrated action which comes out of overwhelming circumstances. It is a well-known fact that crime is one of the most unpleasant by-products of any society. But in the past decade, serious crime across this country has increased by 66 per cent, and the trend indicates that this escalation could

at least double during the 1990s. To me, being one of the ageing post-war baby boomers, that is rather frightening. According to the QUT community development and crime prevention unit established by the Arts Faculty Dean, Professor Paul Wilson, Queensland appears to have a rate of increase in serious crime well above the national average. The QUT has shown considerable initiative in establishing its crime prevention unit. Its research into the matter appears to be extensive. I hope that the Minister has taken up, or at least intends to take up, its public offer of providing practical expertise in the development of prevention schemes and strategies in this matter.

It is also accepted that petty crime can lead to serious crime and that many major offenders begin their careers as youth offenders. At the same time, many youth offenders dabble in petty crime without ever becoming hardened criminals, particularly if they can be kept out of gaol. Those offenders are often very insecure and vulnerable people and the treatment imposed on them could significantly affect their futures. Therefore, it makes sense that the management of juvenile crime and the treatment of the youths involved will impact immeasurably on the future of our communities. The Minister has alluded to the high cost of juvenile crime. The cost in dollar terms is hefty enough, but when combined with the obvious effect that it has on our social structures and the welfare of our community, it becomes a complex and almost overwhelming issue.

I congratulate the Government on its commitment to addressing the problems of juvenile offending and the consequent development of a juvenile crime strategy. I look forward to hearing that strategy in its entirety. I acknowledge the sense behind separating the issue into the juvenile justice system and a juvenile crime prevention initiative. Obviously, there is some overlap, and the Minister seems to have recognised that positive and capable management of the justice system can, in itself, contribute to crime prevention initiatives.

The Minister has said that her Government will attack both the causes and the consequences of crime. I believe the intent to be genuine, but until the Parliament receives a comprehensive report on her proposed initiatives and the community programs which her department will fund, it is premature to applaud too loudly. The plan for parents to be held accountable if they have in some way contributed to their child's offending behaviour is a landmark. Too many parents these days simply do not understand that they must accept responsibility for their children and how those children are raised. If they are not prepared to accept that responsibility, then they should not have children. I know it is probably impossible, but it would be good if there could be some form of punitive measures for those parents who simply do not parent.

I am also conscious of the fact that in the areas of youth, crime, families, hardships, social neglect and perhaps, in some cases, cruelty, the extremes are extensive. There has to be considerable emphasis on individual cases and the cause and effect scenarios. Where parents are blatantly at fault for neglect or criminal influence, they should be made to pay. However, if the family relationships are volatile, fining the parents and giving the child an attendance notice and then sending him home could open the way for far worse problems for the child. A potentially violent father made to pay for his son's misdemeanour with someone else's car could drive the child into a far worse state than he was initially. Alternatively, many parents may be struggling to keep their children under control, but owing to economic hardship with both parents working long hours, a case for neglect can be constituted. How will fining the parents help this situation? I realise these are rather picky instances, but what I am trying to point out is that this is a very human area fraught with emotions and real life crises, and I am sure the Minister realises that. It cannot become a paper shuffling exercise and it cannot be a follow-the-book exercise. People involved in its administration must be highly skilled and sensitively responsible. I know the Minister is fully aware of these complexities, and I support her efforts in attempting to effectively manage this very difficult but most important area.

In addition to my support of the above measures, I do have a few queries regarding sections of the Bill which are somewhat unclear. The Minister emphasised that detention will be a last resort. With this I agree, but what are the non-custodial options

which are offered? I just feel that they have not been spelt out clearly enough. The fact that children will now be accountable and made responsible for their actions also raises the question of how. I agree with this in principle, but I am not quite sure how it will work in practice. I believe that making people responsible for their actions is really a fundamental philosophy which should be taught on a mother's knee, and simply imposing this on children who have not been brought up with this concept could be rather interesting. I see a few problems with that. I do not disagree with it, but I do see a few problems. In her second-reading speech the Minister said it was essential that Aboriginal and Torres Strait Islander children are diverted from the criminal justice system. I agree, but who is going to teach the parents to parent, because this is the root of much of the problem. Many people, both black and white, simply do not know how to rear their children properly, and they provide lousy role models for the kids to follow. Tragically, many Aboriginals learn to read and write in gaol, not at school where they should learn. It is only after they have had a stint in gaol that they become useful to their own race. They become more assertive and aware of what they have to do to get ahead in this world.

I am doubtful that one Childrens Court judge will be sufficient to handle the workload associated with this legislation even with the assistance of magistrates. I guess time will tell on this particular issue. Another point I approve of is the idea that a child can be prohibited from holding or obtaining a driver's licence. This is something that most people identify with very strongly. It is something that they have advocated for some time. Most young people, once they reach the age at which they can obtain a driver's licence, cannot wait to get their licence. It is something very important to them. To know that they can be prohibited from holding or obtaining a driver's licence if they are stealing cars around the neighbourhood would be, I feel, a powerful deterrent. In conclusion, I feel that this legislation is a bit like the curate's egg—it is good and bad in parts, and it is a bit hard to separate the parts. On the whole, I welcome the effort and thought that has been put into this Bill. No doubt we will discuss the amendments accordingly.

Dr CLARK (Barron River) (8.35 p.m.): The CJC report entitled *Youth, Crime and Justice in Queensland* released in March of this year has provided a comprehensive analysis of all the available data about juvenile offenders in Queensland. Of the conclusions outlined on page 46 of that report, there are some of particular significance to the aspects of the Juvenile Justice Bill that I wish to address tonight. They are: that most young people's crime is unplanned, opportunistic and episodic; young people's crime is primarily at the less severe end of the property crime continuum; juvenile offending is transitory—that is, most children grow out of offending; most persons in the adult prison system have had contact with the juvenile justice system; and, lastly, a small number of offenders continue to offend and are responsible for much of the crime committed by juveniles. It is these conclusions which, I am sure, would be borne out across all States which have led to the use of police cautioning in all States as a primary precourt diversion program. In fact, the cautioning system was introduced into Queensland in 1963. Cautioning is therefore based on the recognition that much youth crime is minor and transitory in nature. It is preferable to keep young people out of the formal juvenile justice system if that is an appropriate response to the actual offence taking into account all relevant factors. The Juvenile Justice Bill provides a legislative base to the police administrative system of cautioning for first or minor offences as an alternative to the prosecution before a court. Thus, one of the general principles underlying the Bill, as stated in clause 4, is that if a child commits an offence, the charge should be treated in a way that diverts the child from the court's criminal justice system unless the nature of the offence and the child's criminal history indicate that a proceeding for an offence should be started. That is, of course, in clause 4 of the Bill.

The cautioning process as set out in Division 2 of the Bill combines the best elements of the current cautioning system and introduces some significant new provisions. The requirements governing the administration of a police caution include the following: the child must admit to the commission of the offence and consent to the caution; the child's parents or another adult chosen by the child or parent must be

present during the cautioning where this is practicable; cautions must be administered by or in the presence of a police officer authorised by the commissioner; a police officer administering a caution must take steps to ensure that the child and any adult present on behalf of the child understands the purpose, nature and effect of a caution; information relating to the cautioning of a child is generally confidential; and, evidence of cautioning is not admissible in criminal proceedings or bail applications.

There are some important innovations regarding cautioning. Cautions may be administered to an Aboriginal or Torres Strait Islander child by a person who is a recognised elder of that child's community at the request of an authorised police officer. This is a very important innovation in Aboriginal and Islander communities where the elders are likely to have a much more powerful effect over that child. It is appropriate that that power and influence is given back to Aboriginal and Torres Strait Islander elders in those communities. Another innovation is that where a police officer has decided that a child is to be cautioned, the police officer may arrange, where appropriate, for the child to apologise to the victim of the offence, if the child and the victim agree to this course of action. I think that this very important element provides children with the opportunity to come face to face with a victim and demonstrate their concern about the effect their behaviour has had on that person or the damage to property that they have caused. A sincere apology goes a long way to redressing the effect on victims and provides them with the satisfaction of knowing that that young person is genuinely sorry.

A child must be issued with a certificate providing evidence of the fact that he or she has been cautioned for a particular offence so it is a recorded event. A court may, on application by a child or a child's legal representative, dismiss a charge against a child when the court considers that the child should have been cautioned instead of being charged. These provisions strengthen the police cautioning system and provide legal safeguards for the children concerned. Another innovative approach that I would like to see incorporated after more trials with a pilot scheme is where the offender also has the opportunity to make good the damage caused by doing some work for that victim. If there has been some property damage, the offender might make good that damage in the victim's house. If there has been damage to public property, the offender might be required to do some work to make good the damage that he or she has caused. If those sorts of approaches are monitored, as we are currently doing with the pilot program at the Beenleigh Magistrates Court, I hope that the Government may at a later stage consider incorporating it into legislation.

In Cairns, we are looking at another option whereby a first offender is cautioned and offered an opportunity for training in a local Skillshare program. If the Juvenile Aid Bureau considers that such young persons may be assisted and encouraged not to reoffend if they had regular employment, they can then be invited to make contact with the Skillshare program and receive training. The use of cautioning has come under criticism from some sections of the community as being too lenient. Some police have probably failed to use the cautioning system to its best effect, preferring to tell the public who complain about juveniles that they, the police, simply cannot touch the offenders and that there is nothing that can be done. The police, I believe, have in some cases contributed to the idea that they are powerless to take action against young people and that cautioning is worthless. It is these sorts of misconceptions that cannot be left unchallenged. The current legislation requires that police officers shoulder the responsibility for the response of the juvenile justice system to each child. Police officers cannot hide behind this legislation which, in fact, specifically states that the officer must take account of the circumstances of the alleged offence and the child's previous history known to the police officer. When considering whether or not to caution a child, we all recognise the difference between, say, a 10-year-old child shoplifting for the first time and a 16-year-old stealing a car for the third time. The police now have legislative backing to make that distinction and act accordingly. That is a very important aspect of this Bill and it is one which would be welcomed by the community.

The question of the effectiveness of cautioning has been examined. It has been found to be effective. This is something of which the community should be aware. In

Queensland, somewhere between 75 per cent and 85 per cent of young people receiving cautions never reoffend. Victoria also operates an extensive cautioning system. It has low rates of formal intervention and has among Australia's lowest recorded rates of juvenile offenders. However, as the CJC report to which I referred earlier points out, more detailed research is required and a proper data base should be established following the passage of this legislation in order to examine the impact of variables such as race, geographical location and family structure on both the decision to caution and the effectiveness of that cautioning. One of the areas that the CJC report identified as being most critical is the need for more data and research in this whole area of juvenile offending.

When police decide to charge rather than caution a child, it is currently necessary to decide whether to secure the child's attendance at court by way of arrest or by summons. Where children are arrested, they are processed through the watch-house and detained in custody until bail is granted by the watch-house keeper or by a court. When formal cautioning is excluded as a manner of proceeding against offenders, most children are arrested rather than summonsed. Something like 90 per cent of children in Queensland are arrested rather than summonsed. This reliance on arrest contrasts with the use of summons and court attendance notices in other States. In Queensland, it is significantly higher. When children are arrested they are detained in custody, unless released by the watch-house keeper on bail or until the court decides on bail conditions. When a child is so detained, the Department of Family Services and Aboriginal and Islander Affairs must be notified. The department has detention facilities in a limited number of places such as Townsville, Westbrook and Brisbane. In consequence, children from other areas, such as Cairns, spend hours and sometimes days in adult watch-houses.

Unfortunately, the number of children who spend time in watch-houses is not known, but it is a matter of great concern to me and to other members of the community. I am sure that members would be aware of a number of serious incidents that have occurred to young children who have been detained in watch-houses. In April 1988, a male youth was sentenced to seven years' imprisonment for having raped two 14-year-old boys in the Southport watch-house. Those boys had been detained for five days in that watch-house. More recent instances that have been reported included two girls aged 13 and 14 being detained in the Southport watch-house on minor charges and subjected to strip searches. In addition, a 12-year-old was detained for 60 hours in the Rockhampton watch-house. Members would be aware that that is not a desirable practice. As I have indicated, part of the problem is the lack of alternative facilities and resources. Those problems have not occurred only in remote communities. They have also occurred at places such as Southport. As I have indicated, it occurs in Cairns and is of considerable concern to the local community.

Another innovative part of the legislation is the use of attendance notices. The Juvenile Justice Bill provides for police to issue a child with an attendance notice as an alternative mechanism for proceeding against a child which does not involve the custody in watch-houses associated with arrest or the delay associated with the issue of a complaint and summons. The notice must be served personally on a child and must be issued promptly. Attendance notices provide another option after cautioning to arrest a potential premature entry into the criminal justice system. Although that provision does not prevent the police from arresting a child when necessary, attendance notices will ensure that, in most cases, children are diverted from arrest. That is important, as the procedures of arrest and fingerprinting, for example, are quite stigmatising and may contribute to the development of a criminal self-image in young offenders, which can be quite detrimental.

At present in Queensland, some 90 per cent of juveniles are arrested. Juveniles experience very high rates of arrest. Attendance notices will establish an expedient way for police to deal with a majority of young offenders, who will respond to the notices and appear in court as required. Particular requirements for the issue of attendance notices include that the time that a child is required to appear before the court should be as soon as practicable after the issue of the notice. A child cannot be ordered to pay

any costs associated with the lodgment of the notice at the court at which the child is to appear. A child's parents, if practicable, and the chief executive must be advised of the issue of the attendance notice. A court may strike out an attendance notice when a child fails to appear if the court establishes that the attendance notice was not served within a time that made it practicable for the child to attend. However, that does not prevent the issue of a further attendance notice for the same offence. Otherwise, failure to appear in court in response to an attendance notice will result in a warrant being issued for the arrest of that child. Of course, if the child does not appear, the court does not simply ignore that fact. It then moves on and a warrant is issued for the arrest of that child, and the normal procedure is followed.

I have spoken at some length about two mechanisms that are designed to minimise the contact of juveniles with the juvenile justice system while, at the same time, providing an appropriate response to the nature of the child's offence. However, the Government has recognised that the prevention of juvenile offending is the best solution possible to diverting children from the juvenile justice system. A comprehensive juvenile crime prevention strategy is currently being developed. This week, in Brisbane, representatives from five regional centres are meeting to discuss the implementation of pilot prevention programs funded by the Department of Family Services.

The Cairns juvenile crime prevention task force, of which I am chairperson, successfully submitted a proposal for such a pilot project. I extend my thanks to the Minister and her department for giving favourable consideration to our submission. In common with others across the State, our project will consult with at-risk youngsters in the age range of 10 to 16 years to identify their needs and, in consultation with young people and community organisations, will develop small, one-off prevention programs. All the regional programs and a Statewide major youth organisation project will be evaluated to determine the success of various prevention strategies adopted in the regions. It is also important to note that a number of other Government departments will be involved in the Government's response in the matter of juvenile crime prevention. Departments such as Education, Health, Police, Employment, Vocational Education, Training and Industrial Relations, and Tourism, Sport and Racing are developing appropriate prevention programs that will be coordinated and delivered into targeted areas where the need is greatest.

Although I have focused on crime prevention and diversion from the formal court criminal justice system, it is important to note that the Government does not shirk from its responsibility to ensure that young people are made accountable for their actions. I am very aware of the prevailing view in the Cairns community and, I am sure, in some other communities that young offenders are coddled and not treated harshly enough. That has come through very clearly in letters to the editor in the Cairns region and from people on talkback radio. It is a constant theme that emerges all the time. According to the principles of juvenile justice underlying the operation of the proposed Act, a child who has committed an offence should be held accountable and encouraged to accept responsibility for the offending behaviour and punished in such a way that the child will be given the opportunity to develop in a responsible, beneficial and socially acceptable way. Such a principle is a mark of a mature, compassionate and just society that desires young people to grow up into responsible citizens who contribute to the wellbeing of society.

I am pleased to note that the Opposition supports the general thrust of the Bill and does not take the view that the Government is going soft on young people. It is beginning to be appreciated in the community that, with respect to juvenile justice, the legislation marks a move away from the welfare model to the justice model. In that respect it makes the punishment fit the crime, as it were, and it makes young people accountable for their behaviour. In the legislation, as other speakers have noted, a wide range of sentencing options is open to the court, which demonstrates clearly the capacity to respond in ways appropriate to the circumstances of the child and the offence. It contains a wide range of punishments, ranging from fines and community service orders to the provision enabling young people to be detained for serious offences. If the offence that they committed would have attracted a life sentence had it

been committed by an adult, young people can be detained for up to 14 years. There should be no doubt in the minds of those people in the community who feel that the Government is coddling young people that the Government recognises that, when a serious offence is committed by a juvenile offender, a serious consequence must follow for that child.

I congratulate the Minister and her staff on the hard work that has gone into this legislation. It has been a long time coming. As a result of that, it has been very well thought through and there has been consultation in the community. I believe that it will be very well received in all parts of the community. I support the Bill.

Mr SLACK (Burnett) (8.52 p.m.): There is no doubt that this is a very important Bill. It is one of the most important Bills to come before the Parliament in this term. There is no doubt, either, that it reflects the concern within the community about the problems that are emerging in relation to juvenile justice. I acknowledge that it has been a very difficult Bill to formulate. Obviously, there were problems following the original Bill's presentation to the House and the Minister's original second-reading speech. However, that is not really an excuse for withdrawing that Bill tonight and substituting it with another Bill. I know that the member for South Coast has made the point that the principle has not changed and I know that the Opposition spokesperson has accepted the principle of the Bill. However, as far as the people of Queensland are concerned, this is a very important subject that is being dealt with. Today, people made representations to my office wanting to know what was contained in the Bill that we were to debate tonight. I had sent the original Bill to them. Although I accept that this is an important subject and that it has taken some time to formulate the Bill, it would not have mattered if it had remained on the table of the House for another two or three weeks to allow further consideration to be given to it.

Ms Warner: It wouldn't make any difference.

Mr SLACK: The Minister may say that, but she has really abused the parliamentary process. It is not just a matter of the Opposition having an opportunity to review what the Minister has said. I know that she has given a briefing to our spokesperson and I know that the Liberal Party had a look at the new Bill. But the Minister is also dealing with the public. The requirement of this Parliament is that a Bill remain on the table for six days, during which period it can be assessed. We have to take the Minister's word for it that this Bill contains no major changes and that the principles have been preserved. However, the Minister would be one of the first to jump up and down and to cry "Shame!" if we were in Government and did something similar to what the Minister has done tonight. Not so long ago, a similar situation arose in relation to the AFIC legislation, which was the responsibility of the Treasurer.

Ms Warner interjected.

Mr SLACK: I am not interested in what we did. We are here tonight debating a very important Bill. As I said, a similar situation arose with the AFIC legislation, which was handled by the Treasurer. Quite simply, that sort of thing is not good enough—it really is not. When the Minister withdrew the original Bill and substituted this one, she was really taking the processes of this Parliament for granted. I accept her word that there are no major changes in this Bill except to straighten things up. But it would not have mattered if the parliamentary processes had been preserved and the Bill had remained on the table for six days to allow the public to have a look at the changes. The Minister has asked us to take her word for it.

Ms Warner: But the logic of what you are saying means that you can't do amendments when the Bill goes through.

Mr SLACK: We are not arguing that amendments cannot be made. However, it is highly unusual and not a desirable practice to withdraw one Bill and substitute it with another. What would the Minister have done if I had moved, "That the debate be now adjourned"? The Government would have used its numbers to override the Opposition. There was no point in my doing that. However, we are registering our protest at this type of approach and we hope that it does not occur again. I have made my point.

This Bill is being debated at a time when youth unemployment in Australia is worse than it was during the Great Depression of the 1930s. At June 1992, Queensland's youth unemployment rate was 29.5 per cent. The 1933 census showed the unemployment rate then to be 19.7 per cent. This Bill is being debated at a time when there is much discussion about youth training and jobs for young people. It is being debated at a time when youth homelessness is at epidemic proportions. I recall raising this issue when the Burdekin commission was in progress in Queensland. At that time, I asked this Minister a question relative to Burdekin's inquiries into youth homelessness. I asked a question about an accusation of an increase in AIDS among homeless youth. The Minister indicated that she would refer the matter to the Health Minister because it did not come within her jurisdiction. I am wondering whether she has referred it to the Health Minister and whether she can inform the House of the result of that inquiry.

As I said, this Bill is being debated at a time when youth homelessness is at epidemic proportions. On the Gold Coast, welfare workers have warned that lack of emergency and welfare housing presents a bleak future for homeless juveniles and street kids. The stark reality is that lack of jobs can force them onto the street and, almost inevitably, into crime. Children who may be tempted to commit crime need special help to understand that a life of crime will not be a profitable one. They need help to avoid situations in which they may be tempted to commit a criminal offence, especially one that would see them end up in custody, so that they are not criminalised by contact with hardened criminals. Members on both sides of the House would acknowledge that prospect. The family has greatest responsibility for the conduct of children. That has been acknowledged in this Chamber this afternoon. This Bill is about justice for those juveniles who have become entangled with the law. It deals with the problem of juveniles who have become entangled with the law. We in the Opposition acknowledge that the 1965 legislation, the Children's Services Act, was not working and there was a need to introduce this Bill. As previous speakers on this side have indicated, we are sympathetic to the thrust of this Bill.

As I stated previously, this Bill concerns justice for those juveniles who have become entangled with the law. Today, one of the big problems is the lack of respect for law and order on the part of some young people. I say "some young people", because it is not a majority of young people; it is a minority, as all honourable members would be aware. My wife teaches in quite a large school. I asked her what proportion of young people would be a problem in that school. She informed me that a very small proportion would be a problem. Sometimes, people tend to dwell on those young people who are in trouble and forget those young people in our society who are coping with the pressures of today's society. The vast majority of young people are coping with pressures that are far greater than those encountered by most people in their time. I have mentioned the unemployment rate. No doubt, most people did not confront the unemployment problems that are now faced by young people. In the past, people were able to take it for granted that they would get a job upon leaving school. Today, young people cannot take it for granted that they will get a job upon leaving school. As the Minister has acknowledged, as a consequence in many instances their self-esteem is very low. The pressures to stray, to become involved in crime, to rebel, are extreme. However, the vast majority of young people are good citizens. I am very proud of most of the young people whom I know. However, some exceptions do stray, and those people are a problem. As a result, concern has increased within the community about this problem.

People have rung my office and said that they have been robbed by young people three times in the last couple of months. This is becoming an epidemic situation. The community at large is very worried as to what this House is going to do about the problem. Consequently, the drafting of this legislation would have been very difficult. It is very difficult to draft legislation that will cover the situation and provide realistic answers to cope with the problem that confronts society. I acknowledge that the Minister has done the best she can. However, as the shadow Minister for Family Services and the member for the South Coast have indicated, the Opposition does not support clause 6, in which the Minister increases the age of a child from 17 to 18.

Ms Warner interjected.

Mr SLACK: The Opposition is just making the point. It has stated that it does not support that clause. Today, the Opposition office received a telephone call from a teacher who spoke about the difficulty of controlling classes and the lack of respect for teachers in the classroom. This is developing into a problem, although those children are the minority. I recall speaking to one teacher who said that she had 30 students in one class. She said that one child was withdrawn from that class. I recall saying to the teacher that the withdrawal of one student would not make a big difference. She indicated that it made a big difference, because the child who was withdrawn was the problem within the class, and that it was really good now that the troublesome student had been withdrawn. Discipline within schools is a very difficult problem. At present, a discipline policy is being developed which will be in place before the cane is phased out at the end of 1994. However, being a former schoolteacher, the member for Whitsunday would acknowledge that one can only take limited action on discipline within schools. Other former schoolteachers in this House would acknowledge that instilling discipline within schools will be a major problem, due to a restriction on the disciplinary methods that can be used by teachers. Teachers are to be trained in alternative methods of school discipline. However, it remains to be seen whether they are trained. It is claimed that they will be, but it really gets back to a one-to-one situation with the teacher and his or her ability. As more options are removed, more difficulties are faced by a teacher.

Disciplinary proposals that have been previously outlined at meetings of school parents and teachers organisations have included counselling, remedial teaching, detention, suspension and expulsion. I have been informed that detention is not a suitable method, simply because it does not mean anything to most children who fall into this category. Quite often, the parents of the children with whom one is dealing do not attend the counselling sessions. A discipline problem is being faced within the Education Department. If a child is expelled from a school, that child takes his or her problems to another school. I acknowledge that difficulties exist.

Although there is much to be said for parents, students and teachers working together to define acceptable and unacceptable behaviour by students, in the final analysis effective disciplinary measures must be introduced for those students who do not conform to agreed standards. In her second-reading speech, the Minister spoke about the juvenile crime prevention initiative. That in itself is an acknowledgment of the very serious juvenile crime problem in Queensland. The Minister stated that this initiative would involve other departments with major responsibilities for young people, including the Education Department. This is most wise, particularly as schools become larger as a result of the growing population.

Many of the large schools in Brisbane are now being run like a military exercise to ensure that a reasonable standard of discipline prevails. Students who breach certain standards are identified, and their names are placed on a good behaviour sheet. Teachers have the opportunity to take a closer interest in such students, to determine the reason for the conduct. Many teachers feel that they have to be more than educators; they have to be social workers as well, as there are young victims of broken homes and those who, for whatever reason, are antisocial or uncontrollable. Although this Bill contains initiatives to attempt to grapple with the problem of juvenile crime and puts in place the measures to take the offender through the system, many juveniles are caught committing crimes but are not brought before the court.

Last evening, a person who would be known to all members of this House told of his experience. He stated that one particular shop had been burgled on three different occasions, and that is not unusual. On the fourth occasion, he received a telephone call from the police at 2 o'clock in the morning to say that a youth had been apprehended leaving his shop with goods. Apparently, a security officer had seen the person break in and, as luck would have it, a police officer was in the vicinity and apprehended the offender. To cut a long story short, the youth was well known to the law. On his own admission, he had burgled the shop on other occasions. Charges were not pressed because the owner, following discussions with the police, determined that it would be a

waste of time. This comes back to a very difficult problem with the Act, and it is hoped that this legislation will redress that problem.

It is believed that this legislation will go a long way towards addressing the problem of police involvement. By the same token, it must also be recognised that Queensland does not have enough police officers to cope with the mushrooming level of juvenile violence, and violent crimes committed by adults in society. No doubt, there are not enough law enforcement officers. We can introduce as much legislation as we like, but the problem will not be addressed unless we have the ways and means to implement such legislation. The member for Barron River made the very pertinent point that the lack of facilities and resources was a major problem. That will continue to be a major problem unless this Government addresses it with funds, and has the commitment to put into practice much of what is contained in this legislation. The Opposition acknowledges that the Bill is positive. Members of the Opposition have spoken about the fundamental need to address the unemployment situation and the general economic malaise within society that adds to the problem of the increasing crime rate. There is no doubt about that. Whether or not statistics exist to prove it, a very close correlation exists between the economic situation that we are experiencing and what is happening in the streets.

I will conclude by saying that the member for Barron River referred to a feeling that young criminals are not being treated harshly enough. I concur with her feeling that that opinion is very widespread within the community. I do not know whether the answer to the problem is to treat juvenile offenders more harshly. The problem is much more fundamental than that. The fact that the community is showing its concern and expressing that view demonstrates that although they do not necessarily know the answer, they are looking for a quick fix to the problem. The community is probably lashing out in that manner to try to solve the problem. By the same token, if a person has her purse stolen off a table by a young person while she is on the telephone, and that young person, who blatantly defies the law, is not dealt with, or does not appear to be dealt with, can the public be blamed for holding that attitude? I hope that this Bill will address some of those problems.

Mr T. B. SULLIVAN (Nundah) (9.09 p.m.): I rise to support this Bill. The Liberal and National Parties had 24 years to address the need for changes in the area of juvenile crime and juvenile justice.

An honourable member interjected.

Mr T. B. SULLIVAN: Of course the Opposition member does not want to hear it, but he is going to. The Liberal Party, especially, is currently making lots of noises about the underlying causes of juvenile crime and what should be done to remedy the problem, yet for more than two decades in Government, the Liberal and National Parties did nothing. They allowed the Children's Services Act of 1965, which reflected the prevailing community ethos of the mid-sixties, to trudge along into the 1970s and the 1980s without any meaningful change. While society was changing at a dramatic rate all around them, the Liberals and Nationals allowed inadequate and deficient laws to prevail. That is why the Liberals and Nationals failed in their duty of care for and rehabilitation of young offenders. They failed in their duty to protect citizens in our society. They failed in their duty to provide the police and the courts with the appropriate measures to deal with young offenders. It is the same Liberal and National Parties that sit opposite at this very moment that allowed the Department of Family Services to be the least resourced department in this State. What a disgrace! This is the same Liberal/National coalition that is so negative in its criticism of the Goss Labor Government.

For 24 years, the Liberals had the opportunity to make the necessary changes. They did not. They failed. It has been left to the first Goss Labor Government to take up the challenge in this most demanding area of social need. Under this most competent and dedicated Minister, the Department of Family Services and Aboriginal and Islander Affairs has produced a Bill that faces up to today's problems. Because of the inactivity and dereliction of legislative work by the Liberals and Nationals, we arrived at a situation at which some people became despondent. I do not necessarily agree that the following

comments reflect the true situation, but people are saying things such as, "The young crims have more rights than we have. The juvenile thugs are untouchable. We can't do anything to stop their thieving and bashing." The Goss Labor Government is changing this situation. Young offenders will be held accountable for their actions. Police and magistrates will be given the means to deter and rehabilitate young offenders. In stark contrast to the negative scare campaigns of the Liberal Party, this Government is serious about improving our society, and is doing something practical and constructive to make a better society. That is why there will shortly be the second Goss Labor Government in Queensland. The people of Queensland will rightly see that the Liberals and Nationals are yesterday's people. It is only the Goss Labor Government that can lead Queensland families into the twenty-first century with some sense of hope and reality.

In supporting this Bill, I will concentrate on an overview of the sentencing options, including the additional penalties for serious offenders. The Juvenile Justice Bill of 1992 will provide courts with a broad range of sentencing options. Under the current legislation, there is a very limited range of sentencing options available to the courts. This legislation seeks to redress the situation, particularly with regard to the availability of suitable community-based options and options for dealing with serious offenders. In stark contrast, under the existing legislation the director-general had to have regard only to the best interests of the child. That is the welfare model. The new Bill will allow a range of matters to be considered. There will be a balance between the needs of the child and the responsibilities of the child—a balance between the justice and the welfare models.

In relation to the sentencing principles—the sentencing of children guilty of offences is to be based on the sentencing principles contained in clause 109, which seek to protect the rights of children appearing before the courts, while holding them accountable for their actions. The key principles behind the sentencing provisions include the following—

The penalty imposed should be commensurate with the nature and seriousness of the offence.

The child's age is a mitigating factor in determining whether or not to impose a penalty and the nature of the penalty imposed.

A non-custodial order is better than detention in promoting a child's ability to reintegrate into the community.

Consideration is to be given to the impact of the offence on the victim.

The child's family and the community are important for the success of the rehabilitation process.

Detention should be used only as a last resort and for the shortest appropriate time.

The comprehensive range of sentencing orders provided for in the Bill allows the courts to deal appropriately with any matter that may be brought before them. The sentencing orders available under clause 20 of this Bill—and this is important, because that wide range of options was not available under the existing legislation—include—

a reprimand;

a good behaviour order up to 12 months;

a fine of an amount provided for in the Act under which the child is charged;

a probation order for a period up to 12 months by a magistrate, or up to two years by a judge;

a community service order up to 60 hours for children aged 13 years or 14 years, or up to 120 hours for children aged 15 years or over; and

a detention order for a period of up to six months by a magistrate, or up to two years by a judge.

That wide range of options was not previously available. This Government has provided that range of options for the magistrates to act upon. Other speakers will mention the sentencing options in more detail. I shall mention some of them briefly. As to community options—the range of community options includes penalties that have previously been unavailable. For example, a court that makes a detention order may suspend the order and release the child on an immediate release order. In addition, the availability of suitable community service orders and the principle of detention as a last resort will decrease the likelihood of children being sentenced to detention prematurely. One might say that this is the last chance before the lock-up; that they are doing time in the community. Of course, if an offender disobeys or does not comply with a release order, the detention order comes into play.

As to detention orders—under current legislation, a judicial officer may recommend a period of detention when committing a child to a care and control order. However, it is up to the discretion of the Director-General of the Department of Family Services and Aboriginal and Islander Affairs as to whether the child is admitted to detention. The Juvenile Justice Bill 1992 provides for judicial officers to sentence children to detention and, in so doing, eliminates the administrative discretion in this regard. In addition, a detention order made under the Bill does not involve a transfer of guardianship, as occurs under the current legislation. In this way, the rights and responsibilities of the parents are preserved. For a long time, there has been criticism of indeterminate sentences. In particular, the judiciary has been critical of section 63 of the Children's Services Act 1965. The sentencing provisions that I have outlined address these concerns by providing courts with a range of determinate detention orders. That change is welcomed.

In relation to serious offences—there is also a range of additional orders available to courts sentencing children found guilty of serious offences. I am in possession of an extract from the *Sunday Mail* of 2 August 1992, which refers to the death of Mrs Marjorie Brown, a 69-year-old person from Brisbane who died after her head hit the ground when she was the victim of having her handbag snatched by three juveniles who have since been charged with unlawful killing. That lady suffered the ultimate consequence of crime. We need a range of sentences for the serious offender. This Government has taken a sensible course of action in this regard. Previously, under the Liberals and Nationals, courts had very few options when sentencing children for serious offences. In particular, courts have been critical of the lack of appropriate options when dealing with children in relation to offences, such as attempted arson, for which an adult would be liable to 14 years' imprisonment. Under clause 121 of this Bill, a court will be able to sentence a child who is guilty of a serious offence that is not a life offence to detention for a period up to seven years. A child found guilty of a life offence, for example, rape, can be sentenced to a detention order for a period up to 10 years. If a child has been found guilty of a particularly heinous crime, for example, an offence involving an unusual level of violence, the child can be sentenced to detention for a period up to 14 years.

I turn now to convictions and ancillary orders. A conviction must not be recorded unless it is in accordance with clause 124. A conviction may not be recorded in relation to reprimands or good behaviour orders, but must be recorded in relation to all orders under clause 121. The recording of a conviction is optional for a fine, a community service order or a detention order. The recording of a conviction is a serious matter and can have long-term consequences for a child, for example, restricting future employment possibilities. It can also inhibit the process of rehabilitation. Before recording a conviction, a court must also have regard to the nature of the offence, the child's age and previous convictions. When sentencing a child, a court must now state whether or not it is intended that a conviction be recorded against a child. This protects children from having convictions inadvertently recorded against them due to an oversight. Provision has also been made for a number of ancillary orders. A court may, in conjunction with a substantive order under clauses 120 or 121, order the payment of restitution or compensation. A court may also disqualify a child from holding or obtaining a driver's licence. That range of sentencing options, especially for serious offenders, is

practical and workable. It will give teeth to the magistrates. I congratulate the Minister on producing this Bill, and I support it.

Mr CONNOR (Nerang) (9.21 p.m.): I rise to speak to the Bill and voice my condemnation of the Government's ramming this legislation through with more than 100 amendments for purely political purposes, having allowed only a matter of a few hours for opposition parties to digest them. As many other members have elaborated on that subject, I will not continue with it. However, I lend my voice to their calls of protest. Tonight, we are seeing a knee-jerk reaction of a Government that is in a crisis of confidence in relation to its ability to handle the criminal justice system in Queensland. The extent of the crisis in confidence extends from the courts to the prisons, and to the police on the street. Right across-the-board, the people of Queensland have been voicing their concern. Juvenile justice is the major cause of that lack of confidence. The Government is maintaining—or trying to maintain—a tough stance on law and order, but it is being seen clearly to be wimping out on one of the most important responsibilities of an elected Government, that is, to maintain law and order.

The Attorney-General is again attempting to be seen to be toughening up legislation by proposing an airy-fairy piece of possible legislation that effectively will allow for life imprisonment—meaning "term of natural life"—a concept that is partially borrowed, and badly borrowed, from the New South Wales Liberal Party's Truth in Sentencing policy. However, the problem associated with the lack of truth in sentencing in Queensland does not extend purely to the very serious offenders but right across-the-board. The problem of dealing with offenders does not extend only to juveniles but, again, right across-the-board. Specifically in this piece of flawed legislation that is presently before the House, I refer to the proposal for extending the age of juveniles to 18 years. In no way could that provision be regarded as toughening up legislation. At 17 years in Queensland, one can obtain a driver's licence and become totally mobile. One can finish school, commence work, be married and get involved in life on a full-time basis, and have all the responsibilities of an adult, but the Government wants to treat those people as children. It is absolute rubbish! Some of the most heinous crimes committed in Queensland recently have been committed by people whom the Government wants to refer to as children. Seventeen-year-olds are not children.

I relate an incident that occurred a little over two weeks ago in Rockhampton in which a woman taxi driver was abducted at knife point, forced to drive to an isolated area, savagely attacked and sexually assaulted. In addition, they allegedly stole a car in Mackay to travel to Rockhampton to commit the offences. Two youths have been arrested for those offences. At the time, both were about 17 years. That was an instance of young offenders allegedly involved in extremely serious offences. They are totally mobile and able to move from provincial city to provincial city, yet the Government would have them dealt with as children. The Government would have us believe that, by dealing with juvenile crime, this piece of legislation—flawed as it is—will somehow be dealing with the majority of property-related offences and therefore will be dealing with the overall perceived crime problem. However, what it does not consider, and what it would like us to forget, is that the CJC's March 1992 issues paper on *Youth, Crime and Justice in Queensland* states the contrary. It states—

> "An examination of available records shows that juveniles do not commit the majority of cleared crimes, nor are they responsible for the majority of property crimes and that only a small number of juveniles are involved in more serious crimes."

It states further—

> "The majority of the juveniles identified for crimes are males and are 14 years old and above."

So what this Government would have us believe—that this is going to be a major step in dealing with our runaway crime problem—is totally flawed. It still will not deal with the overall problem of law and order. By allowing young offenders to be dealt with as children up to the age of 18 years instead of 17 years, we really are formulating a prescription to extend the criminal careers of many of those youths.

The other matter that needs to be considered is that the type of person who is capable of abducting, threatening, savagely assaulting and then sexually assaulting a woman over a period of 12 hours would in turn, if convicted at 17 years, be thrown into a juvenile detention centre with perhaps 13-year-olds. Many of those criminals are hardened, experienced operators. All the legislation will do by extending the age to 18 years is allow those hardheads—those experienced criminals—to pollute the children in detention centres.

I agree that we should not have 17-year-olds in our prisons, as was recommended in the Kennedy report. We need an interim method of dealing with young offenders—a method by which they neither pollute the children nor are put at risk in the adult prisons. Would we want to see 17-year-olds who are capable of abduction, rape and serious assault diverted from the criminal justice system, treated as children and given access to other children? I accept that the legislation does have some merit, especially in the areas of community service orders and in relation to the ability to cancel drivers' licences. Without doubt, following discussions with numerous Juvenile Aid Bureau police throughout Queensland, I note that those initiatives are considered to be steps in the right direction. I applaud the Government for making those changes. The other area that, in theory, would also have dealt with the issue of juvenile crime in a very meaningful manner—but the Government wimped out on the issue; threw it in the too-hard basket; allowed its bleeding hearts supporters to divert it from the proper direction—relates to the parental responsibility for restitution to victims following offences by their children. Clause 197, which states that "wilful failure on the part of a parent of the child to exercise proper care of, or supervision over, the child was likely to have substantially contributed to the commission of the offence", will not work. I have spoken to many Juvenile Aid Bureau personnel and to senior police prosecutors. They all say the same thing: it is effectively a null clause; the Government has missed the boat. The level of proof required to establish "wilful"——

Government members interjected.

Mr CONNOR: If members of the Government would listen for a moment, they might learn something. The level of proof required to establish "wilful" is effectively unattainable in this circumstance. This particular clause has the potential of being able to genuinely make parents more responsible for their children's actions, but the Government wimped out. I will discuss this in more detail at the Committee stage.

I want to say something about the way that young offenders are dealt with in New South Wales. That State has a three-tiered system whereby juvenile offenders are genuinely dealt with in Childrens Courts and in children's detention centres. Adult offenders are genuinely dealt with in adult prisons, but intermediate or youth offenders, that is, 17 to 21-year-olds, are dealt with under a different system altogether. New South Wales has what is called the Young Offenders program. It is a five-stage system whereby attempts are made to rehabilitate young offenders. Stage 5 is the last stage, under which they eventually go on to work release. One of the major incentives involved in this program, which is similar to the American boot camp style method, is to get early work release. Under the New South Wales system there is truth in sentencing. Obviously, the offenders cannot be released, but they can go as far as work release. Stage 4 of the program is at Newnes.

Mr Pearce: Where is it? Where's it at?

Mr CONNOR: It is just west of Sydney, and it is called the Wilderness Training Section. The young offenders have to work very hard. I might add that the Director-General of Corrective Services has indicated that this may be a direction in which Queensland should move.

Mr Pearce: Do you support that?

Mr CONNOR: Yes, we do. The young offenders are very physically involved; they work very long hours. The centre is in the middle of nowhere, at the end of a 30-kilometre dirt road. Sixteen prisoners at a time are taken in and handled by three officers. There is only one officer with them at any one time. For a number of reasons, up to 50 per cent of those are lost through attrition. Some find that they are not

physically up to it; others are trouble-makers. It is usual for the number to be reduced from 16 to about 10 by the end of this stage. The facilities are fairly spartan. The rooms are fairly small and, in many cases, there is one prisoner per room. As one progresses through the program, a schedule of points can be built up which allows for more privileges, including additional visits or alternative times for visits, buy-ups, etc. A fairly large section of the program is devoted to wilderness training, orienteering, and a lot of bush walking through rugged terrain. This includes three days on their own during which they have to look after themselves. They are given enough food for three days and they are checked on a couple of times a day. After that, they are totally on their own. I might add that this program has fairly wide support, even in the New South Wales Labor Party.

Mr Pearce: Where is it? Where is it at?

Mr CONNOR: Newnes, west of Sydney. The centre has been developed to provide a structured program for young offenders whilst they are housed in a secure environment. The centre will create an environment in which both the staff and the inmates will be given responsibilities and will be accountable for their actions. This has been achieved through the implementation of a specific management strategy. Inmates housed in the centre are people and the centre staff are their managers. The structured program has been designed to provide inmates with education, life skills, employment theory and practice, sport and leisure skills and other attributes to adequately prepare them for reintegration into the community.

To summarise—the Young Offenders program in New South Wales is, as I said, an interim measure between putting young offenders in adult prisons, as recommended by Kennedy, and keeping 17 and 18-year-olds out of children's detention centres. I believe that this is one of the directions in which Queensland should be moving. Through applied management principles and the design of a structured program, inmates will live in an environment in which realistic community principles apply. They will experience both individual and community responsibilities. I might add that on a number of occasions I have backed the Corrective Services Commission and this Government in relation to community based detention centres. I believe that community based and field programs for young offenders are also the right direction in which to move. All I am suggesting is that the Government lower the age a little bit to incorporate young offenders as well. It has already gone part of the way; I am merely suggesting that it go a little further. It is anticipated that inmates who successfully complete the program—and, as I understand it, this is happening now—will possess the necessary attributes to enable their reintegration into the community. It is also anticipated that this centre will have the capacity to provide options to both the sentencing authorities and the department relating to the management of young offenders. The organisational structure, staff duties and work practices of the centre will be unique compared with the traditional methods adopted at other correctional centres.

The Newnes Young Offenders Correctional Centre is a creative initiative by the New South Wales Department of Corrective Services in the management of minimum security inmates. The 16-week structured program has been designed to provide young offenders with educational, work and recreational skills. There is close interaction between inmates and staff, and all are responsible and accountable for their actions. Inmates will have input into decisions which may affect them. During their time at Newnes, young offenders will participate in intensive educational courses, personal development, physical training, drug and alcohol counselling, camp and community projects, effective communication and work activities. This is what is stated in the Newnes promotional brochure. Courses are as varied as abseiling, first aid and motor mechanics. It is anticipated that inmates who complete the course successfully will possess the necessary attributes to enable their easier reintegration into the community. The Young Offenders Correctional Centre is situated in Newnes State Forest, approximately 19 kilometres from Lithgow.

To get back to the legislation before the House—we have a situation in which 17-year-old and 18-year-old people will be placed into children's detention centres. The Opposition cannot agree with that. As the Minister is no longer in the House, I highlight for members of the Government the definition of "arrest". The unforeseen problem is

that this definition may result in the situation in which the cautioning of young offenders is no longer available to police. The definition of "arrest" includes "apprehension and taking into custody". Clause 38 states—

> "A child who is arrested on a charge of an offence must be brought promptly before the Childrens Court to be dealt with according to law."

Honourable members will note that the word "promptly" has been changed to "immediately". If a child has been taken into custody, he or she must immediately be taken to a Childrens Court. The definition of "arrest" under the Criminal Code is very different from the definition under this Act. This Act includes the actual taking into custody, which means that the moment the police put the offender in the car, they must, under clause 38, immediately take them to a Childrens Court. As honourable members would know, the normal practice as set out in this legislation is that before a police officer arrests someone, he must caution. The offender must be taken to the police station and issued a caution by authorised police. If the police cannot do that and if they have to immediately take the offender before a court, they will not be able to caution him. The Minister should look very closely at that matter because it ruins the whole direction in which this legislation is moving. Supposedly, cautioning is the way to go with juvenile offenders, and, as I read it, this basically rules out the ability for a cautioning to occur.

Mr BREDHAUER (Cook) (9.39 p.m.): I think that the Government will take the advice of the honourable member for Nerang and redefine "arrest". A rest is what the rest of the House gets when the member for Nerang sits down. I was going to commence by saying that this is an important issue and that there is a need for us to keep the issue in perspective. I was going to talk about how it is important that the community recognise that this is not just an issue for Government. The community cannot duckshove the responsibility onto Government. The community, as well as organisations, parents, youth groups and schools, has to play its part in addressing the issues of juvenile justice. The best examples of the types of issues that I wanted to raise in the preamble to my speech have just been ably demonstrated by the member for Nerang who has basically tried to turn what is an important issue into an exercise in bashing young people back to the mentality that if they offend once, lock them up, throw away the key and forget about them. Those sorts of draconian attitudes have been done away with in this Bill.

Firstly, I want to talk about the area of community corrections. An underlying principle of the Juvenile Justice Bill is that a child should be detained only as a last resort. For this to be effective in community corrections, a range of creditable options must be available. They must be framed and developed in a manner which will achieve the balance outlined in the principles of the Bill. Under the Juvenile Justice Bill, there are two sentencing orders which involve the supervision of young offenders in the community. These are probation and community service. Children subject to detention orders will, under two circumstances, be the focus of community correctional programs. Firstly, children detained and released under an immediate release order will be subject to supervised highly intrusive and structured activities in their community. Secondly, children released after serving the necessary proportion of their detention orders will be subject to close supervision for the balance of their orders.

A court may order a child found guilty of an offence to be placed on probation for up to one year, in the case of a magistrate, or up to two years, in the case of a judge. A child found guilty of a serious offence may be placed on probation for up to three years. Probation orders fulfil a dual role. They combine requirements which restrict the liberty of a child with an individualised rehabilitative program for a child. The Bill sets out the control elements or requirements of a probation order. These include conditions of the order such as reporting and notification of whereabouts. The Bill provides that an order may include specific requirements for a child. However, these requirements must relate to the offence for which probation is made and must be supported by the court's written reasons.

This addresses a criticism of supervision orders under the Children's Services Act 1965, that they have often lacked clarity in their purpose. The rehabilitative aspect of probation orders is addressed through the requirement upon the chief executive to establish programs and services for the support, assistance and reintegration into the community of children who have committed offences. The credibility of supervision orders under the Children's Services Act 1965 has been affected by an apparent reluctance to breach children who fail to comply with the conditions of the order. This has been, in part, because of the unwieldy nature of the breach provisions in the Act. It has also been caused by the vagueness of breadth of conditions which apply. The Juvenile Justice Bill addresses both these issues. Breach provisions are set out in detail. It is also clear that a child can only be breached for failing to apply with requirements set out in the legislation or the court order. Under this Bill a court order may order children—13 years and over—to perform unpaid community service work.

The three elements of reparation, punishment and rehabilitation are effectively integrated in community service orders. These orders have not previously been available for children in Queensland. Community service orders will require children to make amends for their offence or offences by performing community services. Community service orders will penalise children by imposing restrictions on their recreational time. Community service orders will provide the child with an opportunity to learn new skills and to establish relationships with key community members and organisations. Community service orders are an important element in the alternative-to-custody package necessary to implement the principle of detention as a last resort.

Under the Bill, a community service order may be made only against a child who is found guilty of an offence of the type that, if committed by an adult, would make the adult liable to imprisonment. In some circumstances, an order will be able to be tailored to allow the child to perform community service directly for the victim of the crime. Confronting the child with his or her victim in that way can have a salutary effect on the child. That flexibility also ensures the availability of community service orders, even in remote areas of Queensland. In a similar way to probation, the Bill provides clear procedures for breaching children who do not satisfactorily carry out their community service orders.

Clause 176 states that the purpose of immediate release orders is to provide a final option instead of detention of a child by allowing a court to release the child promptly into a structured program with strict conditions. Immediate release orders will be highly intensive and structured. The demands of the order will ensure that a child effectively serves time in the community. It is envisaged that unpaid work activities will form a large component of the order. Immediate release order programs will be of up to three months' duration. Activities and requirements which comprise the immediate release order program will be individually tailored for each child. That will not only serve to maximise the rehabilitative aspects of the order but also ensure the availability of the order throughout Queensland.

One of the specific concerns that I have about juvenile justice is that Aboriginal and Torres Strait Islander children are substantially overrepresented, as indeed Aborigines and Islanders are generally, in the justice system. On 30 June 1991, 41.9 per cent of children in care and control orders were Aboriginals and Torres Strait Islanders, and 22.4 per cent of children under supervision orders were Aboriginals and Torres Strait Islanders. In Queensland, Aboriginal and Torres Strait Islander children are nine times more likely to be under a juvenile justice order than the State average. In relation to young people in the juvenile justice system—in recommendation 62, the Royal Commission of Inquiry into Aboriginal Deaths in Custody recommended that Government and Aboriginal organisations recognise that the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for Governments and Aboriginal organisations to negotiate to devise strategies designed to reduce the rate at which juveniles are involved in the welfare and criminal justice systems and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and

communities whether by being declared to be in need of care, detained in prison or otherwise.

In the preparation of the Bill, consultation with Aboriginal and Torres Strait Islander communities was undertaken. For example, during 1991 and 1992, numerous discussions regarding the legislation took place between senior officers of the Department of Family Services and Aboriginal and Islander Affairs and all Aboriginal and Islander child-care agencies. Departmental officers met with the legislation review committee, which reviewed legislation relevant to Aboriginal and Torres Strait Islander communities, to discuss the legislation. The juvenile crime task force, which was established by Cabinet in January 1992, met specifically with representatives of Aboriginal and Torres Strait Islander communities to ensure that their views informed the juvenile crime strategy. Copies of the consultation draft of the Juvenile Justice Bill were forwarded to 23 Aboriginal and Torres Strait Islander organisations. Follow-up meetings were held in Brisbane, Townsville and Cairns. As a result of those consultations, certain changes have been made to the Bill. For example, cautions will be able to be administered by an elder to any Aboriginal and Torres Strait Islander child about any offence. Originally, it was proposed that that process be applied only when a transgression of community by-laws had occurred. The new sentencing orders have been devised to maximise the scope of Aboriginal and Torres Strait Islander involvement in the operation.

One of the principal objectives of the Bill refers specifically to the recognition of the importance of Aboriginal and Torres Strait Islander communities in the provision of services. The principles of juvenile justice underlying the operation of the Bill state also that the cultural background of a child is a relevant consideration in decisions made under the Bill. The definition of "parent" has been written widely to reflect kinship arrangements of care, which commonly operate in Aboriginal and Torres Strait Islander communities. Under the provisions of the Bill, a caution can, at the request of an authorised police officer, be administered to an Aboriginal and Torres Strait Islander child by a person who is a recognised elder of that child's community. The Bill provides that a court may dismiss a charge against a child on the basis that the child should have been cautioned instead of being charged.

Evidence suggests that Aboriginal children are less likely than non-Aboriginal children to be cautioned by police. A South Australian study found that, at each point in the system at which discretion operates, young Aborigines are more likely than other young persons to receive the most serious outcomes of those available to the decision makers. That study was conducted by Gale and others. The report, *Aboriginal Youth and the Criminal Justice System*, was printed in 1990 by the Cambridge University Press. It states that, when police are confronted with Aboriginal offenders and a range of options is available, they usually opt for the sternest or hardest option rather than the softer options. The use of arrest is restricted to the circumstances in which a police officer believes on reasonable grounds that arrest is necessary to prevent continuation or repetition of the offence or to prevent concealment, loss or destruction of evidence, or that the child is likely to fail to appear in court. An arrest results in the child being taken into police custody, and Queensland has historically had a comparatively high arrest rate. Although a break-down of figures is not available in Queensland, arrest figures in South Australia indicate that Aboriginal children are more likely to be arrested than summonsed.

Mr T. B. Sullivan: Are these practical and workable solutions that we're bringing in?

Mr BREDHAUER: They certainly are. They are particularly practical in terms of trying to reduce the number of Aboriginal and Torres Strait Islander juveniles who are in conflict with the juvenile justice system. Recommendation 99 of the Royal Commission into Aboriginal Deaths in Custody states that legislation in all jurisdictions should provide that, when an Aboriginal defendant appears before a court and there is doubt as to whether the person has the ability to fully understand proceedings in the English language and is fully able to express himself or herself in the English language, the court be obliged to satisfy itself that the person has that ability. When there is doubt or

reservations as to those matters, proceedings should not continue until a competent interpreter is provided to the person without cost to that person. Such provisions are contained in the Bill to ensure that Aboriginal and Torres Strait Islander offenders are able to understand the proceedings of the court. The Bill provides also that a court must explain, or have another person explain, to a child the purpose and effect of any sentencing order that the court may make, including any consequences of not complying with the order. There is no point in sentencing a person unless that person knows what his or her sentence is and the implications of not complying with it. Further, the sentencing orders which may be imposed on a child guilty of an offence must also be explained. For the first time in Queensland, children will be able to be ordered to undertake community service work, as I mentioned previously. An opportunity exists with community service orders for the child to make reparation to its community.

Most children who commit offences do not become hardened criminals. Evidence clearly shows that most grow out of crime. Research also reveals the negative impact of being marked as a criminal while still a child. The harsher the treatment of a child, the more likely he or she is to become involved in a career of crime. This is consistent with recommendation 92 of the Royal Commission into Aboriginal Deaths in Custody, which states that "Governments which have not already done so should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last resort". This recommendation has been supported, without any provisos, by all State Governments and the Commonwealth in their response to the commission's recommendations. Immediate release orders will be used as a major vehicle to challenge the overrepresentation in detention of Aboriginal and Torres Strait Islander children from remote communities. The approach should strengthen kinship systems and reflect Aboriginal and Torres Strait Islander values and priorities. With immediate release orders, appropriate members of a child's clan group will have an opportunity to contribute to the development of activities and conditions which constitute the order. This will maximise the social and cultural relevance of the orders. Furthermore, appropriate clan members can be recruited to act as supervisors of the orders.

A lot of attention has been paid in the Bill to addressing the needs of Aboriginal and Torres Strait Islander young offenders. I think that is most important. As the Royal Commission into Aboriginal Deaths in Custody found, the number of indigenous people who die in custody is not so surprising when one considers the proportion of Aboriginal and Torres Strait Islander people who are in custody. This is true of young offenders. If we can attack the problem of the overrepresentation of Aborigines and Torres Strait Islanders in our juvenile justice system, then we have a genuine opportunity to address further down the track the problems of the overrepresentation of Aborigines and Torres Strait Islander adults in the justice system and also the problems that occur with deaths in custody. I do not suggest that all of the solutions are here in this Bill, but I think an important precedent has been set. I do not believe totally in the judicial model approach to juvenile justice. I know the welfare model has been criticised by other speakers in this debate. With this legislation, we have tried to strike a balance between the judicial model and the welfare model. I think that is appropriate. When we are dealing with issues of juvenile justice, we have to consider that, by and large, the client group with whom we are dealing are children. I know there is some concern about age limits and about the responsibility of older children. Many of the people with whom we are dealing are very young children who often, if treated properly when they offend the first time, will not reoffend and will grow out of those problems. I think those principles have been embodied in this Bill. This is an important piece of legislation. I commend the Minister, her staff and the department for it. I support the Bill.

Mr SZCZERBANIK (Albert) (9.55 p.m.): I would like to carry on from the comments made by the member for Cook about what this Bill represents. We are talking about how this Bill will affect the youth of today in our society. My belief is that 99.99 per cent of the youth of today are good. How they relate to peer pressure sometimes draws them into being foolish and doing something wrong. I notice that the member for Southport is in the Chamber. He has turned out all right, but I believe that back in his younger days he may have got into some trouble and if he had been in today's society

he would have been dealt with by the judicial system. I am not putting the honourable member down. I can say that if I did today some of the things that I did in my youth when I was growing up back in Sydney, I would be before the courts, too. We used to have a motorbike on which we would go tearing around the bush. The neighbours used to call the police about us. When the police arrived, we would take off into the bush, and when they left we would come back out again. However, I can say that I did not turn out too badly and I must say that the member for Southport did not turn out too badly, either. We should not put over the heads of the youth of today a cloud that will remain with them in the future. I did some things that were wrong, and I have not grown up too badly. In my younger days, I did some things that I would have been locked up for today. However, through either good management or good luck, I got away from them. In debating this Bill, I want to address the matter of detention.

Mr Veivers interjected.

Mr SZCZERBANIK: I was too quick for them. I used to get away too quickly. None of my friends were caught, either. At some stage in our life when we are growing up, we do something foolish. That should not be counted against us in the future. We grow out of it.

A relatively small number of children commit serious or repeated offences and justice demands that these offences be matched by proportionate severity in punishment. For some offences, there is no doubt that detention would be the only just outcome. It is recognised in this Bill that the retention of detention as a sentencing option for children is desirable in that context. However, it is intended to closely examine the concept of detention of juveniles. We should be cautious that detention centres do not become just a training ground for career criminals. Evidence has shown that the premature use of detention can increase the chances of a young person continuing criminal behaviour into adult life. Children should clearly be made responsible for their actions. However, we cannot ignore the evidence that punitive responses of the sort often promoted by some elements of the popular press, and the ill-informed, are likely to increase crime rather than prevent it. The principle of detention being used only as a last resort is enshrined in clause 165 of the Juvenile Justice Bill. The commitment to this principle is supported by the findings of the most extensive and thorough examination of the criminal justice system ever undertaken in this country. In its final report, in recommendation 92, the Royal Commission into Aboriginal Deaths in Custody recommended "that Governments which have not already done so, should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last resort." This recommendation has been supported by all State Governments and the Commonwealth in their response to the royal commission. This more tempered approach to the use of detention serves to stress the severity of detention as a punishment. It has been recognised in the Juvenile Justice Bill that such an approach is only feasible if it is accompanied by a wider range of non-custodial orders. In particular, immediate release orders will provide a highly intrusive structured program which is an alternative to custody.

For some time in our community, there has been disquiet about the use of parole and remissions in the adult criminal justice system. There is a perception in some quarters that the sentence of the court bears little relationship to the period actually served in prison. This issue was highlighted by the Australian Law Reform Commission in its 1988 report on sentencing. In that report, the commission recommended a system of automatic release dates. The Juvenile Justice Bill establishes such a system. Clause 188 of the Bill provides that, where a court makes a detention order, the child is to serve 70 per cent of the period of that order in a detention centre. This system has a number of advantages. Firstly, it ensures that offenders are treated consistently. In addition, the court and all parties will, from the outset, be aware of the date on which the child will be released. This level of certainty is particularly important to children. Experience has shown that children are generally more anxious and difficult to manage when faced with uncertainty. Some might suggest that the required level of certainty could be achieved by a child being detained for the entire period of the order. However, such an approach would preclude the possibility of children being supervised and guided during their

return to the community. Parole has always fulfilled an important function. The offender is still subject to stringent conditions and supervision and, in a very real sense, is still being punished. At the same time, post-detention release provides an opportunity for offenders to be given assistance with their reintegration into the community. This is particularly important for children. It would not be desirable for children who have spent lengthy periods in detention to be discharged into the community without any support or supervision. Another advantage of the automatic release approach of this Bill is that, in contrast to establishing elaborate mechanisms to determine parole, there would be no funding implications. No consultants' fees are required. No administrative support systems require funding. No accommodation implications are involved. All in all, as an innovation, this approach must be applauded.

One of the major features of this Bill in relation to detention is its emphasis on accountability and a more open approach to the management of detention centres. Real dangers exist that institutions such as detention centres can become closed systems. This Bill ensures that such a scenario cannot develop. As part of this approach, the responsibilities of the director-general regarding detention centres and children in detention are detailed in the Juvenile Justice Bill. These obligations reflect a balance between maintaining security, discipline and safety in the centres and ensuring that children are given opportunities to develop their social, educational and vocational skills. The provision of these rehabilitative services will be vital in minimising the chances of children reoffending after they are discharged from detention centres. In addition, under this legislation, the director-general is obliged to establish mechanisms for dealing with complaints. Central to this obligation will be the appointment of official visitors to each of the detention centres. Official visitors will have the authority to fully investigate any complaints. The confidentiality of any communication between children in detention and the official visitor is firmly established. Children will be informed of their right to make legitimate complaints, and access to the official visitors on at least a monthly basis will be assured. The rights of children who are in detention will generally be clearer than they are at present. The Bill ensures that children are made aware of both their responsibilities and their rights as soon as possible after their admission to a detention centre. Again, this recognises the problems that are generated by children dealing with uncertainty. The parameters for acceptable behaviour——

Madam DEPUTY SPEAKER (Ms Power): Order! I ask members on both sides of the House to keep the noise down. I cannot hear the member for Albert.

Mr SZCZERBANIK: The parameters for acceptable behaviour should be clear from the outset. In addition to the appointment of official visitors, the Bill provides scope for the director-general to establish other mechanisms to deal with complaints. For example, if a complaint appears to constitute official misconduct, a referral to the Criminal Justice Commission may be necessary. I have visited the detention centre at Wacol. It is not a nice place to visit. When I visited the centre, my understanding was that it was part of the adult Corrective Services building which is located across the road. I felt very uncomfortable being at that detention centre, and I know it must have been very uncomfortable for those who were in that place. It did not appear to be a caring environment, and I do not believe it was a suitable environment for young offenders. It appeared to be a breeding ground for criminals. While I was at the centre, I met a young lady aged 15 who came to Brisbane from the Sunshine Coast. She had nowhere to go, so she was placed in the detention centre at Wacol. To me, her situation represented a failure of the system.

The Juvenile Justice Bill has achieved a fine balance in its provisions relating to detention. The balance achieved is between the recognition that some children commit serious offences which demand their removal from the community, and the reality that such offenders are children and that their successful rehabilitation is an investment in the future of our community. The Minister has achieved that fine balance and is to be congratulated on the Bill. I support the Bill.

Ms SPENCE (Mount Gravatt) (10.07 p.m.): Juvenile crime has recently come under intense scrutiny from the CJC and the people of Queensland.

Mr Veivers interjected.

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

Ms SPENCE: The need to amend current juvenile justice practices has arisen after years of neglect by previous Governments. In this House, the National and Liberal Parties have made much of the crime rate, yet after years in Government and despite the fact that the community is crying out for changes to the current system, no amendments have been made to the legislation. Although the CJC may dismiss claims that youth crime is rampant in Queensland, householders in the Mount Gravatt electorate have faced increasing incidences of property crime. Much of this has been instigated by juveniles. The fact that Queensland's juvenile crime rate for serious assault, break and enter and stealing offences is higher than the national average proves that the current measures used to treat this problem are inadequate.

The Juvenile Justice Bill aims to give the courts greater power and to provide the community with a range of social justice programs in an attempt to decrease the incidence of juvenile crime. On behalf of the Mount Gravatt electorate, I intend to examine the key features of this Bill and support its implementation. In the past, Queensland's juvenile justice system has been based on a welfare approach. Young offenders before the law were deemed to be needy individuals requiring rehabilitation rather than punishment. That meant moral rehabilitation that was designed to deter and prevent crime. This welfare model was responsible for the development of the reformatory school and the detention centre, which are methods of rehabilitation that have been increasingly criticised as dehumanising, expensive and brutalising. Under our current juvenile system, both Acts are based on the welfare model. Both will be replaced, in whole or in part, by the new legislation.

This Bill is based on the balanced approach, which advocates that young people accused of crimes are held accountable by law for their actions. Emphasis will still be placed on providing services for the welfare needs of juvenile offenders, but legislative factors will be defined in terms of expanding non-custodial measures with a punishment component. I do not see this as a move away from rehabilitation towards pure punishment. A fundamental element of the Bill is its balance between execution of the laws and the treatment of social factors responsible for juvenile crime.

Youth crime has clear connections with unemployment, homelessness, school alienation, family breakdown, drug abuse, boredom and poor self-image. Inadequate community family and youth support services also impact upon juvenile crime. Key findings in juvenile crime studies indicate that most juvenile crime is local, unplanned and not repeated. It occurs in public areas, such as shopping centres, and most young offenders do not continue to offend as adults, even though most people who are in adult gaols have had contact with the juvenile justice system. Those social concerns have played a vital part in the development of the Bill's youth crime prevention program. Its aim is to divert likely offenders away from crime before they commit an offence and become a part of the system. We must address the social problems at a base level, not only to reduce crime but also to reduce the cost to the community.

In the past, money has been spent on committing juveniles to institutions, when probation or community service costs the taxpayer 12 to 13 times less. Police cautioning is many times more economical than dealing with juveniles through the courts. The message is obvious: although detention centres are still necessary, juvenile crime prevention programs will reduce both criminal incidence and the large amount of money that is currently spent in repairing the damage that juvenile crime wreaks on the community.

Community crime prevention strategies are more important than economics. Crime prevention programs have succeeded in other countries owing to the recognition of one factor: a small minority of juveniles commit a large proportion of all juvenile crime. That fact allows those programs to target high-risk individuals and at-risk communities and groups. Currently in Queensland, the main system of crime prevention is primary crime prevention, which is aimed at stopping juveniles from committing offences in the first

place. To do this, situational strategies that change the areas that young offenders target have been used, including Neighbourhood Watch programs, increased surveillance in shops, and the increased protection of targeted properties with heavier security and locks. The new crime prevention initiative will attempt to address the social, physical and economic influences underlying juvenile crime. By diverting children from criminal influences in the first place, the need for those security measures will be minimised. Strategies such as these include improving job and education opportunities, and increasing community services and recreational opportunities.

These developments in the community prevention program will work hand in hand with the legislative changes that will occur under the new Bill. Of the many features in the Bill, I wish to concentrate on the proposed sentencing options offered by the new system and the changes that will be introduced to the Childrens Court and magistrate provisions. I refer to police cautioning. In Queensland, approximately 70 per cent of juvenile contacts with the police are dealt with by way of a caution. Such systems are strongly supported because they divert first offenders from the formal court process. This Bill will include the best elements of the current police cautioning process to act as an alternative to prosecution before the courts.

Provisions related to police questioning will prevent confessional material, which has not been obtained in the presence of an adult, being admitted as evidence. This will protect children from harassment, and the courts from false admissions. The Bill will also limit the taking of a child's identifying particulars, such as fingerprints, so that criminal self-images will not be formed and continue a child's criminal behaviour. Provision will also be made for the destruction of these particulars when a child is found not guilty.

A fourth feature is the alternative to arrest that the new Bill offers. Instead of being arrested when charges must proceed, a child may be summonsed to court through an attendance notice. However, if a serious offence is committed or the child is not likely to respond to the notice, arrest remains a very real option. Parental responsibility in relation to young offenders will also continue to be given a high profile. Under the former Children's Services Act, courts are able to order parents or guardians to pay compensation for the damage that their child or ward has done. For some time, calls for an increase in those restitution payments have also been coming from the media and community groups such as Neighbourhood Watch. This compensation practice will be continued in a stronger form. Parental responsibility is threefold: it is moral, legal and financial.

A prominent feature of the Bill is that of the sentencing options. These encompass custodial and non-custodial options, ancillary orders and the new functions of the Childrens Court. Under the current legislation, the courts have limited sentencing options. They can admonish and discharge, convict and fine, order supervision by the Family Services Department, or make an order for care and control. The system is limited. The greater power given to the courts under this new legislation will allow them to relate the sentence to both the offender and the crime. If the crime is severe, the child will get a severe sentence. If it is not worthy of harsh sentencing, the child may be made to pay a fine or to do some form of community service. Plans for painting local halls, planting trees, landscaping parks and helping local charities will be implemented. For serious offences, the sentencing options will match the offence. Detention will mean placement in a detention centre—not an adult prison. While only the courts have the capacity to place a child in these centres, they must take care to ensure that the crime justifies a child's placement in detention. Too often, children are sent to those centres because too few options are available. This is where our community-based programs will be of considerable importance. Finally, issues dealing with release from detention and the transfer of young offenders from detention centres to prison will be dealt with. Offenders must serve 70 per cent of their sentences in custody. During the remaining 30 per cent of the sentence, the child will be released into the community under a set of terms determined by the Family Services and Aboriginal and Islander Affairs Department. If those conditions are breached, the balance of the sentence will be served in detention. Although they may serve less than 70 per cent in special circumstances, young offenders will never serve less than 50 per cent. They will be transferred to

prison when they have reached the age of 17. I commend the Minister and her many staff members of the Family Services Department who have worked very hard to put together this legislation. I commend the Minister for introducing this Bill.

Mr SCHWARTEN (Rockhampton North) (10.17 p.m.): In rising to support this legislation I, too, congratulate the Minister and her staff on bringing forth such well-researched, well put together legislation that obviously is needed and long overdue. The sorry tale of woe outlined by members opposite would have members believe that only since 2 December 1989 did Queensland start to experience a problem with juvenile crime. All honourable members would know that that is certainly not the case. In the past 30 or 40 years, there has been a steady deterioration in the way that society generally behaves. I am not talking only about juveniles, I am talking about society generally. I was astounded to hear the member for Nerang expounding his ignorance on the subject of juvenile crime. One step further than that, I was astounded by his hypocrisy in talking about this Government's response to the problem of juvenile crime. Quite frankly, when the Liberal Party had the opportunity to influence a Government to do something about juvenile crime, it was found to be wanting.

Mr De Lacy interjected.

Mr SCHWARTEN: Perhaps I am overjudging the Liberal Party's influence to some extent. However, I am certainly not overjudging its hypocrisy. The member for Nerang would have members believe that those conservatives opposite were the custodians of the morals and good behaviour of the people of Queensland. What absolute rot! Honourable members would be aware that no attempt was made by the Liberal or National Parties to come to grips with this very serious problem. I believe that 1965 was the last year that anybody on that side of the House even glanced at the Act. Accordingly, as my learned friend the member for Yeronga said this morning, that is just one of the many reforms that this Government, by necessity, has had to address. Consequently, I applaud it. Many members have already said that, in terms of dealing with juveniles, this legislation represents a movement from the welfare model to the judicial model. Obviously, anybody with any social conscience whatsoever would accept that movement with some trepidation. As one of those people, I do welcome that on the basis that the time has arrived when the tough actions of juveniles require tough laws. Under the laws introduced into this House by the Liberal and National Parties, police had to fight juveniles with both hands tied behind their backs. Any police officer would tell members that the police simply gave up on trying to apprehend juveniles, because laws did not exist to do anything about it. That situation continued until this Government addressed it and armed the police of this State with appropriate laws to fight juvenile crime.

I have referred to this legislation as carrot and stick type legislation. The carrot exists to prevent youngsters embarking upon a course of continually reoffending. The majority of kids who get into trouble do not reoffend. Between 70 per cent and 80 per cent of kids who are cautioned by the police are frightened off the path of crime and we never hear from them again, either statistically or criminally. However, it is the next group of people about whom we need to worry and in regard to whom our laws were found to be wanting. I am pleased that we have not gone entirely into a punishment model with this legislation. However, it provides plenty of options to keep young people out of gaol. Statistics reveal that the sooner young people are put behind bars, no matter what the circumstances, the greater the chance that they will spend their adult life in a prison. Madam Deputy Speaker, there is quite a bit of audible conversation in the Chamber.

Madam DEPUTY SPEAKER (Ms Power): Order! The House will come to order. My patience has run out.

Mr SCHWARTEN: So has mine.

Madam DEPUTY SPEAKER: Order! It is very difficult to hear the member for Rockhampton North. Members on both sides of the Chamber will curtail their conversation.

Mr SCHWARTEN: I thank you, Madam Deputy Speaker, for your protection. As I was saying before I was so rudely interrupted, the fact is that the chances of people

reoffending once they go behind bars at an early age are pretty high. Plenty of evidence is available to back up that statement. Some of the provisions in this legislation are quite harsh. I will not shy away from the fact that it is pretty harsh to say to parents that they will be held accountable for the actions of their children. I notice that civil libertarians in this State have been up in arms about that provision. However, I am pleased that the legislation contains certain safety nets to protect parents from prosecution because of the actions of their children. I can well understand a situation in which a reasonable parent has taken reasonable steps to ensure that a child has done the right thing and the kid has gone out and caused damage. Invariably, it is always the child of a parent who cannot afford to make restitution who commits those acts and the parent then has to pay the penalty. Under this legislation, that will not be the case. The courts will be in a position to make a judgment. In an instance such as that which occurred at my home, which was broken and entered by a man and his 14-year-old son, obviously the parent has some responsibility. Obviously, he was aiding and abetting the 14-year-old child, and it is reasonable that in that situation the parent pay some sort of restitution.

Another initiative of the Bill relates to custodial sentences. Rather than it being an administrative direction of the chief executive, the courts are now dealing judicially with offences. Tough crimes deserve tough punishments; it is as simple as that. As a result of this legislation, custodial sentences can be meted out. The provisions for restitution and compensation are also appropriate punishments to fit particular crimes. If a person has to make good the damage that he does, it might make him think twice before repeating the offence. In Western Australia, a team of youngsters attend roadside accidents. They remove the glass from the road, hose the blood off the road, and so on. If graffiti has been painted on a wall of a school, they are taken to the site and made to scrub it off. Having to clean up one's own mess is bad enough, but having to clean up somebody else's mess certainly would act as a deterrent and would attract some public humiliation as well.

The legislation is well overdue. I was surprised to hear the member for Burnett say that no consultation has taken place. At my request and at the request of Tozer Road Neighbourhood Watch the Minister sent a couple of her officers—one of them being Margaret Allison—to Rockhampton to conduct a seminar to explain how the legislation would work. Because a spate of those types of crimes has occurred in the area, a large crowd of interested people attended. It was pleasing to see that the seminar was well received by those people, especially the people in the Koongal area.

Mr Ardill: That indicates a good member in Rockhampton.

Mr SCHWARTEN: I will take that interjection.

Mr Ardill: It is a shame the National Party members couldn't do the same thing.

Mr SCHWARTEN: I will take that interjection, too. I will not labour the point. In my opinion, the legislation will work. It puts the onus back on the juvenile. No longer will juveniles in this State be able to thumb their noses at authority. They will have to understand that their actions cause reactions and carry with them consequences. As a result of this legislation, the police will be in a better position to deal with offenders. Consequently, I support the legislation.

Mr BEATTIE (Brisbane Central) (10.28 p.m.): I support the Juvenile Justice Bill 1992. In doing so, I remind the House that in March this year the Criminal Justice Commission produced an information and issues paper entitled *Youth, Crime and Justice in Queensland*. Following the release of that information and issues paper, the Parliamentary Criminal Justice Committee visited Western Australia and South Australia as part of its monitor and review role in assessing the information and issues paper. It is with that background that I am happy to contribute to tonight's debate.

During the visit of the parliamentary committee to Perth and Adelaide from 31 May until 5 June, we had some very productive discussions with a range of people. One of those people was Detective Inspector Bob Kucera, who talked with us about juvenile justice programs. We talked to members of the Young Offenders Scheme operated by the Department of Community Services in Western Australia. We carried out a number of inspections, including an inspection of the Longmore Remand Centre. We had a

discussion with Dr Harry Blagg, who was with the Western Australian Advisory Committee on Young Offenders. We met with Police Commissioner Bull of the Western Australian police and his senior officers. We had a discussion with the Western Australian Youth Legal Service. We met with Judge Howell Jackson of the Western Australian Childrens Court. We also had discussions with the YMCA about its youth programs. In South Australia we met with Police Commissioner Hunt and his senior staff. We met with Mr Terry Groom, MLA, Chairman of the Select Committee on Youth Justice. We met with Judge Newman. We had discussions with the Department of Family and Community Services, and so on. For the information of all members of the House, I table the parliamentary committee's itinerary and program.

What came from that visit was a number of very clear points. They are covered in the legislation that is presented to the House as the Juvenile Justice Bill. I think it is worth pointing out right at the beginning that it is easy for people in the political process, if they wish, to use issues such as juvenile crime as a political football. We are seeing that in the current debate in Queensland in which the conservative parties are trying to use the issues of crime, law and order and indeed juvenile crime as a political football. The reality is that that is very sad, because the sort of short quick fixes which are discussed by the conservatives in this political debate will not solve the problem. A number of key issues have to be highlighted. That trip by the parliamentary committee to Western Australia and South Australia, together with a number of meetings, I should add, that we had with experts in the field in Queensland, highlighted that it is important to try and keep young people out of the criminal justice system. The reason for that is very simple. If, through cautioning, young offenders can be kept out of the criminal justice system, they are less likely to become reoffenders. If we can stop recidivism, we can reduce the overall level of crime in the community. Cautioning is a fundamentally important step in reducing juvenile crime. In fact, when we discussed this issue with Detective Inspector Kucera, he said that in his lengthy experience in Western Australia—and he had also travelled extensively in Europe and in Canada and had looked at the French Bon Maison system that was operating there—"Cautioning by police removes about 60 per cent of young offenders from the system." I know that the member for Warwick would be particularly interested in what I am about to say, because he can remember being a young offender; senility has not set in yet. If young offenders who have offended only once can be removed from the system by cautioning, 60 per cent of offenders can be removed in the first instance.

The second point that Detective Inspector Kucera made to us is that social welfare counselling will remove another 10 per cent and the courts, working with parents who are obliged to attend court, and other meetings will remove another 12 per cent. So it can be seen in general terms that under a preventive system, about 82 per cent of young offenders can be removed from the system and they do not become recidivists; they do not offend again. In fact, the blunt statistics show that recidivists account for a small percentage of the population of offenders but they account for a large number of offences. That is one of the statistics that have been ignored by the conservatives in this debate. It is worth looking at the need for long-term solutions, and at the real position, not at the sort of rhetoric that we have heard from the honourable member for Nerang and the honourable member for Hinchinbrook, which is based on prejudice and half-truths. The statistics speak for themselves. The information and issues paper from the CJC to which I referred previously points out, at page 7—

> "An examination of available records shows that juveniles do not commit the majority of cleared crimes. Nor are they responsible for the majority of property crimes. However, in certain categories of property crimes such as shoplifting and breaking and entering, juveniles are over-represented. Only a small number of juveniles are involved in more serious crimes. Furthermore, a large majority of juveniles identified for crimes are males and are 14 years old and above. Aboriginal and Torres Strait Islander youth are over-represented among juvenile offenders."

I will come back to that. It continues—

> "Approximately two-thirds of juvenile offenders are dealt with by cautioning."

This was the point that I was making before. One can deal with a large number of juvenile offenders quite effectively and get them out of the criminal justice system by cautioning. The information and issues paper continues—

> "The police discretion to caution first and/or minor offenders is based on a recognition that much youth crime is petty and transitory, although cautioning is also used for serious offences. Cautioning also aims to divert juveniles away from the criminal justice system. When the data for appearances and offences dealt with by the Childrens Court are examined, it seems juvenile offenders appearing at courts are charged with multiple offences."

This is the very point that I was making before. Further, in relation to this issue, it is worth pointing out that the children themselves are also victims of crime. If we look at the kids who reoffend, we find that a large number of recidivists are kids who have been either sexually abused, physically abused in the family situation in which they have grown up, or seriously affected by social circumstances arising out of issues such as unemployment. With a lot of these young kids, there is a problem with alienation from society. The real solution to reducing juvenile crime is reducing alienation amongst young people. That is the real key to overcoming the problem—reducing alienation of young kids from the society in which they live; making them feel that they are part of it. Quite frankly, with kids who are sexually or physically abused, it is very difficult to reduce that level of alienation. It is very difficult to make them feel part of society. Indeed, as I said before, when the members of the parliamentary committee visited Perth, we spent some time in the Longmore Remand Centre, and we discussed the issue at some length with the experts there.

It is worth pointing out in the strongest possible terms that a lot of the recidivists are victims themselves. That is one of the problems here. One cannot simply try to provide a quick-fix solution to a very serious and deep social problem. As well, substance abuse is a key part of the problem. When we visited the Longmore Remand Centre we were told that, at a minimum, 45 per cent to 50 per cent of the children who were there on remand were involved in some sort of substance abuse. The complex nature of this problem becomes even more acute when any reasonable assessment is made of the problem. It is not a problem that can be resolved quickly. It is worth referring to page 9 of the CJC information and issues paper under the heading "Children as Victims of Crime". It states—

> "While the focus of this paper is primarily children and young people as offenders, it must be noted that children are also the victims of crime. The Australian Bureau of Statistics (ABS) Crime Victimisation survey (1983) found that younger people (15-19 and 20-24 years) are disproportionately the victims of all forms of personal crime, including sexual and other assaults. For example the ABS survey found that 44 per cent of assault victims were 15-19 (21.6 per cent) and 20-24 year olds (22.8 per cent). This pattern was repeated consistently across all personal crime categories. Thus, contrary to perceptions that older people are the most likely victims, trends in the data indicate a steady decrease in the percentage of victims of personal crime as age increases."

The paper continues—

> "The extent of youth victimisation contrasts with the perception of youth as a major source of crime."

Honourable members should look at these statistics. Page 10 of that CJC document highlights that most juvenile crime occurs in the areas of breaking and entering and shop stealing, as well as stealing generally. They are the major offences committed by young people. On page 12, this is highlighted in very graphic terms in the paragraphs which point out that—

> "In 1990/91 slightly over 30 per cent of all apprehended juvenile offences involved shoplifting. Breaking and entering constituted 20.9 per cent of juvenile offences and other stealing (excluding motor vehicle theft and shopstealing) accounted for 18.4 per cent of juvenile offences. On the other hand offences

> against the person comprise only a small proportion of juvenile offences. Juvenile proclivity for involvement in petty property offences is even clearer when the offender data is examined (rather than offence data as above). The most serious offence that over half of all juvenile offenders apprehended by police in 1990/91 were involved in, was shoplifting or other stealing (excluding motor vehicle theft). Approximately a fifth of children apprehended were involved in other break and enter offences. The police data therefore indicates that most juvenile offenders are not involved in the commission of serious offences—the bulk of juvenile offenders is at the less serious end of the crime continuum. A small number of juveniles are involved in more serious crime."

I hope that in this debate we do not lose sight of what the real statistics are. On page 13, it is stated that—

> "While juveniles are responsible for a disproportionate amount of certain cleared property crime there is no evidence to show that juveniles are responsible for the majority of all property crime, let alone 80 per cent of property crime."

Caution must also be exercised in looking at crime figures in general terms. For the information of the House, in light of what the honourable member for Hinchinbrook said, on page 15 the commission points out—

> "For the purposes of this issues paper, police statistics on juvenile involvement in crime for the period 1985/86-1990/91 were subjected to a more detailed analysis. The Appendix provides the year by year returns. In that period the total number of offences cleared by way of apprehension of juveniles decreased by 20.3 per cent. The number of juvenile offenders decreased by 15.2 per cent. This pattern of overall decline was not uniform."

It states further—

> "Property offences, which are the offences most frequently committed by young people, decreased substantially. This accounted for the overall offences and offenders."

Those statistics speak for themselves. They can be the subject of discussion and debate, but they do indicate a more realistic appreciation of the situation than we have had from members opposite in this debate today. I will come back to the central issues. If we are going to reduce juvenile crime, measures need to be put in place to get juveniles out of the criminal justice system. The sentencing options that are available under this legislation achieve that. They provide for a reprimand; a good behaviour order after 12 months; a fine of any amount provided in the Act under which the child is charged; a probation order for a period of up to 12 months by a magistrate, or up to two years by a judge; a community service order up to 60 hours for children aged 13 and 14, and up to 120 hours if the child is 15 or over; and a detention order for a period of up to six months by a magistrate, or up to two years by a judge. The Bill also provides additional sentencing options to deal with children found guilty of serious offences. Those options include: a probation order for up to three years; a detention order for a period of up to seven years for a serious non-life offence such as attempted rape; a detention order for up to 10 years for a life offence such as robbery in company with violence; and a detention order for up to 14 years for children found guilty of a life offence that involved personal violence of a particularly heinous nature. These later sentencing options will only be available for the Childrens Court judge or a judge of the District or Supreme Courts.

What is happening is that we are finally getting some mechanisms that will work to help keep the system operational. What I am saying tonight does not in any way mean that this Government is going soft on crime or juvenile crime. I am saying that this legislation has provided a meaningful, long-term solution to the problem of juvenile crime. We have to face up to the statistics honestly and not have an hysterical debate, perpetrated by politicians and seized upon to some extent by sections of the media to bring about a disproportionate community concern about a problem. We have to tackle the problem head on and work through some realistic solutions. Those realistic solutions

mean looking at cautioning, which we are doing here, and looking at long-term solutions such as Bon Maison. That system, which has operated effectively in France and Canada for some time, has led to a 6 per cent decrease in juvenile crime with each year of its implementation.The program is working in real terms. One of the main reasons for the comparative success of the program is that the initiatives in the Bon Maison system addressed social issues, which led to a decrease in crime. In particular, it gave youth value in the community, which reduced the alienation problem to which I referred. All the various parts of the Bon Maison system were involved in some way in the youth justice and crime problem area. They interlinked a number of departments, which worked together, which again is provided in the general thrust and spirit of the legislation.

In France, five agencies have been interlinked to ensure that the Bon Maison system works. Police are involved, as are Childrens Services and Childrens Courts, the Ministry for Education, the Ministry for Health and the Ministry for Employment and Training. A Government cannot solve issues involving juvenile crime by having it as a one-out matter. It must be a coordinated approach including a number of departments. That has meant that crime-related problems, such as truancy, substance abuse and suicide, can be dealt with in cooperation with all the relevant agencies. Systems in which agencies interact in that way have had a high level of success, for example, the Bon Maison system. In my electorate of Brisbane Central, we too have had problems involving juvenile crime and youth gangs. Fortitude Valley and the Queen Street Mall are in my electorate.

A Government member interjected.

Mr BEATTIE: It is, indeed, a fine place. I have had particular problems in Windsor and Wilston. I live in Wilston. Those problems have partly been solved by a community approach to the problem. The branch of the Minister's department that is responsible for community services sent representatives to a public meeting, at which we discussed solutions to the problem. We find that, because some of the inner suburbs have grown older, many of the outlets that youth usually had in those suburbs have gone. I am happy to say that, in the Valley, the establishment of foot patrols and a very reasonable approach by the police has led to a reduction of the problem.

I might say in passing that I found it offensive that the Leader of the Liberal Party, Mrs Sheldon, decided to launch one of her so-called crime initiatives on the weekend in the Valley. Frankly, the more we talk up the so-called problems in the Valley, the greater the problem becomes, because there is a perception that the problem is worse than actually exists. I hope that members of the Liberal Party will stay out of the Valley. The business community in the Valley does not want them there stirring up problems. The Valley has had its lowest crime rate in recent years. The foot patrols and the approaches taken by the Government have led to a significant reduction of crime in Fortitude Valley. We do not need people talking up the problem in an unnecessary way. The Bill goes a long way towards resolving the problem and providing initiatives that will work. I believe that the Bill is long overdue and, in common with everyone else in this House, I hope that it will work in the interests of our young people not only for today but also for tomorrow.

Hon. V. P. LESTER (Peak Downs) (10.47 p.m.): It is very sad that we must bring a Bill of this nature into the House. The reason for it is very simple. Over a long period, we have had an escalation of youth crime. We would all like to be do-gooders and good Samaritans and take a very placid approach to our young people who commit offences. Unfortunately, the difficulty is that it has been proven not to work. A tougher approach must be taken. Why? A tougher approach must be taken because the lives of many elderly people, pregnant young women and young children are literally sabotaged by a few of our unruly youth. Certainly, not all of our youth create the problem; it is a very small percentage who make life particularly unbearable for everyone.

In the summer at the beginning of this year, as I was driving along Horton Street in North Rockhampton I saw a house that was obviously well tended. The garden was good, the sprinklers were going, but the house was shut up like a drum. I thought that a problem must have occurred there. I went up to the house. An elderly lady came out.

She had tried to take to one of those young people, who had come under her house, with a broom. We opened up the house for a while. She made me a cup of tea. I settled her down a bit and I suggested that she not take to those young people with a broom.

I thank the Minister for receiving a deputation of a number of concerned residents from that area. After I had written to her, she wrote back to me a letter of quite some detail that I was able to pass on to many interested people. It is obvious that the Minister has, in this instance, taken a bipartisan approach and has not written the irresponsible letters that, because of a political agenda, some Ministers do when I write to them. I thank Mrs Warner for that. As a result, people to whom I have passed on those letters have increased respect for the Minister. Unfortunately, the problem is not solved yet. Through Neighbourhood Watch and the efforts of everybody—and I will not try to be political tonight——

Government members: Oh!

Mr LESTER: I have not been political yet. The issue is far too important for that. We must solve the problem. We must throw politics out the door and get together to see what we can do. I realise that one cannot use the Parliament as a forum in which to name people, and I will not do that. However, a couple of people who have been causing most of the trouble have been sent to Westbrook. To some extent, that has relieved the problem a little. Unfortunately, some families have children who are apprentices. Although I fear for the community, I fear for those children, too, as to where on earth they will be when they grow a little older. I wish there was some way in which some of those young people could be dealt with in their early school years. I also realise that that is not the answer. Over a period, schools have tried very, very hard to deal with some offenders, but their behaviour has been so bad that they have been expelled from school after school, and with good reason. A couple of young hoons, for want of a better word, should not be allowed to disrupt the rest of the students in a class who should be given an opportunity to learn. That has been an extraordinarily difficult problem.

If families shift from one part of a town to another, the existing problem is then put on to people in that new area. Somehow, the problem has to be solved by counselling the families concerned. It has been suggested that some children need more family life. Unfortunately, the family life of some of the children who are at the core of this problem is not such that it does a lot for their upbringing. The authorities and the community have an enormously difficult burden to share. It has been suggested that the police need to have more powers, and that is good. But that is not entirely the scenario; I will not use the word "truth". Unfortunately, these days certain police powers are curtailed by the CJC. Many young people know the rules backwards.

Mr Pearce: Backwards?

Mr LESTER: Sometimes, young people cause the police to become aggressive; they really do. I inform the member for Broadsound that if the police momentarily get out of hand, they are then reported to the CJC. Quite frankly, it is easier for the police to go out and book someone for speeding than to try to catch up with some of the hoons. I am not saying that the police do that, but I cannot blame them for being tempted to do it. Many police face that obstacle. Young people know just what to do to embarrass the police and to set them up. Indeed, they know how to set up others who try to show some form of authority to deal with this extraordinarily difficult problem.

At this point, the legislation has not stopped the bashings in the Rockhampton mall, but I do believe that they have calmed down a little. Let us hope that at some time in the future the point is reached when young people can go to a nightclub and, providing they are behaving themselves, at least go to a taxi without fear of being belted up. This year, some 700 break and enter offences have occurred in the Rockhampton area. Not all of them were committed by youth. However, that is an indication of the problem that the community is facing. Horrendous difficulties face not only this Government, welfare authorities, the police and everybody else concerned but also the community. It is a burden that we all have to bear together. As the time is getting extraordinarily late and many of the previous speakers have spoken of the

severity of the problem, I just want to reinforce that it is a problem. I want to thank those who have tried to assist in endeavouring to solve the problem and the many, many people who have made deputations to me in the area about which I have been talking, namely, the Koongal area.

Mr Livingstone: Peak Downs

Mr LESTER: Peak Downs, too. All of us need to remain ever vigilant, throw politics out the door in this instance and see whether we can work together to try to continue to help solve a problem that might be on hold at the moment. Because this nation has unemployment problems, young people have nothing to do because they cannot get work. This allows them to sit down, think and meditate. They become frustrated. They blow out. Their brains go. They go and do things for which they are sorry. I note also that concerns have been expressed about sending young people to gaol, and of course that concern should exist. In recent times, I have been to the correctional centre at Rockhampton enough times to know that it is not a nice place. I am not knocking the centre or anybody there. One sees the hopelessness of some of the people who are inmates at that centre. It is often the case that when young people go to such centres they get in with the wrong type and it is not too long before they reoffend and are back in the centre again. However, efforts are being made in an endeavour to stop people from re-entering the custody of Her Majesty. I will leave it at that for the moment. It is one heck of a problem. We have to continue to work on it. Certainly, I will be ever listening and trying to see what I can do, together with others, to help solve what is a difficult problem.

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (10.58 p.m.), in reply: I wish to thank honourable members for their comprehensive and considered contributions to this most important debate. The issues raised by honourable members on both sides of the House serve only to emphasise the reality that the issues involved in establishing a new legislative framework for dealing effectively with juvenile crime are both complex and challenging. It would not be possible to please everyone in introducing the proposed reforms to the juvenile justice system. Many views amongst honourable members and in the community in general are diametrically opposed, as evidenced by the debate that has occurred in this House.

However, it is not enough to develop such wide-ranging legislative reforms on the basis of limited individual experiences or uninformed philosophical views. The Juvenile Justice Bill 1992 is based on a wide-ranging examination of programs both in Australia and overseas. Consultation has occurred with many individuals and community organisations which have experience in the area. The result of this research and consultation is a complete reform package, which ranges from major crime prevention measures to court structures and penalties within a coordinated framework of well-informed principles. The reforms will place Queensland in the forefront of juvenile justice reform.

I welcomed the support that the member for Hinchinbrook gave to the Bill, although I was somewhat bemused by his insistence that virtually every social ill that has affected this continent has occurred because of and since the Whitlam era. That is an entertaining notion and seems to me to be a rather redundant view, given that some 15 or more years have passed since that era and that the Whitlam Government was in power for only three years. It seems that the honourable member has enlarged Mr Whitlam's status even more than his supporters have enlarged the impact that he had on Australia. Apart from that quirky approach, I agree with the reflection of the member for Thuringowa that the comments of the member for Hinchinbrook were somewhat simplistic.

The member for Hinchinbrook was concerned about Workplace Health and Safety Act issues and the onus on community organisations which provide community services. All workplaces are subject to this Act. No intention exists to allow children to participate in dangerous community service activities. The honourable member suggested that cautions should be conditional upon the return of property. That is not always

appropriate, and I do not believe that we could make it so, although it may very well become part of an informal process. Legislation is not necessary to cover that area. It is not always possible. For example, if a child steals a bar of chocolate and he or she eats it, it is difficult to return under those circumstances. It is suggested that there should be a careful process to select people supervising community service orders. The department will recruit, select and train supervisors. Suitability will be assessed. The member for Hinchinbrook also made the suggestion that the legislation makes no effort to get children to pay restitution or compensation. On the contrary, emphasis is placed on this aspect throughout the Bill. The civil debt method of recovery ensures that this is possible even after a child becomes an adult.

I also welcomed the support for the Bill by the member for South Coast. He was concerned that it may not be able to be proved that parents have been irresponsible, thereby requiring them to make compensation or restitution. I think that it is important to have the safeguard. Some Opposition members actually recognised that it would be unjust to penalise parents who in no way could be seen to be responsible for their children's actions, when they had taken every possible precaution to prevent that behaviour. The concerns expressed by the member for South Coast on that issue are unwarranted. He would do well to listen to the rather more cautious note that was raised by the member for Callide. She actually pointed out the dilemma that exists in respect of this issue and stated that society should not be seeking to make parents responsible, particularly in those cases in which, if the family unit is broken up—which might occur—a child may be even more prone to becoming a recidivist, and one would have lost the war whilst trying to win the battle. I do not believe that the proposed amendments by the member for South Coast are appropriate or desirable. It is necessary to prove that parental behaviour was either deliberate or negligent. The Bill provides for protection in that area.

It is also claimed that 17-year-olds should not be in the juvenile justice system, which is rather remarkable and surprising, in light of the previous Government's commitment to this after the release of the Kennedy report in 1988. Honourable members may recall that the Kennedy report, which was the basis of some much needed reforms in the present system, also recommended the reform in this area, because the presence of 17-year-olds in gaols is a danger to them. Under this legislation, the Government has recognised that policy position. After all, 18 is the age of majority—not 17, but 18 years——

Mr Connor interjected.

Ms WARNER: The honourable member would be wrong in making that assumption. The Kennedy report clearly stated that they should not be within that system. Is the honourable member claiming that there should be a juvenile justice jurisdiction and then a separate jurisdiction for 17-year-olds only? That is absurd!

Mr Connor: No. You just said that 17-year-olds shouldn't be in an adult prison; you put them in a separate detention.

Ms WARNER: In other words, you have to find another framework by which to deal with those people. The honourable member may be reassured that, while that policy development will not be possible in the short run, that reform will be provided for in the legislation. In respect of 17-year-olds—until the resources are disaggregated from the prison system, the department will not be able to bring that into being. However, that is certainly recognised and flagged as a desirable element of policy direction. The member for Callide was not certain which orders were non-custodial. They are set out fairly clearly in the Bill and in my second-reading speech. I remind her that they include: a reprimand, a good behaviour order, a fine, a probation order, a community service order and an immediate release order. In fact, everything that is not a custodial option is a non-custodial option.

During his speech, the member for Nerang presented a very confused and twisted logic. It was actually quite difficult to follow the honourable member, because his logic was so tortuous that for a moment I thought I understood the particular draconian direction upon which he wished to embark; but then it was difficult because, from time

to time, he lost even that thread. I believe that tomorrow the honourable member for Nerang should read the debate and try to digest it so that he can obtain a level of clarity that to date he clearly has not been able to achieve. He picked up the point about 17-year-olds, which I have already mentioned. He also seems to have a lack of understanding about the distinction between arrest and a caution. I suggest that he reads clauses 7 and 12, which provide that a police officer may administer a caution instead of starting a proceeding against a child. "Starting a proceeding" includes obtaining a warrant for the arrest of a child, or arresting a child without a warrant. The difference between arrest, starting a procedure towards an arrest, and a caution is fairly clear. I do not believe that the House has been further informed by the member's confusion. The cautioning is intended as a diversionary alternative to arrest. It does not involve formally taking the child into custody at all. That is the purpose of a caution.

The member for Thuringowa outlined the general principles of the Bill. He emphasised that detention is used as a last resort and, where appropriate, the importance of diversion from formal involvement in the court system. Honourable members ought to be aware that the more a child becomes drawn into and entrenched in the justice system, the more likely that child will become a recidivist, or see himself or herself as a criminal offender. That is why so many diversionary tactics from dragging the child into that process have been enshrined within the legislation, which is very important. The other issues that the member for Thuringowa raised were the critical importance of the difference in a child's view of timelessness and the difference in a child's maturity and cultural background, particularly emphasising concerns about Aboriginal and Torres Strait Islander children.

The member for Pine Rivers emphasised the establishment of a Childrens Court judge, its importance in the implementation of the Bill, and the powers that the judge will have to review sentences. That will expedite court processes and ensure that children who appear before a court will be equitably dealt with across the State. The member for Barron River raised the issues of diversion of children from contact with the formal court system. The Bill outlines a range of alternative methods of proceeding against children and the formalisation of the previously informal, but highly successful, police caution system. I believe there was a degree of consensus among all speakers that the cautioning system has worked really well in Queensland and that it should be maintained and preserved within the legislative framework.

The member for Nundah raised the issue of the important set of principles which underpin the sentencing options that will be available to the courts. Special provision will be made for children who commit, or who are alleged to have committed, serious offences. The member for Cook outlined an important range of community corrections options, such as probation, community service orders, and other community options. He also spent a fair degree of his time talking about the specific effects on Aboriginal and Torres Strait Islander children within the juvenile justice system, and said that this Bill will encourage families and communities to participate in decisions which affect the future of children. The member for Albert mentioned that detention is a last resort, which is consistent with the general principles of the Bill. A number of speakers opposite raised the issue of the way in which the Bill was introduced into the House, and asked why the Government is in such a hurry. The whole issue of juvenile justice has not been reformed in this State for 24 years. In the election campaign of 1977, the coalition promised that there would be new juvenile justice legislation. In 1981, a parliamentary White Paper was released for public discussion. In 1984, things were heating up a little bit as a Family and Community Development Bill, which entailed some reforms to the juvenile justice system, was tabled in Parliament. The coalition then went dead and did nothing. On many occasions, one could excuse members of my department for having a degree of scepticism about the Labor Party's desire, when it came to Government, to actually get on with the job of providing the major planks of reform that are needed to deal with social issues which had changed significantly since 1964. The National Party had gone so far into the process, everybody was going with it, the department was working on it—and some people in the department have been working on these particular reforms for 12 years—then, all of a sudden, the political will went out of

Cabinet. Officers of my department were left high and dry with a load of work that had to be redone to be in line with the wishes of the next Government. One could imagine the degree of impatience, anticipation and optimism within the department. Not only did this Government introduce the legislation, but also it was actually going to pass it. I know that is a novel idea for the members of the National Party. Nevertheless, that is what the Labor Government intends to do with introduced legislation. It will pass it. It will not pass the buck, as the former Government did so many times in respect of this much needed reform.

Every member who spoke mentioned that juvenile crime is an issue that is very much uppermost in the minds of people in the community. Everybody has an opinion on it. Everybody has a view on this issue, and there has been a considerable degree of public demand that the Government do something. I am very proud that the Labor Government is the Government that will indeed do something concrete, in a legislative manner, to reform the juvenile justice system in a way that has been described, even by members opposite, as being in tune and in line with the current thinking on juvenile justice reform. It must be borne in mind that that is an evolving discipline or an evolving set of ideas about how to deal with very difficult and intractable problems of juvenile offending that do not respond to simplistic measures. Indeed, the Bill is not simplistic in any way. It is a balanced piece of legislation that provides enough statutory diversion from the system—a determination that detention is the last resort—while, at the same time, making sure that those provisions exist where they are needed, that is, among the children who are recidivists and have been hardened for whatever reasons. Nevertheless, the community deserves some protection from the people who are a continual menace to society. The Bill provides for that in a humane and realistic way, taking into account a number of diversionary options before then.

I was surprised by Mr Connor's remarks that the introduction of this legislation was a knee-jerk reaction. It is anything but a knee-jerk reaction. This legislation was partially introduced in 1984 by the National Party. For over 10 years, a number of the principles already outlined were worked on by people in the department. And yet the member for Nerang refers to the introduction of this legislation as a knee-jerk reaction. This is the most well-researched and well-consulted piece of legislation——

Mr Connor: Six or seven hours for a new Bill—what do you call that?

Ms WARNER: I call those clerical errors, which is very different from the idea that the introduction of the Bill is a knee-jerk reaction. Following consultation with every section of the community over a long period, this Bill takes into account a very balanced approach. I believe that it represents a significant and lasting reform, which I am very proud to introduce.

Motion agreed to.

Committee

Hon. A. M. Warner (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) in charge of the Bill.

Clauses 1 to 4, as read, agreed to.

Clause 5—

Mr QUINN (11.18 p.m.): As I indicated during the second-reading debate, the Liberal Party will be opposing the move by the Government to extend the age limit to 18. This is the first mention of this matter within the definitions. The Liberal Party opposes this clause. Accordingly, I move the following amendment—

"At page 14, omit lines 19 to 22 and insert—

' "child" means a person who has not turned 17 years;'."

I seek a point of clarification. This is the first time that one of these amendment sheets has been circulated to members. Do I still formally move the amendment and repeat the words contained in the amendment, or from now on do we take it as read as circulated under my name?

The CHAIRMAN: Order! We will take it as circulated.

Mr QUINN: As I indicated before, my reading of the Kennedy report indicates that, for the purpose of correctional procedures, 18-year-olds should not be dealt with in the same way as adults. There is no mention of them being put back into the juvenile justice system. I believe that Kennedy probably had it in the back of his mind that something different had to be done with those people. In New South Wales, 17, 18, 19 and 20-year-olds are dealt with under a separate justice system. I see no reason why 18-year-olds should be subject to the same procedures as those relating to children. Those people can drive cars. Quite often they are repeat offenders. They have a more adult view of the world, and they have certainly been around a lot longer than their contemporaries, in terms of the 10, 11 and 12-year-olds with whom they would be mixing within correctional institutions. I see no reason why that should be the case.

Mr CONNOR: This is the first time that I have had an opportunity to speak about the definition of "arrest". In March of this year, the CJC report into juvenile justice stated that probably the largest number of offences perpetrated by juvenile offenders involved shoplifting. In the case of a shoplifter, he or she would be taken into custody in a formal sense by a security officer of a shopping centre, supermarket, or whatever. That officer would, in turn, hand the custody of that person over to a police officer. Under clause 38, as soon as that juvenile is taken into custody, he or she must immediately be brought before the Childrens Court to be dealt with according to law.

I cannot see how the police can go through the stage of taking a juvenile into lawful custody and still use the provisions under this Bill to administer a caution. Because an authorised police officer has to administer a caution, the normal procedure is to take juveniles into custody and take them back to a police station where an authorised police officer will administer the caution. If the police office is incapable of taking the juvenile into custody because of clause 38, how is he to administer a caution?

Ms WARNER: I still find it amazing that, after my explanation, the member for Nerang does not seem to understand the meaning of the word "arrest". The Bill states that the term "includes apprehension and taking into custody". What is the honourable member's problem with that definition of "arrest" and why is he raising it in terms of definitions?

Mr CONNOR: The Minister has stated that the definition of "arrest" includes "taking into custody". Clause 38 states that a child who is arrested on a charge of an offence must be brought promptly before the Childrens Court. Under the Criminal Code, "taking into custody" and "arrest" are two separate matters. In an operational police sense, when one goes out and physically takes a person into custody by putting him into a car and taking him back to the police station, under the Criminal Code that is taking him into custody. Under the Criminal Code, "arrest" means that the police officer physically touches a person and says, "You are under arrest for a particular offence." It has a formal meaning under the Criminal Code. They are two totally separate matters. The Minister is saying that, by including "taking into custody" under the definition of "arrest", clause 38 means that by merely taking a person into custody the police must deal with him as though he has been arrested; therefore, he must be brought before a court. That creates many problems for operational police. A number of police prosecutors have told me that it could create many problems in the administration of the legislation.

Ms WARNER: The honourable member for Nerang is wrong. The definition stipulates that "arrest" includes apprehension, because the word "apprehension" is used in other legislation. If children go to a police station for cautioning, they do so voluntarily; they have not been arrested and taken to the police station for cautioning.

That is a voluntary activity on the part of the child. It is not a problem within this legislation.

Mr CONNOR: Under the clause, the term “arrest” includes “taking into custody”. Clause 38 states that a child who is arrested—meaning also a “taking into custody”—on a charge must be brought promptly before the Childrens Court. The pure definition means that the moment a child must be dealt with in any way or moved to a police station, if the child is not prepared to voluntarily do so—that child could allege that he or she was not voluntarily doing something—and the child is taken into custody—not physically arrested formally in accordance with the Criminal Code—the police officer forfeits the right to caution the child. Under clause 38, the moment a child is arrested, which also means being taken into custody, the child has to be brought before the court.

Ms WARNER: The member for Nerang is talking nonsense.

Question—That the words proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 48		NOES, 29	
Ardill	Mackenroth	Beanland	Veivers
Barber	McElligott	Booth	Watson
Beattie	McGrady	Connor	
Bird	McLean	Coomber	
Braddy	Milliner	Cooper	
Bredhauer	Nunn	Dunworth	
Briskey	Pearce	Elliott	
Casey	Power	FitzGerald	
Clark	Robson	Gilmore	
Comben	Schwarten	Goss J. N.	
Davies	Smith	Hobbs	
De Lacy	Smyth	Horan	
Dollin	Spence	Johnson	
Eaton	Sullivan J. H.	Katter	
Edmond	Sullivan T. B.	Lester	
Elder	Szczerbanik	Lingard	
Fenlon	Vaughan	Perrett	
Flynn	Warner	Randell	
Foley	Welford	Rowell	
Gibbs	Wells	Santoro	
Goss W. K.	Woodgate	Sheldon	
Hamill		Slack	
Hayward	*Tellers:*	Springborg	*Tellers:*
Hollis	Prest	Stephan	Neal
Livingstone	Pitt	Turner	Quinn

Resolved in the affirmative.

The CHAIRMAN: Order! I inform all honourable members that for all future divisions the bells will ring for two minutes.

Clause 5, as read, agreed to.

Clause 6—

Mr QUINN (11.34 p.m.): We will also be opposing this clause. I will not move the amendment that I foreshadowed.

Question—That clause 6, as read, stand part of the Bill—put; and the Committee divided—

AYES, 48		NOES, 29	
Ardill	Mackenroth	Beanland	Veivers
Barber	McElligott	Booth	Watson
Beattie	McGrady	Connor	
Bird	McLean	Coomber	
Braddy	Milliner	Cooper	
Bredhauer	Nunn	Dunworth	
Briskey	Pearce	Elliott	
Casey	Power	FitzGerald	
Clark	Robson	Gilmore	
Comben	Schwarten	Goss J. N.	
Davies	Smith	Hobbs	
De Lacy	Smyth	Horan	
Dollin	Spence	Johnson	
Eaton	Sullivan J. H.	Katter	
Edmond	Sullivan T. B.	Lester	
Elder	Szczerbanik	Lingard	
Fenlon	Vaughan	Perrett	
Flynn	Warner	Randell	
Foley	Welford	Rowell	
Gibbs	Wells	Santoro	
Goss W. K.	Woodgate	Sheldon	
Hamill		Slack	
Hayward	*Tellers:*	Springborg	*Tellers:*
Hollis	Prest	Stephan	Neal
Livingstone	Pitt	Turner	Quinn

Resolved in the affirmative.

Clause 7—

Mr CONNOR (11.38 p.m.): Clause 7 relates to a police officer starting a proceeding and it relates also to clause 10. I ask the Minister about a police officer who finds a juvenile in a stolen car, for example, and who wants to take that juvenile back to the police station—the juvenile will not go with the police officer voluntarily—and then because he is a first offender, later on decides that he wants to administer a caution. The Bill states that mention of a police officer starting a proceeding against a child for an offence includes the arrest of a child.

Ms WARNER: I find it extraordinary that the honourable member opposite would think that a police officer who would have to go to the lengths of stopping a child who was in the process of stealing a car would not then have to arrest that person but would proceed by way of caution. I think it would be an inappropriate occasion for the officer to proceed by caution. Stealing a car is a very serious offence.

Mr CONNOR: Let us assume for a moment that it is a less serious offence and the police officer does want to caution the person. I would like to know how the police officer goes about cautioning that person without taking him into custody. The Minister is using a technicality by saying that this is a serious offence and the police would not administer a caution, but what happens when the police officer wants to caution an offender for a lesser offence?

Ms WARNER: In the case of a lesser offence, why would the police officer insist that that child go with him to the police station? Why would that need to be a necessary part of that process? This is what confuses me.

Mr CONNOR: The Minister is saying that taking someone into custody automatically rules out cautioning. Is that what the Minister is saying? This is effectively what the Minister has said and how the legislation reads. The Minister needs to explain how a police officer can take someone into custody and still go about issuing a caution.

Mr Mackenroth: He says, “Come down to the police station with me”.

Mr CONNOR: But if he refuses——

Mr Mackenroth: If he refuses, he deserves to get arrested.

Mr CONNOR: If he is arrested he cannot be issued with a caution. The Minister is saying that the moment that a police officer has to take a person into custody, the police officer can no longer caution.

Mr Dunworth interjected.

The CHAIRMAN: Order! I warn the member for Sherwood.

Mr Schwarten interjected.

The CHAIRMAN: Order! I warn the member for Rockhampton.

Ms WARNER: The honourable member is inventing problems which, fortunately, the Police Service will not face.

Clause 7, as read, agreed to.

Clauses 8 to 35, as read, agreed to.

Clause 36—

Mr ROWELL (11.43 p.m.): Clause 36 refers to a proceeding for an indictable offence. I want to refer to the group of people who are not eligible to be in attendance during a proceeding for an indictable offence. The Bill talks about a justice of the peace (commissioner for declarations)——

The CHAIRMAN: Order! There is too much audible conversation in the Chamber. I suggest that any honourable members who want to carry on a conversation should leave the Chamber. It is not fair to the member on his feet.

Mr ROWELL: Could the Minister give me some explanation as to why a justice of the peace (commissioner for declarations) has been excluded from that group of people who are entitled to be at that proceeding?

Ms WARNER: Who has been excluded?

Mr ROWELL: A justice of the peace (commissioner for declarations). The Bill states—

> "(i) a justice of the peace who is a member of the Queensland Police Service."

It then refers to a justice of the peace (commissioner for declarations). Could the Minister give me some indication as to why they have been excluded?

Ms WARNER: That is consistent with the new justices of the peace legislation, and only trained justices will be able to act as independent adults. It makes the Bill consistent with the new legislation that we have on justices of the peace.

Mr ROWELL: As I understand it, there are a couple of other categories, justice of the peace (Magistrates Court) and justice of the peace (qualified). One of the qualifications of a justice of the peace (qualified) is that he or she is able to sign affidavits, summonses and warrants. It is hard to believe that, for being in attendance at such an event, we must exclude one category of justices of the peace, that is, commissioners for declarations.

Ms WARNER: They need to know the law that applies in that area. It is argued that they do not unless they have training.

Clause 36, as read, agreed to.

Clauses 37 to 47 as read, agreed to.

Clause 48—

Mr CONNOR (11.46 p.m.): I have a simple question for the Minister. Clause 48 (1) (b) states that Part 4 of the Mental Health Act 1974 does not apply to a child charged with a simple offence. Why does that not apply to children? Why should children not have the same rights as adults in relation to simple offences?

Ms WARNER: Only children who are charged with indictable offences are subject to the provisions of the Mental Health Act. The major concern with mentally ill children

who are charged with simple offences is their mental health. It is more appropriate for those children to access services voluntarily and for the simple offence to be dealt with in the usual way.

Clause 48, as read, agreed to.

Clauses 49 to 54, as read, agreed to.

Clause 55—

Mr CONNOR (11.47 p.m.): Again, this is a very simple question. It relates to infringement notices. What happens when a child defaults on an infringement notice?

Ms WARNER: Clause 55 enables a child to pay a fine instead of going to court where the Act under which he or she is charged currently gives that option. That is the provision of that particular clause.

Mr Connor: What happens if the child does not pay it?

Ms WARNER: We can proceed by way of civil debt. Had the honourable member listened to the debate earlier, that would have become clearer to him.

Clause 55, as read, agreed to.

Clauses 56 to 112, as read, agreed to.

Clause 113—

Mr ROWELL (11.48 p.m.): I would like some clarification of clause 113.

A Government member: Why don't you write a letter?

Mr ROWELL: That is the way that the honourable member would do it, and I do not think that anybody would respond to him. Clause 113 states—

> "A finding of guilt against a child by a court for an offence, whether or not a conviction has been recorded, is part of the criminal history . . ."

Does that provision apply to any offence? Does it mean that any offence will be recorded as part of the criminal history of a child? What is the situation? Could the Minister give me some indication as to whether the provision applies to every offence?

Ms WARNER: The clause provides that any finding of guilt against a child, whether or not a conviction has been recorded, is part of the child's criminal history while that person is still a child. After that point in time, that is, when the child becomes an adult, it is wiped.

Clause 113, as read, agreed to.

Clauses 114 and 115, as read, agreed to.

Clause 116—

Mr ROWELL (11.50 p.m.): This clause refers to preference being given to compensation and restitution over fines. I have some difficulty with the clause. Where do we stop? When do we say that a child does not make restitution or pay compensation for crimes? Why is it necessary to put a clause such as that in the Bill? It seems that there is some discrimination, because not all children have the same ability to pay particular fines, or even compensation, as part of the restitution for the crimes that they have committed.

Ms WARNER: Basically, the clause is inserted to give priority to the compensation to the victims of the children, which is why the emphasis is on restitution rather than the fine. There is the sense in which the children have an idea that they are righting a wrong that they have done, which is probably more significant than paying a fine to a third party for something that they have done. It is more appropriate to go in that direction for a number of reasons. Firstly, the child would understand that as a punishment much more clearly and directly as a cause and effect. They have taken something away from someone. They should give it back and make restitution. That should be the first principle. Secondly, that gives some satisfaction to the victim, who also gets a personal benefit from that, rather than the offender being fined straightaway.

The monetary value may be the same, but the effect of the action is different when it is applied directly to the victim.

Clause 116, as read, agreed to.

Clause 117—

Mr CONNOR (11.52 p.m.): Clause 117 (2) states—

"Section 651 of the Criminal Code applies for the purpose of subsection (1)."

Basically, that rules out simple offences being dealt with at the same time as indictable offences are dealt with. When police pull someone over, that person may be charged with a number of offences ranging from stealing a motor vehicle down to a traffic infringement. Section 651 means that when indictable offences are being dealt with, simple offences cannot be dealt with and therefore they are invariably dropped. I ask: if matters are being dealt with in a higher court anyway, why can it not also deal with simple offences at the same time and save the court's money and time?

Ms WARNER: This clause really means that when a child appears before a court, all outstanding offences can be dealt with at the same time.

Mr CONNOR: Section 651 of the Criminal Code will rule that out. That section disallows simple offences being dealt with in those circumstances.

Ms WARNER: This clause states that section 651 will apply, and it is actually silent on the question of simple offences.

Clause 117, as read, agreed to.

Clauses 118 to 121, as read, agreed to.

Clause 122—

Mr ROWELL (11.55 p.m.): This clause deals with "other orders". Can the Minister give some indication as to the period for which those orders will be effective? If compensation cannot be paid immediately, what period will the offender be allowed in which to comply with the conditions of the orders?

Ms WARNER: It is at the discretion of the court.

Mr CONNOR: A number of police prosecutors have commented to me that magistrates do not generally have the right to disqualify a person from a future date. This relates to the disqualification of a driver's licence and is referred to in clause 122 (b). From a purely technical point of view, it seems that the courts should be able to order disqualification of a driver's licence from a future date. This is not really quite clear. It could involve a great deal of legal argument. The legislation does not really spell out exactly the time from when a magistrate or a judge can disqualify a driver.

Ms WARNER: The relevant parts are outlined in clause 194 of the Bill, which refers to the powers that exist. The honourable member for Nerang is an example of a little knowledge being a dangerous thing.

Clause 122, as read, agreed to.

Clauses 123 to 196, as read, agreed to.

Clause 197—

Mr ROWELL (11.58 p.m.): I know the intent behind this clause. However, I believe that a few problems exist. This clause tends to discriminate between parents who are able to pay and those who are not able to pay. The clause talks about "wilful failure". They are fairly strong words. I can understand that there could be some problems with children who have committed offences and whose parents are then asked to provide restitution or payment for the penalties for those offences. A child who belongs to a family which has fairly limited resources could be told by the family, "You have caused us considerable hardship. You have forced us to pay compensation for the acts that you have done. We no longer want you in the household." It could create as many problems as it attempts to solve. I believe it is discriminatory against the group of

families that are able to pay as against those that have no opportunity to pay. The onus really has to be reverted——

Ms Warner: You claim that it is discriminatory?

Mr ROWELL: If a family does not have the ability to pay, it will not pay. However, if a family does have the ability to pay, the courts can order payment in respect of fines, penalties or whatever it may be.

Ms Warner: Restitution.

Mr ROWELL: Or restitution, whichever term one likes to use. A family could be forced to provide payment for a whole range of things. The point I make is that if a family has the capacity to pay, that family will be asked to pay, but those families that do not have the capacity will not be asked to pay. The pressure must be put back onto the child. In some instances, such as the HECS scheme——

Ms Warner: There is that capacity in the Bill, anyway.

Mr ROWELL: Perhaps the Minister could respond to my comments. Under that scheme, tertiary level students have to come up with money to pay back their university fees after they reach a certain income level. I wonder if there is any prospect of providing some mechanism whereby the onus is placed very heavily on the child rather than on the parents.

Ms WARNER: Provision is made in the Bill to impose that fine or demand for restitution on the child, which can carry on into adult life, as I have explained previously. That provision is in the Bill.

Mr Rowell: Which provision?

Ms WARNER: The one which was discussed not very long ago.

Mr Rowell: Which one is it, please?

Ms WARNER: Clause 122.

Mr Rowell: I thought we just discussed 122. I didn't think that clause provided for that sort of——

Ms WARNER: That is the clause that has that capacity. I mentioned that earlier in the debate. The emphasis is very much upon the child. However, there may be occasions on which a parent has been wilfully negligent or has wilfully involved the child in crime. That is provided for under this clause. Yes, the wording is strong. Some wilful failure on the part of the parent must be demonstrated. It cannot just be something beyond their control that has happened. The honourable member seems to have a discrepancy in philosophy with the member for South Coast. It will be interesting to see how they both vote in the forthcoming division.

Mr QUINN: Perhaps I can solve that for the Minister. As the Minister stated in her second-reading speech, I accept that a balance needs to be established in this section of the Act. I suggest that the balance comes from the fact that the parents have to show cause why, having regard to their failure, they should not pay the compensation. If one leaves out the word "wilful", the clause reads "failure on the part of the parent of the child to exercise proper care". I think the word "proper" gives balance to the argument. I move the following amendment—

"At page 105, line 18, omit—

'wilful'."

Amendment negatived.

Clause 197, as read, agreed to.

Clauses 198 to 201, as read, agreed to.

Clause 202—

Mr ROWELL (12.03 a.m.): I move the following amendment—

"At page 109, after subclause (2), insert—

'(2A) The chief executive may enter into arrangements with organisations or persons for the organisations or persons to make available or supervise services to be performed under community service orders.

(2B) In relation to each community service order made against a child, the chief executive is to ensure that—

(a) the services required to be performed; and

(b) the way in which the performance of the services is organised; and

(c) the organisations and persons involved in the supervision of the performance of the services;

are such as will result in the best possible outcome for the child.' "

This amendment deals specifically with the performance of community service orders or other orders that may result from an offence committed by a child. I want to ensure that the Family Services Department looks very closely at providing the type of supervision that will see that people who are subject to such orders come out of the system better than they were when they went in. Offenders need the right types of people to supervise them in the community work or whatever other task they are asked to perform. This amendment specifies that the Department of Family Services ensures that those children receive the best possible outcome.

Ms WARNER: Although I appreciate the sentiments expressed by the honourable member, I do not doubt that the department will ensure that people who are involved in supervising orders will operate in the best interests of the child. That would be one of the department's charters. I believe that an amendment to place this in legislation is unnecessary under the circumstances, because the Bill already provides enough protection for those matters raised by the honourable member. Clause 202 already provides the chief executive with a wide range of activities which will ensure that suitable programs are developed in each case. The honourable member should bear in mind that the relevant department is the Family Services Department, which has a charter to ensure that the wellbeing of children is preserved. Obviously, the department will make sure that those programs and service orders act in the best possible interests of the child.

Mr ROWELL: I know what the Minister is saying. The legislation gives a clear direction to the department. The direction then goes through to whatever community group or whoever is supervising the order to ensure that the best outcome is provided for the child.

Ms WARNER: It is further strengthened by clause 146, which sets out the three conditions for community service orders. The emphasis is on ensuring that programs are available and that children are matched according to their varying abilities and level of maturity. The proposed amendment adds nothing to the existing intent of the Bill.

Amendment negatived.

Clause 202, as read, agreed to.

Insertion of new clause—

Mr ROWELL (12.08 a.m.): I move the following amendment—

"At page 109, after clause 202, insert—

'Protection against liability

202A. (1) An organisation or person who makes available or supervises services performed under a community service order in accordance with arrangements made under section 202 (2A) does not incur civil liability for an act or omission done or omitted to be done honestly and without negligence under, or for the purposes of, those arrangements.

(2) A liability that would, but for this section, attach to the organisation or person attaches instead to the State.' "

I move this amendment because many community service organisations provide some form of organised activity for children who are placed on these orders. I believe that it is very important that those organisations are protected in every way possible. Many of them are purely voluntary organisations. Their ability to absorb any type of civil liability is of some concern, and this proposed amendment provides some form of protection.

I referred in my speech to the Workplace Health and Safety Act. I believe that many voluntary organisations will probably not have the capacity to supervise at the level that is required by that Act. For instance, a person who is removing graffiti off a wall would probably need extensive scaffolding, steel-capped boots and sun cream. If people who have committed offences are going to work in the community to rectify the problems that they have created, I believe that we have to get over the hurdle of the provisions of the Workplace Health and Safety Act. It may mean that, because of that Act, many organisations will be reluctant to take on young offenders who have been placed on community service orders, or whatever.

For that reason, I would like the Minister's thoughts on what is intended in the legislation. Do organisations have to comply with the Workplace Health and Safety Act to the nth degree? Is there any light at the end of the tunnel as to what may be able to be done about providing some type of leniency to those organisations? If we cannot get out into the community those people who have committed offences so that they are seen to be doing reparations for the offences that they have committed, quite frankly I believe that the whole thing would fall on its face. The tasks could be painting a roof, or perhaps working for age pensioners. They could be involved in a wide range of activities. The stringency of the Workplace Health and Safety Act and problems with indemnities must be considered very seriously in regard to volunteer organisations.

Ms WARNER: The new clause that the member proposes exempts from civil liability community organisations and individuals supervising people who have been placed on community service orders. It is generally accepted that broad exemptions from liability clauses are not worth the paper that they are written on. One can do very little in statute form to prevent a person taking legal action against another. However, the concerns are best addressed by the provisions which entitle children to workers' compensation in the case of injury and by ensuring that community organisations have adequate public liability insurance cover to address other incidents which may arise. That is the best way we can offer protection for those organisations. I understand that the honourable member means well, but the reality is that the amendment that he proposes would have very little, if no, effect.

Mr ROWELL: We discussed workers' compensation previously. I believe clause 181 referred to workers' compensation. I thought about speaking about this matter at that time, but I believe that now is the time to talk about liability and try to overcome the problems for those civic minded groups that probably would take on——

Ms Warner: It will not do it. What you are proposing will not do it.

Mr ROWELL: What solution do you have?

Ms Warner: I have told you what the solution is.

Mr ROWELL: I do not believe that workers' compensation is an adequate solution to the problem.

Ms WARNER: Large numbers of community organisations deal with children on a regular basis in a number of different programs that are not necessarily as a result of community service orders but are other types of activities. It is not the huge problem that the honourable member makes out. I believe that liability can be adequately covered by making sure that organisations have cover for workers' compensation and insurance. That is the best that we can do, at the same time making sure that the health and safety provisions of the Act apply so that community organisations are covered and have acted in a proper way. I do not think that they need any further inducements. They are still out there and they are asking to be involved with these types of issues. I do not believe that it is the huge problem that the honourable member is making out.

Amendment negatived.

Clauses 203 to 236 and Schedules 1 to 3, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Ms Warner, by leave, read a third time.

CHILDRENS COURT BILL

Second Reading

Debate resumed from 18 June (see p. 5936).

Mr ROWELL (Hinchinbrook) (12.15 a.m.): The Opposition will not be opposing the establishment of Childrens Courts throughout Queensland. It is somewhat unfortunate that, because of the demand with the level of cases related to children's matters and, more specifically, to juvenile crime, the need has now arisen for a Childrens Court system. In recent times, the level of child-related crimes has risen dramatically. This is indicative of the pressure now being exacted on the family unit. Children who had anticipated reasonable levels of employment when they left school have had their prospects dashed by the bungling of Labor Governments around Australia. Queensland has been more fortunate, with the dowry left to the Goss Government by a succession of conservative years of management of the State's affairs, although there are indications that this advantage is now being eroded as the hollow logs get raided.

The pressures on us in our increasingly materialistic society require that we have the opportunity to participate by exchanging our labours for benefits. Unfortunately, for many of our children life on the dole has become all that they can hope for. Out of frustration, and with unlimited time on their hands, it is little wonder that young people in the prime of their life, with nothing to do and nowhere to go, are now seeking diversions to stimulate their existence. In the light of these circumstances, this legislation directs youth who have offended into the concept of Childrens Courts as a means of segregating those who, for whatever reason, have breached reasonable behaviour. It will exclude them from becoming involved in a system that spreads across a variety of judicial codes. The Opposition's main concern is that this only categorises the problems that we have with our young people, rather than finding a solution to them. Having specific judges and magistrates in the Childrens Court system, but ensuring that they keep in touch with the broader development, is a sound approach. I commend the Government for that aspect of the legislation. There is a risk that, if those children were to be contained within a system of dealing with children exclusively, an awareness of the system in general may not be available to them. Not being tied to Childrens Court matters and being allowed to opt out is also a step in the right direction. Very often, people can get inundated with problems, and it becomes difficult to see the wood for the trees. After a period, judges and magistrates, who deal day in and day out with the frustrating problems of our young folk, could find it difficult to come to terms with the decision-making process.

The timing of Childrens Court hearings is also important. The fact that they might coincide with other court proceedings would have absolutely no benefit. Certainly if young offenders were to be involved with the less desirable elements of society, holding Childrens Court hearings when attendances would be less suited to those people—other than the personnel involved—has merit. As the Minister said, statistical information indicates that the great majority of those who offend never reoffend. There is an element of young offenders who thrive on peer group support. They have scrapbooks of their conquests, written up by the print media. Staging court proceedings for young offenders when the proceedings would receive minimum coverage would result in a reduction in their efforts to try to gain status out of those

proceedings. If the event is not being recorded by the media, the ego building can be substantially deflated.

The Opposition is not overly concerned about the Government's proposal regarding the composition of personnel involved directly or indirectly in a hearing. The child's parents, legal representatives, police prosecutor, possibly an interpreter, if required, and witnesses, along with officers from the Family Services and Aboriginal and Islander Affairs Department are the main parties involved in such a hearing. Representatives of agencies such as child-care agencies, Aboriginal and Islander Affairs Department representatives and other groups can be considered to attend Childrens Court proceedings. A degree of discretion to allow other groups such as students and researchers would need to be approved by a senior departmental person such as the director-general of that department.

The Opposition has no real concern with the proposal to implement Childrens Courts. Basically, this Bill is a machinery piece of legislation. No doubt, as time progresses, a clearer understanding will be gained of how the Childrens Courts function. It may be necessary for modifications to be made to the legislation but, basically, the Opposition supports this Bill and has no particular problems with it. It might be the case that part of this legislation is required to complement the proposed Juvenile Justice Act.

Mr McELLIGOTT (Thuringowa) (12.22 a.m.): By way of contribution to this debate, I would like to present an overview of the Bill before the House and, first of all, to point out that the Childrens Court Bill complements the Juvenile Justice Bill by establishing a new and enhanced structure for the operations of the Childrens Court. Briefly, the Childrens Court Bill provides for the establishment and general jurisdiction of the Childrens Court of Queensland. It also enables the appointment of judicial officers to the Childrens Court, including the Childrens Court judge. It is important to note that the Childrens Court Bill will govern courts hearing non-criminal matters concerning children, such as care and protection proceedings, as well as courts hearing criminal matters concerning children. This is why the Childrens Court Bill is a separate Bill to the Juvenile Justice Bill. The intention of the Bill is to upgrade the status of the Childrens Court, while retaining elements of the jurisdiction which recognise that children require special protection in the court process.

The status of the Childrens Court will be most significantly enhanced by the establishment of the positions of President of the Childrens Court in clause 9 and Childrens Court judge in clause 11. A Childrens Court must be constituted by a Childrens Court judge if that is expressly required under an Act. Otherwise, a Childrens Court may be constituted by a Childrens Court magistrate or, where one is not available, a stipendiary magistrate or, in the absence of any stipendiary magistrate, two justices of the peace. Only trained justices will be eligible to constitute a Childrens Court. These provisions allow for matters to be brought to court speedily throughout the State.

It is important that I point out that, as two justices of the peace can constitute a Childrens Court for the initial appearance, children in remote areas will not experience lengthy delays before their court appearances. For care and protection applications, two justices of the peace will be able to determine the temporary custody arrangements of children who have been removed from their parents pending the hearing of a care and protection application. Clause 6 of the Childrens Court Bill establishes the jurisdiction of the Childrens Court. It will have powers conferred on it by the Juvenile Justice Act, the Children's Services Act and other Acts. This part also has provisions relating to the making of Childrens Court rules and practice directions.

Division 1 of Part 3 of the Bill provides for the appointment of a President of the Childrens Court to head the court. The appointment of such a senior judicial officer will improve the status, credibility and functioning of the Childrens Court. The president will be a District Court judge who has been appointed as a Childrens Court judge. The president will have the same judicial powers as any other Childrens Court judge. The main function of the president will be to ensure the orderly and expeditious exercise of the jurisdiction of the Childrens Court when constituted by a Childrens Court judge.

The president will have the power to issue practice directions, be responsible for developing Childrens Court rules, and prepare annual reports. The requirement to provide an annual report under clause 22 provides a new mechanism for increasing the public accountability of the Childrens Court jurisdiction. The capacity of the president to issue practice directions is an important innovation, allowing procedural matters of the Childrens Court to be clarified and amended where necessary, thus avoiding the need to change the rules frequently.

Clause 8 also allows the Childrens Court judge, magistrates and justices to issue procedural directions in relation to particular cases to enable the courts that they are constituting to work efficiently. Division 2 covers matters relating to the appointment of a Childrens Court judge. The Governor in Council may, on the recommendation of the Attorney-General, appoint one or more District Court judges as Childrens Court judges. In making the recommendation, the Attorney-General is to have regard to the person's demonstrated interest and expertise in the jurisdiction of the court over matters relating to children. Appointment to the position of Childrens Court judge will not affect the person's concurrent appointment as a District Court judge, ensuring that a Childrens Court judge maintains expertise in the District Court jurisdiction.

Division 3 outlines similar provisions in relation to the concurrent jurisdiction of stipendiary magistrates appointed as Childrens Court magistrates. A stipendiary magistrate may constitute a Childrens Court in a Magistrates Court building, and a Childrens Court judge may constitute a Childrens Court in the premises of either a Magistrates Court or a District Court. The latter provision will allow accessibility to the judge by defendants in smaller centres where District Court buildings are not available. The Childrens Court may exercise jurisdiction throughout Queensland, and more than one Childrens Court may be sitting at the same time. However, proceedings involving children must be conducted at special times when a court involving adults is not sitting.

Clause 20 provides for who may attend hearings and continues a provision of the Children's Service Act 1965 which establishes that the Childrens Court is generally not open to the public. The only exception to this is when the Childrens Court judge is dealing with a child charged with a serious offence, that is, one for which an adult could receive imprisonment for 14 years or longer. This provision recognises the adverse effect that publicity might have on a child offender's chances of rehabilitation, and complements the provision in the Juvenile Justice Bill which prohibits the publication of identifying information about children appearing in court. It also recognises the sensitive nature of proceedings involving the custody of children under the court's civil jurisdiction. The persons entitled to be present in court include a parent, a departmental officer and a representative of an agency providing services to Aboriginal and Torres Strait Islander people. Part 5 of the Bill contains a number of machinery provisions such as the keeping of court records and procedures related to the annual report. The Bill completes the package of legislation designed to provide meaningful steps forward as far as the administration of juvenile justice is concerned. I ask members of the House to support it.

Mr QUINN (South Coast) (12.29 a.m.): As the Minister explained in her second-reading speech, the Bill is related to the Juvenile Justice Bill which has just passed through the House. This Bill is a mechanism through which the sentencing options defined in the Juvenile Justice Bill can be enacted. It provides for an enhanced form of the Childrens Court by appointing a president of the court, the president being a serving District Court judge and being responsible for developing the rules of the court, the operations of the court and reporting to Parliament in an annual report. Those procedures will mean a more efficient and accountable court system.

It is noteworthy that other judges and magistrates should have some interest and experience in matters relating to children in the way they are dealt with by the legal system. This should ensure that there is a consistent and an appropriate approach to sentencing options. The Bill also allows for the Childrens Court to remain closed save for authorised persons. This, as has already been pointed out, will allow children to grow up without the stigma of the court appearance being widely known. It is a

traditional protection afforded to children and must be continued. In conclusion, the Liberal Party will support the legislation because we believe it will significantly improve the quality of justice available to young offenders and hopefully will be a deterrent to further offending by children.

Mr T. B. SULLIVAN (Nundah) (12.30 a.m.): I support the Bill, which complements the Juvenile Justice Bill which passed through this Parliament earlier today. The Childrens Court Bill of 1992 establishes that Childrens Court proceedings will not be open to the public except where a child is being tried by the Childrens Court judge for a serious offence. The Childrens Court routinely deals with matters involving applications for care and protection where allegations of child abuse and neglect are the basis of the hearing. The capacity for these matters to be resolved in the least distressing manner possible would be undermined if parents felt they would be subject to the scrutiny of persons not directly involved in the case—their friends, neighbours and the general public. Experience indicates that public knowledge of children appearing in courts on criminal matters can give them a hero or anti-hero status amongst their peers, thus increasing the likelihood of both them and their peer groups reoffending. In some detention centres, the inmates have their own boast board, on which they put files that have appeared in the papers and then boast of their record. As well, the early identification of children as criminals by the community can increase their sense of alienation from the mainstream community. This can result in a sense of rejection which strengthens potential identification as a criminal. The process undermines the general propensity for children to grow out of crime.

Clause 18 establishes that a Childrens Court may be held at a place where Magistrates and District Courts are held. This allows greater flexibility for court hearings, especially in Queensland's more remote areas. It is not feasible to establish separate venues for Childrens Courts throughout the State because of the associated costs, especially considering the large and decentralised nature of our State. In some centres, the Childrens Court sits rarely. Childrens Court matters currently constitute, on average, approximately 2 per cent of the Magistrates Court workload. Existing courthouses provide suitable accommodation and are well distributed throughout the State. It would therefore be an unnecessary waste of resources to acquire separate accommodation.

However, clause 19 establishes that a Childrens Court cannot be held at the same time and in the same place as a Magistrates Court or District Court proceeding. In addition, the Bill promotes the practice of special days being set aside for Childrens Court hearings. This avoids children having unnecessary contact with adult defendants; for example, the drunks parade. It also accounts for the fact that children subject to care and protection applications will often be present at Childrens Courts. These children are aged from zero to 16 years. It also enhances the capacity of Childrens Court magistrates to ensure proportionate sentencing among children who offend. Because a magistrate will be dealing with a number of children at the same time, there will be an ease of comparison not present if they are dealing with them randomly among matters relating to adults.

In terms of who may attend, clause 20 identifies those who can be present at a Childrens Court proceeding. The following persons have a right to be present: the child; the child's parents or other adult member of the family; a witness giving evidence; in some cases, a person providing emotional support to the witness; a legal representative and the prosecution; an officer of the Department of Family Services and Aboriginal and Islander Affairs; and a representative of an Aboriginal and Torres Strait Islander organisation if the child is an Aboriginal or Torres Strait Islander. The clause places a duty on the court to exclude all other persons, but the court may permit a bona fide researcher, student or other person who the court considers will be of assistance to it. Restricting the number of people who may be present helps to promote the child's understanding of the different roles of those in attendance. This should serve to make the proceedings more meaningful and thus enhance their impact on the child. In recognition of the special challenge of the current overrepresentation of Aboriginal and Torres Strait Islander children in the juvenile justice system, representatives from organisations such as the Aboriginal and Islander Child Care Agency will be able to be

present. This enhances the capacity of the court to receive information to help it make orders which are culturally relevant for these children. I believe that the legislation is sensible; it is sensitive to the needs of the children; and it shows an awareness of the practical workings of the court. I support the Bill.

Mr BREDHAUER (Cook) (12.35 a.m.): I want to talk briefly about the significance of the establishment of the position of a Childrens Court judge. The provision for the appointment of Childrens Court judges in the Childrens Court Bill 1992 represents one of the most significant reforms to the Childrens Court jurisdiction in nearly 30 years. The current Childrens Court is essentially a Magistrates Court with extended jurisdiction. Because of its limited powers, the Childrens Court has often been perceived by the public as a toothless tiger. The appointment of one or more District Court judges as Childrens Court judges will enable a significant increase in the power and status of the court and allow for the development of specialist expertise. The position of Childrens Court judge is integral to the reforms of the Childrens Court criminal jurisdiction set out in the Juvenile Justice Bill 1992, which has just been passed. That legislation could not proceed without provision for this appointment.

Under the Juvenile Justice Bill 1992, a Childrens Court judge will have the following functions—

limited jurisdiction to try, without a jury, a child charged with a serious offence;

exercise of extended sentencing powers through the provision of a referral mechanism by stipendiary magistrates who consider that a sentence in excess of their own powers to order probation or detention in a particular case is warranted;

exercise of extended bail powers where children are charged with serious offences for which a Childrens Court magistrate is not empowered to grant bail, or admit a child to bail where the child has been refused bail by a magistrate or justices;

limited appellate power to review the merit of sentences imposed by magistrates and justices upon application; and

power to transfer a person serving a detention order to prison.

With those functions that I have mentioned, the Childrens Court judge will make the Childrens Court a far more effective forum for dealing with children who have committed or who are alleged to have committed offences. The position will greatly increase the potential to carry out the general principles and the sentencing principles articulated in the Juvenile Justice Bill 1992, particularly those related to the principles of diversion, equity and use of detention as a last resort. The appointment of a judge from the District Court Bench will bring to the Childrens Court a person with established status in the community and experience in the law at a senior judicial level. The Bill recognises that the special nature of the jurisdiction dealing with children will require qualities in addition to that of being a District Court judge. Clause 11(2) requires that the Attorney-General must have regard to an appointee's particular interest and expertise in jurisdiction over matters relating to children before recommending his or her appointment. It is anticipated that the judge appointed as President of the Childrens Court will provide an important source of advice to magistrates operating in the Childrens Court and assist in building greater expertise in the area.

That basically covers the issues in this Bill that I wanted to canvass in relation to the appointment of the Childrens Court judge. I conclude by saying that we have been through three important pieces of legislation today in the area of this Minister's responsibility. On top of other reforms that have been made over the last three years, this has been an important area of reform for the Goss Government. We have had reforms in the area of adoption laws, Aboriginal and Torres Strait Islander land legislation, amendments to the community services legislation, child care reforms, and new disability services legislation. Today, we have had the Domestic Violence (Family Protection) Bill, the Juvenile Justice Bill and the Childrens Court Bill.

I echo the sentiments of the member for Yeronga, who earlier today talked about the capacity of people in the community—academics in particular—to underestimate the

degree of reform of this Government. I ask those people who are critical of the performance of this Government to look at these sorts of areas. From time to time, we have heard that the Goss Government is not a Government of social reform, but I would argue that if one looked at just this Minister's area of portfolio responsibilities, one would see that an enormous amount has been achieved in one term of this Government. It is a record of which I believe the Minister can be proud. It is a record of which her staff can be proud and of which I, as a member of this Government, am proud.

Hon. A. M. WARNER (South Brisbane—Minister for Family Services and Aboriginal and Islander Affairs) (12.40 a.m.), in reply: I thank honourable members for their comments. They have now had an opportunity to debate the issue in full. The whole gamut of juvenile justice reform and these combined Bills, in particular this Bill, provide the most wide-ranging reforms to the Childrens Court area over 30 years. I appreciate the support of the member for Hinchinbrook. He noted the specialist members of the judiciary and their role in the Childrens Court, the special times and places for the holding of the court and the restriction of public access to the court. I thank the honourable member for South Coast for his support and for his noting that experienced judicial officers are required to ensure that there is a consistent and appropriate approach to sentencing across the State.

The member for Thuringowa provided a detailed overview of the Bill, including a structure headed by the President of the Childrens Court; the procedures and the way in which the court can be constituted, which will minimise delays in rural and remote areas; the jurisdictional matters, such as that the court may be constituted throughout Queensland and at special times for hearings involving children; and the question of access to the court, that is, who may and may not attend the Childrens Court.

The member for Cook described the general functions of the President of the Childrens Court and the significance of his role in establishing and monitoring a new court jurisdiction. He described the functions of the president, the development of the Childrens Court's rules and the issue of practice directions, ensuring that the court operates in an expeditious manner, and the importance of the annual report which increases public accountability of the jurisdiction. The member for Nundah addressed the issue of who may attend the court. He also addressed the special entitlement of Aboriginal and Torres Strait Islander people to attend the court. He recognised the cultural differences of those groups who are, of course, disproportionately represented within the juvenile justice system, as they are disproportionately represented in the overall criminal justice system of this State. It is necessary for us to take particular notice and make special effort to ensure that that cultural difference is taken into account.

I thank all honourable members for today's debate on the whole question of juvenile justice reform. It has been a lengthy, but very worthwhile, debate. It is not an easy area to reform, given that everybody is an expert on how to deal with children and what to do with them. There are as many different opinions on the subject as there are people in the community. Nevertheless, we have performed a good overall task of getting the right balance, with a diversionary approach away from custody. We have given some kind of uniformity and rationality to the system by providing a legitimate overseer in the form of the Childrens Court judge, which adds very much to the status and enhancement of the jurisdiction as a whole. At the same time, we have made sure that for those offenders who are recidivists and who repeatedly come in contact with the law, the penalties are sufficient to be able to protect the community, which is, after all, one of our major concerns.

We have struck the right balance between rehabilitation and protection of the community, which is our duty. I look forward to the implementation of this legislation and the much-needed, long-awaited reforms that will emerge in social attitudes and social behaviour as a result of this Bill. Finally, I thank all the staff of my department who have worked tirelessly, and who are still working tirelessly as we speak. They consulted on the legislation, they drafted it and it has been brought to this place. The community will benefit from their efforts and from these long-awaited reforms. The Bill provides a

structural support. It represents a long overdue overhaul of the juvenile justice system. It provides a firm basis for future initiatives in the non-criminal jurisdiction of the Childrens Court in Queensland. I thank honourable members for their important contributions to the debate.

Motion agreed to.

Committee

Clauses 1 to 28 and Schedule, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Ms Warner, by leave, read a third time.

ADJOURNMENT

Hon. P. J. BRADDY (Rockhampton—Leader of the House) (12.47 a.m.) I move—

"That the House do now adjourn."

Storage and Transportation of Dangerous Substances

Hon. N. J. TURNER (Nicklin) (12.47 a.m.): The people of Cairns are angry about exposure to the danger of cyanide poisoning. They are even more angry that local ALP members of Parliament seem to be intent on putting party interests ahead of the safety of people in that area. Cyanide gas is so deadly that it is the choice of executioners in the United States of America, yet that is what Labor is prepared to risk blowing over the whole Cairns area. The seeds for disaster were sown when the rail freight service for the Red Dome goldmine ended last month. Sodium cyanide is used in the treatment plant at the mine and has been transported there in safety using rail wagons. Now, it must go by road, and the road that it will use is the busy tourist road over the Kuranda Range.

A risk is involved in transporting any dangerous chemical. Sending it by truck over a climbing and winding road is an unacceptable danger. There is particular danger here because, if sodium cyanide absorbs any moisture, it gives off the deadly gas that is used to put people to death. To make matters worse, supplies for the mine are drawn from a bulk supply held on the coast at the State Government explosives magazine near the old Queerah meatworks site. It is stored there, along with explosives such as dynamite, gelignite, emulite, ammonium nitrate, and detonators and fuses. The people of Cairns had better hope that that lot never goes up, particularly with the cyanide so close.

Local people have protested loud and long, but they have been ridiculed by Labor members of Parliament. The member for Barron River has even pointed out that the material is perfectly safe unless it gets wet. She, of all people, should realise that Cairns is in the super-wet belt. For a great part of the year, cyanide spilled in a truck accident on the busy Kuranda Range Road would have a very good chance of getting wet. When that happens, the gas starts to spread. The members for Mulgrave and Barron River wrote to the *Cairns Post* on 25 July, denying that a shipment of sodium cyanide that was sent to the Red Dome even came from Queerah. They also denied that any sodium cyanide had ever been or ever would be stored with explosives in the magazine at Queerah. I seek leave to table statutory declarations signed by Robert Enver Jashar, Lenard David Shepherd and Sadik Jashar.

Leave granted.

Mr TURNER: Robert Jashar declares that, on 10 June this year, he witnessed sodium cyanide containers being transported by flat-top semitrailers to the magazine at Swallow Road, Queerah, and then witnessed the empty vehicles departing. Lenard

Shepherd declares that, on the same day, he witnessed containers clearly marked "sodium cyanide" inside the State Government-controlled explosives magazine compound at Swallow Road, Queerah. Sadik Jashar declares that, on the same day, he was at the compound and spoke with the caretaker. He asked the caretaker whether he was frightened by having cyanide so close to him. He declares that the caretaker replied—

"It's nothing to do with me. It won't be here long. It's going up bush."

Honourable members who denied the claims might like to go back to the sources that they claimed—Queensland Rail, the Department of Resource Industries and the Police Service. The member for Mulgrave even devoted a large part of his column in a local newspaper to denying that the material was kept at Queerah and to claiming that there is absolutely no danger. The member for Barron River urged people not to overreact and tried to assure them that the chemical itself and road transport were nothing to worry about. The Minister for Transport told the *Cairns Post* that road transport was a safe alternative to rail. The same story told of the difficulties that emergency crews were facing cleaning up a cyanide spill after a truck crash in the Northern Territory. It took more than a day and a half to clear the Stuart Highway after a container packed with cyanide pellets split in the crash and spilled its contents.

A week later, another truck crashed near Condobolin in New South Wales, spilling five tonnes of sodium cyanide pellets. It took more than three days to clear up that mess, and emergency services had to close off the area within three kilometres of the site. I wonder why they closed off the road area. I wonder why only workers wearing breathing apparatus and protective clothing were allowed into the area. I wonder why they brought in a specialised HAZMAT crew from Sydney to do the job. Perhaps it was something to do with just how dangerous cyanide really is. The record of the Government in that matter is appalling. It makes a mockery of its open, accountable Government. I cite the example of the proposed radioactive dump that the Government planned to locate in Glass House but has now located at Esk. The Government will locate the toxic dump at Miles, which is inland, against the reports and warnings of all the experts. In years to come, that will come back to haunt the Government. No radioactive dump similar to that has held up in America or anywhere else. The Government has built it on top of the intake area for the Great Artesian Basin.

Children's Day; Storage and Transportation of Dangerous Substances

Hon. T. McGRADY (Mount Isa—Minister for Resource Industries) (12.52 a.m.): Yesterday in Mount Isa, members of the Aboriginal and Torres Strait Islander community celebrated Children's Day. The theme of the day was "My Family Where Are You?" The day highlighted the problems of Aboriginal and Torres Strait Islander children who have been taken away from their natural parents over many decades and who are now attempting to find their natural parents. Through this program, it is hoped that children and their natural parents will be reunited. I send my congratulations to the organiser of yesterday's activities.

I sat here and listened with disgust at the scaremongering of the member for Nicklin. I believe that members of Parliament have a duty to bring their concerns to this Parliament, but before they do that they should check their facts with the relevant Minister or, indeed, the department. This is more important when the resulting statement or claim could result in members of the public being frightened and scared. The member for Nicklin stands condemned by this Parliament tonight. The poison sodium cyanide has never been stored at the former naval storage reserve adjacent to the former Queerah meatworks. I want to state tonight that any substance that comes on the site at that reserve has been authorised by the resident reserve keeper in consultation with the Chief Inspector of Explosives. I repeat that sodium cyanide has never been stored at that reserve. However, sodium sulphide, a comparatively harmless substance, was stored there two years ago for two days while in transit to the Red Dome goldmining operations near Chillagoe. Instead of seeking alarmist headlines, the member for Nicklin

should take a chemistry lesson. I would be more than happy to have officers of my department give him that lesson tomorrow or whenever he is ready.

In addition, around the State the member for Nicklin has been making comments about security. Again, these are ill-founded. There was a break-in at one of the older magazines in the past five years, but since then security has been upgraded significantly. The subject of security at the reserve has been grossly exaggerated in sections of the Cairns media. Explosives are stored at the Queerah reserve in a manner which provides adequate safety distances from people and property, so that the significant effects of any incident on the site would be confined to that site. These safety distances are based on international standards.

It is also quite irresponsible to claim that transport of sodium cyanide by road from Cairns to the Red Dome goldmine was dangerous. The Transport Department has been told that Red Dome was unlikely to require any more sodium cyanide before the end of this year, and it was wrong to suggest that this was a current problem. In fact, it is not likely to be a problem because the transport by road would not be authorised if there was any danger to the public. There are strict regulations covering the carriage of dangerous goods by road and rail. These include ensuring that the containers, the trucks and the route pose the least possible risk to people and the environment.

On 14 July this year, the Red Dome mine operations manager, Mr Mike Christie, wrote to the *Cairns Post* in response to an article published that day. In the letter, Mr Christie said that the article implied wrongly that sodium cyanide had already been trucked to the mine and that road transport of cyanide was imminent. The letter said that Queensland Rail had extended its freight service to make a 400-tonne delivery of cyanide to the mine on 16 July. This delivery would bring stocks held on site to a level which meant that further deliveries of cyanide would not be required before the end of 1992. The successful commissioning of a new cyanide regeneration plant on site meant that the mine would be essentially self-sufficient in cyanide and that future deliveries might not be necessary. On 16 July, Mr Christie had told Queensland Rail that the other chemical which had been shipped to Red Dome to date, namely, sodium sulphide, would be shipped by road. However, Red Dome has said that the first delivery of this was not required until October. The company has indicated that it will consult fully with all relevant authorities well in advance of any road shipments of the chemical. As I said, the member for Nicklin stands condemned by this Parliament tonight for the way in which he has tried to scare the people of Cairns. It is a disgrace. He is a disgrace to this Parliament. Quite honestly, I believe he will be treated as such by the electors in the very near future.

Crime on Gold Coast

Mr COOMBER (Currumbin) (12.57 a.m.): Everywhere I go in Surfers Paradise and other areas of the Gold Coast, people lock themselves away to keep the criminals out. How ironic it seems that if the criminals were in gaol, thousands of people, particularly the elderly, would not feel afraid and insecure in their homes day and night. There is something fundamentally wrong when the basic function of Government to provide a safe and secure place for citizens to live is ignored. Most homes have dogs—very large dogs—such as Alsatians, Dobermans and Rottweilers to protect their property and their person. Most homes are protected by security firms and many houses have electronic security or security devices to protect homes and property.

The people who live in our tourism capital deserve a Government that gives crime fighting and crime prevention a real priority. I give that commitment for the Liberal Party because it will not tolerate crime in our society. If a Government cannot guarantee a reasonable level of security to its citizens, it is a failure. Surfers Paradise is the tourism capital of Australia. It is for tourists, not for drug dealers, organised crime, street gangs or the break and enter vandals. The time for excuses is now over. The cover has to be ripped off to expose crime as it really is. The Liberal Party will treat break and enter offences as major crimes. Burglary causes trauma, fear and indignity to one in every four

households, with the resultant increase in insurance premiums not only for the owner of the individual house concerned but also for others in the area.

The sad fact is that only one out of every three break and enter crimes is reported to the police. I would plead with the people on the Gold Coast, Surfers Paradise and Whelan Street to report all crime to the police because the Liberal Party plans to give the police, the courts and the judiciary the power to punish these invaders of our property. Juvenile and professional criminals will be left in no doubt about the Liberal Party's determination to stop the plague of housebreaking that is sweeping homes on the Gold Coast. We have an international image to uphold. Surfers Paradise must be seen as a safe place to holiday and live. The streets must be safe, day and night. Tourists and residents have a right to walk the streets of the Gold Coast free from the threat of assault or harassment. It is wrong to be drunk in the street. It is wrong to consume alcohol in the street. The Liberal Party will provide police resources to target the tourist areas of Orchid Avenue, Cavill Avenue and the Esplanade. Police will be seen and will vigorously enforce laws relating to assault and offensive behaviour.

The decline in social behaviour must be reversed. The Liberal Party will target the drug trade, because housebreaking, car theft and armed hold-ups are often drug-related crimes. I give a clear warning to all Gold Coasters: if they burgle, drink drive, assault or commit drug-related offences under a Liberal Government, they can expect the full force of the law to deal with them. No longer will criminals be released after having served a third of their sentence. Under Liberal Party policies, a five-year sentence means five years, and a life sentence means life. No longer will the formation of unions in prisons be tolerated, where double murderers, rapists and drug traffickers go on strike and are then rewarded with extra sleeping time, extra smokes, additional pocket money and other perks. The Gold Coast—in particular, Surfers Paradise—contributes much to the revenue of this State through land tax collections, stamp duties, conveyancing and other taxes and charges. In return, all that citizens ask is to be provided with a realistic allocation of police to provide adequate police cover to the resident and tourist alike. The Gold Coast is unlike any other city. At any given time, almost 100 000 additional residents will be holidaying within the city, their main intention being to have an enjoyable holiday. The Liberal Party plans to ensure that their holiday is enjoyable, memorable and crime free, as it should be for the 160 000 permanent residents who live on the Gold Coast 365 days of the year.

Animal Testing for Cosmetic Products

Mrs WOODGATE (Pine Rivers) (1.02 a.m.): I would like to take five minutes to say a few words about the continued use of animal testing for beauty products. Even though this dreadful practice does not occur in this State, its department stores and chemist shops are stocked with vast arrays of skin care products and perfumes manufactured by companies which have no shame or remorse at the fact that their laboratories continue to test their products on animals. Today, an ever-increasing variety of cosmetics and toiletries which claim to be cruelty free are filling store shelves. I have found that consumers generally no longer want to buy goods that have been dripped into the eyes of rabbits, applied to the shaved raw backs of guinea pigs or force fed to rats. The public has finally come to realise that these tests are crude, cruel and pointless.

I do not intend to debate here the case for or against the testing of animals to predict the harmful effects of drugs. Suffice to say that this practice has also been brought into question in recent years. Two examples which brought it into question are the drugs phenacetin and thalidomide. Phenacetin, which was withdrawn in 1980, is one of many analgesic drugs that cause kidney damage in people but not in laboratory animals. There are many other examples of major drug hazards since the thalidomide disaster. However, what is even more distressing than the use of animals for the testing of drugs is the continued use of animals for cosmetic purposes.

I believe it is a grave indictment on our society that, behind the multi-million dollar beautifying business, lies a story of suffering. The people involved in the industry are

pitiless and cruel. It has been estimated in global figures that over a million animals die every year in the testing of cosmetics and beauty products, while the companies that manufacture them make every effort to hide from the public the obscene processes used to test an ever-growing range of toiletries. Numerous manufacturers wish the public to believe that cosmetics must continue to be tested on animals for reasons of safety. This is not true. No legal requirement exists in America, Britain or this country to test cosmetics and toiletries on animals before releasing them onto the market. The law states that ingredients and formulas must be adequately substantiated as safe, but does not stipulate methods of testing. In America, where most of the animal testing is conducted, manufacturers are not even required by law to seek approval for cosmetics before they are placed on the market. Therefore, in essence, it is the choice of the industry itself to carry out tests on animals.

We live in an era of litigation. The industry continues these tests as an instrument of protection against liability suits. When sued, the manufacturer can always claim that the standard industry tests on animals had been carried out. Companies which carry out tests on animals claim that these tests are performed to protect the consumer. They do not. Thousands of emergency room cases are linked to the use of cosmetics and are reported annually to the National Injury Information Clearinghouse. Tens of thousands of injuries are reported annually through the use of hand and body creams, mascara, face-care preparations, hair colouring shampoos, eyeliners, eye make-up and non-colouring shampoos, despite their being tested on animals. The fact is that if anyone gets one of these products in their eyes, they are going to suffer, no matter how many rabbits have been blinded in prior tests. There are alternatives to animal testing. Non-animal testing methods have proven to be more reliable and less expensive than animal tests. Alternatives can include the use of cell cultures, skin tissue cultures, chicken egg membranes, corneas from eye banks and very sophisticated computer and mathematical models.

It is gratifying to see that what I call compassion in action is slowly gaining momentum in this country. A growing number of socially responsible manufacturers have recognised the cruelty of animal testing. Many firms now offer safe and effective cosmetics, personal care and household products that are not tested on animals. By buying only cruelty-free products and by voicing our complaints to those who still use animal-tested products, consumers can play a vital role in eliminating cruel test methods. In the last decade, happily, consumers everywhere—particularly women—have become more aware of this most important issue. It is important that consumers realise the power they have when it comes to deciding on which cosmetics to spend their almighty dollar. I do not have the figures at my fingertips, but I believe that I am correct when I state that billions—not millions—of dollars are spent each year by women in the pursuit of beauty and healthy skin through the purchase of skin care and cosmetic products. I appeal to women everywhere to think seriously before purchasing cosmetics. Stores in our city sell beauty products which have not been animal tested, and they are good quality products. Women should take advantage of the lists of cosmetics manufacturers which show clearly which cosmetics firms do or do not animal test. Very few women in this State would believe that animals should suffer for our vanity. It is neither right, necessary, nor always scientifically accurate to test skin and hair care products on animals. Let it be that our position and stand in the cosmetics market is so significant that influence can be brought to bear on many raw material suppliers so that their attitudes and practices will change.

Drought Assistance

Mr HOBBS (Warrego) (1.07 a.m.): Tonight I take the opportunity to speak about the worsening drought in south-west Queensland. I refer particularly to the St George, Dirranbandi, Hebel, Bollon, Charleville, and Tambo districts. The drought that people have faced in previous years is continuing and is becoming progressively worse. In some places, two and a half to three inches of rain has fallen over a 12-month period. One does not have to be very bright to realise how serious the situation is. In fact, in

many parts, history is being rewritten. Records have been broken on a regular basis. Water holes that once had never been dry are now dry. Dams and so forth upon which people rely for their household needs and their livestock are dry.

I wish to talk about the predicament of one of my constituents, who faces a very serious predicament. He has a property on which he usually runs approximately 8 500 sheep plus cattle. This constituent, in common with many others, has run into serious financial problems. The level of debt in those areas is very high, although his indebtedness is not as high as that of some other people about which I have heard. However, he was told by the banks that they would not continue to finance him. As every other Aussie would do, he battled along. He obtained a job and is now working several hundred kilometres away from where he lives. He comes home on the weekends whenever he can to put some food on the table for his family. He uses the money he has left over to put diesel in his dozer to try to keep some sheep alive. He is down to approximately six and a half thousand sheep. He is almost ready to start shearing. It is estimated that he will muster only approximately two and a half thousand sheep. The rest of them are dead because he was not able to obtain any funding to put diesel in his dozer to try to keep his sheep alive. Before he went away, he mustered 1 700 sheep in one paddock. The other day, he rang me and told me that when he came back and mustered, he found 26 sheep and the rest were dead.

People in those areas need assistance. Obviously, banks are doing the best that they can. I suppose they could do more, but people need some assistance in the form of rural adjustment scheme funding to help them. More and more people are suffering. Many people have been living on the resources that they have accumulated over the last few years. They have been borrowing on their insurance policies and they have been borrowing from friends and family, but all the money has dried up. Not only families but also stock are going to end up in a very serious predicament. That is a tragedy.

This constituent has a few young, strapping sons. One of them had no choice, and he had to get a job somewhere. He obtained a job with a shearing team. He started to work, then the shearing team decided that it did not want him with them because he was a grazier's son. The team called a meeting and decided that it would not work with him because he was a grazier's son. Grazcos sacked him, so he had to go home again to do some more starving. That is the story of what is happening in that area. It is the way things go. I wanted to tell people about it. It is certainly very sad.

Mr Springborg: A tragedy.

Mr HOBBS: It really is a tragedy. People are suffering, and I believe that we must take a good, hard look at what is happening. Another thing that we should consider very carefully is the forward movement of stock to agistment. That has been denied, because of the so-called rorts which could not be proved. People need the opportunity to move their stock out. The mulga is running out. It is a naturally renewable resource. In some cases, people do not have any mulga left to push. The constituent about whom I spoke happens to have mulga, but he cannot find any money to put diesel in his dozer to keep his property going. I believe that we must consider very seriously doing something to help.

Dr I. Cumming

Dr FLYNN (Toowoomba North) (1.12 a.m.): One of the most important obligations that all of us in this House as members of Parliament have is the need to use responsibly our right of parliamentary privilege. I inform the House that I believe that the member for Toowoomba South did not responsibly use that right in a speech that he made to this House on 18 March this year. That speech was made at a time when the local branch of the AMA in Toowoomba first moved a motion of no confidence in the Toowoomba regional director, Dr Ian Cumming. In his speech, Mr Horan made three allegations against Dr Cumming. One of those allegations was that Dr Cumming had formerly worked as a secretary to John Kerin, a Cabinet Minister in the Hawke Labor Government, and that because of that he was well connected with the Federal Labor

Party. He alleged that Dr Cumming was an ALP crony, and that helped him to get the job in Queensland. I have checked out that allegation. At no time did Dr Cumming work on the personal staff of John Kerin. It is true that he worked as a Federal public servant in the Federal Department of Primary Industries as a bureau policy director. It is also true that that position is equivalent in status to a position in the Federal public service of first secretary. That title reflects rank and has nothing to do with the Queensland equivalent of private ministerial staff.

Mr Neal interjected.

Dr FLYNN: No. The allegation that Dr Cumming worked as a secretary to John Kerin is false. It is wrong. The second allegation that Mr Horan made was a very biased account of a meeting with the former Health Minister, Ken McElligott, Mr Horan, myself, and people from St Vincent's Hospital in Toowoomba, relating to matters to do with finance. In his speech on 18 March, the member for Toowoomba South basically said the regional health director was uninvited and endeavoured to torpedo the plans of St Vincent's Hospital. That is not an accurate account of that meeting. I attended that meeting. Obviously, the regional director from Toowoomba was invited by his Minister because he wanted local opinion and local information which that regional director could provide.

The third allegation made in that speech by the member for Toowoomba South was that Dr Cumming was the subject of a question on 11 November 1986 in the Victorian Parliament as to whether he was sacked or forced to resign from his position as regional director at Bendigo. That statement is true. He was subject to a question in the Victorian Parliament at that time. However, I have checked out that allegation, and it cannot be substantiated. Dr Cumming told me that at that time, on a matter of principle, he resigned from his position with the Victorian Department of Health. I have also checked with some members of the interviewing panel who employed Dr Cumming in Queensland. I am informed that their inquiries to the Victorian Health Department revealed no concerns about Dr Cumming's background. Although the member's statement is true, obviously that remark was intended to provide a slur on Dr Cumming's character.

The allegations made on 18 March 1992 by the member for Toowoomba South are wrong. This issue has become of more concern to me, because the June newsletter of the Toowoomba and district local medical association lists those allegations as they appear in *Hansard*. Basically, the newsletter reprints part of Mr Horan's speech, and has been disseminated to doctors and other community groups in Toowoomba. Those incorrect allegations that were made in this House now have the shield of parliamentary privilege. That enables anybody to reprint *Hansard* and to distribute copies of members' speeches. I do not know whether the member for Toowoomba South intended that to happen. I seek leave to table this document.

Leave granted.

Dr FLYNN: Because parliamentary privilege attaches to statements made in this House, it is very serious when members make incorrect statements in their speeches and other people disseminate those speeches. They probably believe them, too. When members make errors in this House, it is important to correct them. Tonight, I call upon the member for Toowoomba South to correct the allegations that he made in March this year. The member comes from a sporting background. I know that he has a distinguished personal sporting career as an A-grade footballer in Sydney. Obviously, he is still closely connected with sport through his son, who is a member of the Wallabies football team.

Time expired.

Motion agreed to.

The House adjourned at 1.18 a.m. (Wednesday).